

CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS

1986 ANNUAL REPORT

JANUARY 30, 1987



Citizens' Advisory Commission on Federal Areas

515 Seventh Avenue
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January 30, 1987

Dear Reader:

The Citizens' Advisory Commission on Federal Areas was established in 1981 by the Alaska State Legislature to protect the rights of Alaskans to continue the traditional uses of federal lands throughout the State. The need for an official State agency to oversee the management of federal lands in Alaska was created primarily by the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. ANILCA placed 124 million acres of land in Alaska into federal conservation units, and outlined specific use requirements and restrictions for those areas.

The changes in land status and the statutory requirements for the use and management of federal lands often conflict with the traditional activities to which Alaska's peoples have become accustomed. The Commission is charged with the responsibility of researching issues and determining the impact of federal statutes, regulations and management decisions on the citizens of Alaska in order to minimize or resolve potential conflicts. Through the development and maintenance of a good working relationship with the various federal agencies, the Commission has been effective in assuring that land management decisions are consistent with both statutory language and Congressional intent and in protecting the interests of Alaska's citizens. This letter represents the Commission's annual report to the Governor and the Alaska State Legislature as required by AS 41.37.080(f).

COMPOSITION

The Commission is composed of sixteen members, eight appointed by the Governor and eight by the Legislature. The Commission officers for 1986 were: Chairman, Senator Rick Halford (Chugiak), Vice-Chairman, Dorothy Jones (Talkeetna). The Chairman, Vice-Chairman, Representative Kay Wallis (Fort Yukon), Phil Holdsworth (Juneau), and Bob Bettisworth (Fairbanks), comprise the Executive Committee.

STAFF

There are currently two staff positions for the Commission: an executive director and an administrative assistant. The office is located in Fairbanks.

GOALS

The Commission objective of working to "assure that Alaskans' rights are protected from federal encroachment, and that the stated congressional intent of refraining from interrupting traditional Alaskan activities (fishing, hunting, mining, camping) be continued to the best extent practicable" has been carried out by meeting the past year's goals as stated in the 1985 annual report. These same goals are projected for 1987. The Commission will function as a

vehicle for citizen input to the executive, legislative, and local/municipal decision-making processes with respect to federal management areas in Alaska.

Specifically:

The Commission will continue to monitor federal agency planning, management activities and implementation efforts.

Review of any federal/public lands proposed for exchange will also be continued.

Commission research on special projects mandated by ANILCA will continue.

The Commission will continue its involvement at the earliest stages of planning activities for the conservation system units established or expanded by ANILCA.

Commission efforts to resolve conflicts between land managers and land users will be emphasized.

The Commission will help to assure that the best interests of the State of Alaska are brought into the decision making process.

The Commission will continue to work with the congressional offices and monitor federal legislation and regulations which have an impact on the administration and management of federal lands in Alaska.

The Commission has developed and maintained good working relationships with federal and State agencies and with individual and organizational contacts by thoroughly analyzing issues before submitting comments and recommendations on land management issues. Although the Commission's primary role is advisory, it has the authority to recommend suit by the State's Attorney General against any federal agency which fails to act within the bounds of congressional intent or within the limits of the law.

ACCOMPLISHMENTS

1986 was the fourth full calendar year of operation for the Commission. The year's objectives were divided between reviewing and commenting on federal agency planning documents and regulations, investigating citizen complaints and working to ensure maximum levels of public participation in all stages of planning for the management of federal lands in Alaska.

Federal agency planning documents or regulations reviewed by the Commission during the year included:

NATIONAL PARK SERVICE

Revised Draft General Management Plans:
Aniakchak National Monument and Preserve*

Bering Land Bridge National Preserve*
Cape Krusenstern National Monument*
Denali National Park and Preserve*
Gates of the Arctic National Park and Preserve*
Katmai National Park and Preserve*
Kobuk Valley National Park*
Noatak National Preserve*
Wrangell-St Elias National Park and Preserve*

(* These draft general management plans were released in revised form in December, 1985 for a second public comment period, with final plans released for limited review in May 1986.)

Draft Land Protection Plans,
Lake Clark National Park and Preserve
Kenai Fjords National Park

Final Regulations:
36 CFR, Part 13: Cabins and Other Structures.

