

## **Bureau of Land Management Alaska Resource Advisory Council Meeting**

In person at the BLM Alaska State Office in Anchorage and virtually on Zoom  
Wednesday, November 29, 2023

**Council members present:** AlexAnna Salmon, Lee Hart, Rachel James, Stephanie Quinn-Davidson, Jen Leahy, Justin Mason, Rod Arno, Jeff Bruno, Kathryn Martin (virtual), Bronk Jorgensen (virtual), Karlin Itchoak (virtual).

**Council members absent:** David Gregory, Sean Sullivan, Erik Kenning.

**BLM representatives present:** Steve Cohn, Erika Reed, Emma Roach, Leslie Holland, Kevin Pendergast, Dave Mushovic, Will Dunk, Geoff Beyersdorf, Zach Million, Carrie Cecil, Scott Claggett, Dina Torres, Chelsea Kreiner, Kent Laughter, Serena Sweet, Chris McKee, Donna Bach, Shelly Jones, Bonnie Million, Bryan Marquardt, Deborah Coble, Frank Damiano, Robert Berger, Rob Ellefson, Tim Hammond, Marnie Graham, Claire Montgomerie, Bryan Marquardt, Deborah Coble, Tara Hutchison, Sarah LaMarr, Frank Damiano, Elizabeth Mikow, Bettie Shelby, Katie Drew, Nichelle "Shelly" Jones, Rob Ellefson, Aaron Pugh, Donna Sixon, Bonnie Million, Steven Daw, Racheal Jones, Jamie Kasak, Alysia Hancock, LeeAnn McDonald, Rolanda Watson, Stephanie Kuhns, Melissa Head, Erin Julianus, Nada Culver, Carrie Richardson, Anna O'Malley, Loch Anderson, Steve Taylor, John Jangala, Denton Hamby, Callie Webber, Sean Williams, Rebecca Shaftel, Mathew Gibbs, Martin Onuegbu.

**Representatives of other agencies:** Sara Taylor Department of the Interior (DOI); Elizabeth Gobeski; Marcella Dent, State of Alaska (SOA); Catherine Heroy SOA; Jennifer Wing SOA; Kris Hess, SOA; Adrienne Stolpe, University of Alaska (UA) Chief Lands Officer; Patrick Foster UA; Kirsten Henning UA; Lacy Hamner, SOA; James Ellis, SOA; Jane Boer, SOA; Ki Jung Lee, UA; Glenn Stout, SOA Department of Fish and Game.

**Members of the public present (or on conference line):** Robert Sattler, Tanana Chiefs Conference; Malinda Chase; John Sturgeon; Randy Zarnke; Mathew Hanson, Doyon; Blake Kowal, Cook Inlet Region Inc. (CIRI); Carl Kiunya; Alaina Plauche, Alaska Community Foundation; Mary Martinez, Calista; Christi Heun, Defenders of Wildlife; Doug Wade, Chickaloon Village Traditional Council; Chait Borade, CIRI; Ruth McHenry, Copper Country Alliance; Al Barrette; Curt Chamberlain, Calista; Tim Schuerch, Calisa; Benjamin Leon-Guerrero, Aleut Corp.; Cliff Eames, Copper Country Alliance; Lisa Wax; Sarah Obed, Doyon; Isabel Grant, Defenders of Wildlife; Danny Rosenkrans, Copper Country Alliance; Marie Neumiller, Congressional Sportsmen's Foundation; Moire Bockenstedt, Olgoonik Corporation; Cabot Pitts, Alaska Wild Wind Adventures Inc.; Dick Mylius, Mylius and Gibert; Cody Strathe, Susitna Adventure Lodge.

*9:08 a.m. RAC Coordinator Opens Meeting – Melinda Bolton*

**Bolton:** announced the meeting is open shares background of the group and its statutory duties, provided outline of the day.

*9:17 a.m. State Director Welcome – Steve Cohn*

*9:27 a.m. Alaska Leadership Team Introductions*

Deputy State Directors and District Office Managers within BLM Alaska introduced themselves and explained their areas of expertise and/or the lands their offices are focused on managing.

*9:55 a.m. RAC Member Introductions*

Each RAC member introduced themselves and briefly shared the areas of interest they represent, professional background, and where they are from.

*10:15 Land Use and Planning Updates – Pendergast [Presentation on File]*

Discussion and questions between RAC members and presenter:

**Jen Leahy:** How is capacity look on those plans and are there ways we can help advocate for staff capacity to support that portfolio.