U.S. FISH AND WILDLIFE SERVICE

Draft Comprehensive Conservation Plans:
Kodiak National Wildlife Refuge
Tetlin National Wildlife Refuge
Yukon Flats National Wildlife Refuge
Kanuti National Wildlife Refuge
Nowitna National Wildlife Refuge
Selawik National Wildlife Refuge
Koyukuk National Wildlife Refuge

Final Comprehensive Conservation Plans:
Togiak National Wildlife Refuge

Proposed Regulations:
50 CFR, Part 36: Kenai National Wildlife Refuge,
Resource Protection Regulations.
50 CFR, Part 18: Marine Mammals; Reporting and Sealing
Requirements for Alaskan Natives.
50 CFR, Parts 26, 36, & 96: Alaska National Wildlife
Refuges, Management Regulations.

BUREAU OF LAND MANAGEMENT

Draft Recreation Activity Management Plan: White Mountains National
Recreation Area.

Proposed Resource Management Plan and Final Environmental
Impact Statement: Central Yukon Planning Area.

U.S. FOREST SERVICE

Final Environmental Impact Statement: 1986-90 Operating
Period for Alaska Pulp Corporation Long-Term Sale Area.

ANILCA 706(a) Draft Timber Supply and Demand Report.

ANILCA 1113 Stikine River Region Access Study.

OTHER

National Oceanic and Atmospheric Administration: 50 CFR, Part 215,
Subsistence Taking of North Pacific Fur Seals, Proposed Rule.

Department of the Interior: 43 CFR, Part 36, Transportation and Utility
Systems in and Across, and Access Into Conservation System Units
in Alaska, Final Rule.

Once again, 1986 saw the Commission heavily involved in the review and analysis of the draft general management plans for nine national park units in Alaska. In late 1985 the plans were released in a revised draft form for a second public review and comment period. The revised documents were an improvement over the original drafts, but still contained numerous inconsistencies with both the language and the intent of the ANILCA. These inconsistencies included: access, land protection priorities, wilderness and wilderness management, subsistence, RS 2477 rights-of-way, and cabins and temporary facilities. The Commission proposed changes to the nine general management plans in an effort to bring them more in line with the provisions of the law.

In May the National Park Service released final plans for the 9 park units. Following additional review and analysis, this Commission found that the plans failed to provide adequate access for the proper utilization and enjoyment of park resources and did not fully recognize and protect valid existing rights within the park units. At its May meeting, the Commission decided to present its findings to the Alaska Land Use Council, with the recommendation that the Council withhold approval of the plans. Chairman Halford presented the Commission's recommendations to the Council at its June meeting. The State of Alaska and numerous other organizations and individuals had also determined that the general management plans remained inconsistent with ANILCA and were unacceptable. Based upon considerable agency and public objections, the 9 general management plans failed to win approval by the Land Use Council.

Despite the Land Use Council's decision not to endorse the general management plans, the National Park Service regional office sent the plans forward for approval by the national director and the Department of the Interior. In concert with the State and the Alaska Congressional delegation, the Commission continued to urge the Secretary of the Interior to withhold approval and implementation of the general management plans until their many deficiencies were corrected. In September the Secretary of the Interior announced that a number of the recommended changes had been made and the plans were

approved for implementation. Only the continuing effort by this Commission, the State of Alaska and other concerned individuals brought about the changes to these plans that are essential to the continuation of the traditional activities in these nine Alaskan park units.

As part of the continuing effort to gather public input on a wide range of federal land management issues, Commission members participated in a series of forums sponsored by the Land Use Advisors Committee of the Alaska Land Use Council. These public forums, held in Juneau, Anchorage and Fairbanks, were valuable tools in identifying public concerns with respect to a wide range of land and resource issues affecting Alaskans. Testimony presented at these forums was very useful in helping the Commission prepare comments on the National Park Service general management plans and other federal planning documents.

In 1986 the Commission also began a series of direct mailings designed to gather information on specific issues and to inform the public about current planning efforts throughout the state. The direct mail approach was instituted as a cost-cutting measure and because of reductions in Commission staff which had resulted in an overall decrease in direct public contact. The mailings included such things as copies of the final National Park Service cabin regulations, final Title XI access regulations, notice of public meetings associated with the development of management plans and solicitations for public comment on particular topics. These mailings were helpful in providing a two way exchange of information between the public and the Commission on a wide range of issues.

In May, hearings on the status of the Tongass National Forest and the ANILCA 706(b) report were held by the Interior Committee of the U.S. House of Representatives in Washington, D.C. Commission testimony presented at these hearings discussed issues related to the management of the Tongass such as the cost of road construction and its contribution to deficit timber sales; the effects of timber harvest on wildlife and fisheries; the Tongass Timber Supply Fund and the annual harvest level.