**Kevin Pendergast:** We're stretched thin. These projects each touch a lot of people and there's enormous interest to the highest levels. We are getting through them; recently completed Willow. Capacity will stay an issue; people are retiring as fast as we can hire.

**Steve Cohn:** These are projects of national interest. Unlike some of my counterparts in other states, it's a little hard to get steady feedback from HQ, we don't really have that problem. We have an open dialogue which is really important. We also really benefit from public engagement and substantive comments that help us navigate the complexity of the projects. It's important that we hear from people who have knowledge and ideas and appreciate that public engagement to provide the best analysis we can in consultation with HQ. The more information we have the better the analysis, the better the decision. And Gravel to Gravel is such a big scale but it's responsive to what we've been hearing about the salmon crisis in interior and Arctic Alaska. We want that to be a new way of working. We've carved up these jurisdictions and now we have to figure out how to put it all back together. Salmon don't care about jurisdiction. We've got to work together to get the best conditions possible for these species.

**Rod Arno:** Is the PLO EIS Considering the ANVLAP allotments under Dingell?

**Kevin Pendergast:** We have done some targeted openings to support that.

**Dave Mushovic:** We have some other lands we can potentially open, that's another part of the Central Yukon RMPs. The PLO EIS will include it and the CY RMP as well. We don't have to completely revoke a D1 Withdrawal to make lands available to ANVLAP applicants.

**Kevin Pendergast:** This can get really confusing. But the PLO EIS is another look at the 28 million we looked at for ANCVLAP a couple years ago. But for broader considerations.

**Erika Reed:** The ANVLAP lands have already been opened for applicants. That portion is already done. CY RMP will include targeted openings for the Vets. The Veteran Analysis took care of the vets first.

**Dave Mushovic:** Another note about capacity that's important to understand. These projects impact our staff across the state and our ability to respond to other things. It's not that we don't want to do everything, but we have to take care of congressional

**Justin Mason:** You said the decisions are up to the secretary for all of these?

**Kevin Pendergast:** Not for all of them, but for the public land orders under the PLO EIS.

**Erika Reed:** We only make a recommendation in the ROD. Then the secretary decides how to act.

**Kevin Pendergast:** Just for the PLOs. Other people can sign RMP RODs, like a district manager can. Because of Alaska's profile and interest, a lot of these things get elevated. It's hard to say who will sign the big projects at this point. We're definitely shaping the projects and informing the decisions.

**Justin Mason:** It's not a vote, it's just one person. How do you incorporate and consider all this information?

**Kevin Pendergast:** We have such close relationships with HQ that we're bringing them along on everything. They're reading everything and have direct input in the process.

**Steve Cohn:** When we made the willow decision, that would normally be a district manager in other states. That decision was made by the deputy secretary.

**Jeff Bruno:** With Gravel to Gravel, I was thinking it's actual gravel. I work with compensatory mitigation. We're always looking for stream reclamation projects. Can

we partner with you and the corps [U.S. Army Corps of Engineers (USACE)] on this for stream reclamation projects? Do you have long-term managing funding on that? We could collaborate on Gravel to Gravel with the corps for that. And if we can open it up for mitigation credits, that would be awesome.

**Steve Cohn:** Definitely. Something we talked about for years. Can we lease impacted federal lands. Is there an opportunity to have legitimate ecological restoration that can be credited through the Clean water and through USACE's responsibilities. We'd like to find an opportunity for that, especially in areas where we have a congressional mandate to do restoration work following mining activities where they're withdrawn from mining now. If a private entity wanted to step in or a government entity wanted to step in and reclaim that it's a win-win. Let's table it for now and see how we might work on it more later.

**Jeff Bruno:** State's definitely looking for opportunities to that end.

10:58 Quorum Formed

Break to intro Bronk Jorgensen and Karlin Itchoak.

**Steve Cohn:** We can also create subcommittees as a RAC. We did that previously with the placer miners and bring everyone closer together to issue policy in AK that has evolved and is the policy that's helped us work with the mining industry to this day. It's a vital RAC function, to keep in mind.

11:05 a.m. Break

11:20 a.m. Regulatory Updates – Nada Culver

Q&A between RAC members and presenter.

**Steve Cohn:** Thank you, Nada, for giving us an overview. The side by side which is line by line is extremely helpful to get clear on what's proposed and where. Open comment period on the Proposed National Petroleum Reserve Alaska (NPR-A) Rule is open until December 7.

**Rod Arno:** Proposed rule just recently published about closed lands. What's the rationale there?

**Nada Culver:** The BLM is the only federal agency that has to go through a formal Federal Register Notice (FRN) process for an emergency or temporary closure to go into effect; the National Park Service or U.S. Forest Service put up signs to close something. While BLM maintains a different process with the FRN, in the interim, we would provide localized advice on dangerous conditions, but the closure isn't

technically in effect until the FRN publishes.

**Rod Arno:** follow up, what's the process to inform the public after the FRN?

**Nada Culver:** Not that many people check the Federal Register for public land closures. I think we'd put it online, in local newspapers, and through local offices, and I'm open to suggestions.

**Kevin Pendergast:** we routinely communicate with local user groups which we might do without going through the FRN process, unofficially.

**Jeff Bruno:** on NPR-A proposed rule, did you develop this specifically with local stakeholders in the NPR-A?

**Nada Culver:** It's a little different from normal Land Use Plan (LUP) or Resource Management Plan (RMP), where you'd start with stakeholders. This started based on our experience and historical interactions with local stakeholder groups. Then we took the proposal to local stakeholders to respond to.

**Jeff Bruno:** I'm hearing from a variety of stakeholders in the NPR-A that this isn't what happening with this rule, and they feel it's being forced on them with limited public hearings. There wasn't even one in Anchorage. People couldn't have their questions answered without being written down, and then they were paraphrased [and read aloud by someone else] during the actual Q&A.

It seems BLM is making a lot of promises about working with people on subsistence and cultural issues. It feels like this is coming up without consulting and collaborating, similar to the recent Record of Decision (ROD) on the [NPR-A Integrated Activity Plan] (IAP).

And to the communities' detriment with NPRA Working Group and community infrastructure, the communities and members of the NPR-A Working Group didn't even know until 20 days after the FRN hit that this was going on. People are struggling to understand it.

It feels a little too strategic. We haven't done anything like this in the NPR-A without major engagement with the residents and the stakeholders. The actual public comment periods have been extremely limited; even extensions don't fulfill the requests of the people in the community.

**Nada Culver:** The IAPs would now be the covering document what happens now is that the special areas continue unless there are new designations, or a new IAP is created.

We'd like people to weigh in. The regulation was announced by the president in March, and we took some time to shape it into something we could share. I encourage people provide their input through [regulations.gov](https://www.regulations.gov) before December 7.

### *11:52 a.m. Overview of Areas of Critical Environmental Concern (ACEC) - Carrie Cecil*

Discussion and questions:

**Lee Hart:** about the public rule, "codify" sounds like more bureaucracy and "streamline" is another concerning word. Would these updates streamline processes and alleviate the capacity on staffing?

**Carrie Cecil:** it does give more streamline and clear, consistent direction here in Alaska and in the Lower 48 for both staff and the public.

**Erika Reed:** The Toolik Research Station is another example, it's a research natural area. It's like a precursor to ACECs. **Pumpstation...**

**Bronk Jorgensen:** I've never cared for the way these work. Pretty much all land BLM manages can qualify for an ACEC. I think the real reason for them is not being used and it's being used more to create more protected land. The Fortymile is a good example. Take mosquito flats for example. I can't recall the rational... but really it was people destroying the flats with tracked vehicles. They're used to deal with other problems that aren't actual qualifiers for ACECs. I encourage managers, when considering an ACEC, to consider the real reason you're doing them.

**Stephanie Quinn-Davidson:** When you're trying to nominate an ACEC, I didn't hear climate change in the qualifiers. Or rapid change in an area. Also, Areas that are important for climate change mitigation, like carbon being released from an area or helping a community mitigate impacts of climate change to their region. And in terms of the public lands rule, it's not apriority under that either. It feels like climate change should be at the top of the list of considerations for both of those.

**Carrie Cecil:** It's a force that is having significant impacts on the landscape and how we manage resources. It could be a relevant consideration. One thing to keep in mind for special management is that it's necessary to protect certain resource values, and not necessarily as a benefit to certain values.

Also keep in mind public involvement is a critical part of the process and a necessity for the process.

**Stephanie Quinn-Davidson:** maybe I need to learn more about how you define a resource value or what counts as a resource value. What counted in 1988 is different from today.