Experience has demonstrated the benefits to both the public and the federal land managing agencies of early identification of issues and potential problem areas during the planning process. For this reason, the Commission has become more closely involved during the earliest stages in the development of various management plans. Participation in the development of a plan is far more effective than simply waiting to review and analyze a completed document.

During 1986 Commission staff participated in meetings of consultation committees created by the U.S Fish and Wildlife Service to help develop the comprehensive conservation plan for the Arctic National Wildlife Refuge and by the Bureau of Land Management to develop the resource management plan for the Central Arctic Management Area and the Pipeline Utility Corridor.

In addition, Commission members and staff met with National Park Service planning teams responsible for preparing environmental impact statements and minerals management plans for mining activities in 3 national park and preserve units in Alaska. The Commission also participated in National Park Service

scoping sessions for the ANILCA Section 1317 Wilderness Review Process currently underway.

A major goal of the Commission since its inception has been the development of regulations and policies for the use and construction of cabins and other structures within federal conservation system units that reflect the provisions of ANILCA and congressional intent. In September, 1986 the National Park Service released final cabin regulations for park and preserve units in Alaska. A detailed review by this Commission and the Division of Governmental Coordination found many aspects of these regulations to be unacceptable. Following a suggestion by this Commission and the Division of Governmental Coordination, the Governor's office filed a formal petition with the Secretary of the Interior requesting revision or repeal of the regulations.

After the Department of the Interior failed to act on the State's petition in a timely fashion, as required by department regulations, the Commission voted at its November meeting to examine the legal options open to the State and to work with the Attorney General's office to explore the feasibility of initiating legal action against the Department of the Interior and the National Park Service. At the time of this report, no final course of action has been decided upon by the State.

Public concerns or complaints were received and investigated by the Commission in 1986 regarding problems with:

- cabin ownership or use permits in Nowitna National Wildlife Refuge, Yukon-Charley Rivers National Preserve, Gates of the Arctic National Park and Preserve, and Kodiak National Wildlife Refuge;
- access to mining claims in Bering Land Bridge National Preserve;
- special use permit and guiding site in Gates of the Arctic National Park and Preserve;
- use of all terrain vehicles in Wrangell-St. Elias National Park and Preserve;
- inadequate public comment period and public meetings on proposed regulations for Kenai National Wildlife Refuge;
- aircraft use in Glacier Bay National Park and Preserve and Wrangell-St. Elias National Park;
- Native allotment applications in all National Park units;
- U.S. Air Force training flights affecting caribou calving areas in Nelchina Basin;
- commercial operations in Wrangell-St. Elias National Park and Preserve;
- validity tests for mining claims in several National Park and Preserve units;
- conflicts between user groups in Togiak National Wildlife Refuge;
- expiration of the federal charters for National Park Service Subsistence Resource Commissions;
- promulgation of regulations requiring the reporting and

- sealing of marine mammals taken by Alaska Natives;
- lack of adequate public meetings associated with ANILCA Section 1002 Resource Assessment in the Coastal Plain of the Arctic National Wildlife Refuge.

Throughout 1986, the Commission closely monitored and cooperated with the seven Subsistence Resource Commissions (SRC) established by Section 808 of ANILCA. The Commission has provided input to the SRC's through testimony at public meetings and in response to proposed recommendations developed by several of the SRC's. The subsistence hunting programs which will eventually be developed by the SRC's will play an important role in the future management of subsistence uses within the National Parks in Alaska where subsistence activities are allowed by ANILCA. This Commission hopes to continue to work with each of the Subsistence Resource Commissions and the National Park Service during the development of these very important programs.

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The Alaska National Interest Lands Conservation Act was enacted just over six years ago. In that time it has had and will continue to have an enormous impact on the citizens of Alaska. Implementation of the provisions and mandates of this very complex piece of legislation continues at an unabated pace. The challenge of continuing to monitor implementation is best illustrated by the number of plans and studies that must be completed by the Congressionally mandated deadlines. In addition, the general or conceptual plans which have been completed will be followed by more specific resource management plans and unit specific regulations. With considerable planning left to be done, it is essential that citizen involvement is maximized and that participation in the planning process be encouraged by all levels of government. The Commission was created to assure that maximum opportunity for public involvement exists. Commission members and staff will continue to place this objective at the forefront of its activities for 1987.

Sincerely,

Senator Rick Halford, Chairman
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS



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(rev. 6/86)