**Carrie Cecil:** The relevance of an ACEC was really highlighted in the public land rule comments as well.

**Steve Cohn:** As the science of climate change evolves and we understand more about potential changes on the landscape at a finer scale, it becomes more important. As Bornk highlighted there's broad applications and there's potential very small scale uses for critical changes in a resource, like the Y-K salmon collapse; what's the temperature regime through the watershed; is there cold water refugia for salmon that are important now but become more important as the overall temperature regime changes. We might not have the data right now, more fine scale, it might help inform and focus management. As we have partners and entities who help flesh out information, that can help us adapt.

Sheep come to mind as well; their acute declines based on weather events. Sheep licks might become more important for smaller scale protections for an animal population that doesn't move around much.

**Rod Arno:** What's the difference between a CSU and an ACEC? ACECs you can do away with it and not CSUs? If so, how is this not a violation of ANILCA?

**Dave Mushovic:** This is more, what ACECs are not. It's not a withdrawal that prevents something from happening. You can apply for an activity as long as the ACEC doesn't specifically say it can't. The No More clause, these aren't withdrawals. When the ACEC applications are file you have to consider the reasons for the nomination and the uses as to whether approve or deny it.

**Rod Arno:** someone can ask BLM to withdraw lands because AK is not adequately managing the resource, like with Caribou Calving or a salt lick for dall sheep. That was the issue with the forty mile, the state wasn't adequately managing the resources,

**Jeff Bruno:** One step further, the whitefish ACEC. BLM Manages the uplands. And State is lowlands. The state had the same question. We're having the same discussion.

**Steve Cohn:** in some ways we're tied at the hip. The state has that responsibility to manage the take and the habitat function. We also have a habitat function. We have to think about the habitat management for the subsistence use right, where are the animals.

If we think about ACECs to guide focused management as areas that have critical features for the animals. They don't preclude activities, they might condition how we consider those activities or mitigate impacts. We can't withdraw lands, only the secretary can, and because of the "No More" clause, it's further complicated.

There's opportunity there to collaborate on it further. I think ACECs have become more polarized. It's a tool that we can use.

**Dave Mushovic:** I have material sites that an ANC wants to blast during certain time periods because of the ACEC. They still have a material site they can develop but there are conditions for seasonal blasting.

**Rod Arno:** The concern is that you'll block access for the public too, just by going through the FRN.

**Steve Cohn:** is there a concern that ACECs will inhibit access for recreation?

**Rod Arno:** Yes, especially within the Bering Sea Western Interior (BWSI) area and big game guides.

**Jen Leahy:** I appreciate the conversation and concerns being raised. They're politically loaded and it's important to unpack that here. For future conversations, this is just one tool. Maybe this is an opportunity for training for the RAC to better understand the suite of tools. ACECs seem to mean a lot of different things to a lot of different people.

**Kevin Pendergast:** Correct. There's a wide range of discretion. Some have an aversion to them, and others see them as a means to accomplish some kind of closure. If we're operating other either end of the extremes, we want to avoid that and track towards the middle.

**Serena Sweet:** The only time an ACEC can be nominated, reevaluated, changed, or shifted is during the land use plans.

**Steve Cohn:** I think we need to have more conversation on these. It's engrained in FLPMA. It's imperative that we follow that mandate and important that the public understands how they work. Otherwise they can fall into the political arena and become divisive and unproductive to reaching the end goal which is our mission. We've got to build on the broader shared understanding and conversation to be continued.

**Jeff Bruno:** Is there an example of a more remote ACEC where a project came after the ACEC or an example of a project being denied due to an ACEC. Back to the NPR-A rule, ACECs and special areas aren't that different. Allowing anyone to nominate one every five years, that doesn't jive with the IAP. They should be included in the IAP reviews.

**Steve Cohn:** That would be a great comment to have on the record for the NPR-A Rule.



**1:30** p.m. *Resume Meeting for Public Comment*

**Emailed comments** pasted below public verbal comments in their entirety

**2:00** p.m. *Land-use Planning Update – Kevin Pendergast [presentation on file]*  
Q&A between RAC members and presenter.

**3:05** p.m. *Summer Federal Subsistence Board Activity Update – McKee [Presentation on file]*  
Q&A between RAC members and presenter.

**3:50** p.m. *Roundtable*  
Q&A between RAC members and presenter.

**4:30** p.m. *Recommendations or Priority Items for Future Recommendations*  
Q&A between RAC members and presenter.

**4:45** p.m. *Wrap*

**5:00** p.m. *Adjourn*

*The Bureau of Land Management's mission is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.*