



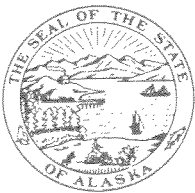
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CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS

1988 ANNUAL REPORT

JANUARY 19, 1989



Citizens' Advisory Commission on Federal Areas

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January 19, 1989

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 their 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 104 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 document 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 1988 were: Chairman, Ms. Dorothy Jones (Talkeetna) and Vice-Chairman, Senator Bettye Fahrenkamp (Fairbanks). The Chairman, Vice-Chairman, Phil Holdsworth (Juneau), Jim Palmer (Anchorage), and Bob Pederson (Kodiak), 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 1987 annual report. These same goals are projected for 1989. The Commission will continue to 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. For the first time in 1987, the Commission exercised this authority and recommended, through the Governor's office, that the State file suit against the Department of the Interior and the National Park Service over that agency's final regulations on the use and construction of cabins and other structures in the national parks in Alaska.

Work on this lawsuit continued in 1988, with Commission staff working with the State Attorney General's office and other State agencies in preparing and reviewing relevant legal briefs.

EXTENSION OF COMMISSION SUNSET DATE

During the 1988 Legislative session, bills were introduced in both the Senate and House to extend the life of the Commission beyond its original June 30, 1988 termination date. The June 30, 1988 sunset date was originally selected because it was believed that implementation of the ANILCA would be essentially completed. However, federal agency planning schedules have resulted in delays in the implementation of a number of important provisions of the law. In addition, other federal agency "step-down" planning efforts, accompanied by additional regulations and policy development are expected to continue for some time to come.

Both Senate Bill 373 and House Bill 464 proposed to extend the termination date of the Commission for an additional ten years. SB 373 was passed unanimously by both the Senate and the House and subsequently signed into law by Governor Cowper. The Commission is now scheduled to sunset on June 30, 1998.

COMMISSION ACTIVITIES IN 1988

1988 was the sixth 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.

National Park Service

During 1988 The National Park Service completed its ANILCA Section 1317 Wilderness Review. This section of the law directed the NPS to review, as to their suitability, all lands within the the national park system in Alaska not designated as wilderness and make recommendations to the Secretary of the Interior for additional wilderness. The Secretary, in turn, is to submit his recommendations to the President, who will make the final recommendations to Congress. Wilderness designation can only be made by Congress.

Suitability determinations were previously made in conjunction with the general management plans prepared for the national park units. During that phase of the process, the agency determined that 18.4 million acres of park land in 13 of the 15 Alaskan park units were suitable for designation as wilderness. The next step in the process was the preparation of draft environmental impact statements, containing the agency's recommendations for additional wilderness. These documents were completed and released for public review beginning in early spring, 1988.

Contained within the 13 draft documents were recommendations that an additional 6.9 million acres be designated as wilderness. Reaction to these proposals was mixed. Numerous organizations and individuals indicated opposition to any additional acreage being designated as wilderness. Still others, felt that the recommendations were inadequate and that all suitable acreage should be recommended for designation. The Commission supported wilderness designation in only one park unit, Glacier Bay National Park and Preserve. This support was contingent upon boundary adjustments being made to existing wilderness waters to allow the continuation of commercial fishing activity.

For the remaining park units, the Commission did not support any additional wilderness designation for a number of reasons. Foremost among these was the impacts that wilderness would have on a number of existing activities and uses, including more diversified recreational opportunities, access, and impacts to private land owners within park units. Review and analysis of the draft environmental impact statements by Commission staff determined that the documents contained serious deficiencies. The Commission found that the documents failed to adequately discuss the impacts of wilderness designation on existing uses and on the ability of the NPS to actively manage the park units and accommodate future visitor use and recreation needs.

The Commission also felt that the draft documents were so deficient that they would be virtually useless to Congress in making any future decisions regarding designation of additional wilderness in the Alaskan park units. In spite of extensive comments and recommendations from this Commission, the State of Alaska, organizations and the general public, there were essentially no revisions made to the final documents which would improve their utility to future decision makers. Recognizing the weakness of the documents, the Alaska Land Use Council, at its September 20, 1988, meeting passed a resolution recommending that no additional wilderness be designated at this time.

The final environmental impact statements, containing the NPS wilderness recommendations, were submitted to the Secretary of the Interior in late 1988. At the time of this report, the President has not yet made his recommendations to Congress. It is unclear when the final recommendations will be made.

During 1988 the NPS also continued its work on three cumulative environmental impact statements and mineral management plans for Denali National Park and Preserve, Wrangell-St. Elias National Park and Preserve and Yukon-Charley Rivers National Preserve. The agency was directed by the courts in 1985 to prepare these studies in order to determine the impacts of mining activities on the resources of these three park units.

In March, Commission staff met with the NPS, State agency representatives and the mining community to discuss the proposed alternatives for the draft environmental impact statements and the mineral management plans. Discussion centered around the importance of developing alternatives and resource protection standards that would allow for the resumption of mining activity and at the same time provide an appropriate level of protection for the other

resources of the park units. Suggestions were also made for revision of the regulations at 36 CFR, Part 9, which govern mining activities in all national park units. It was felt that revision of these regulations were necessary in order to reflect the provisions of ANILCA and the unique conditions that mining operations must face in Alaska. A minor change was made to these regulations in 1987, but the change was very narrow and dealt only with the question of access. The draft environmental impact statements and mineral management plans are expected to be released sometime in early to mid-1989.

Bureau of Land Management

As a result of a lawsuit very similar to the one filed against the NPS, the Bureau of Land Management was also directed by the courts to prepare environmental impact statements on the cumulative effects of placer mining activities on four river drainages in interior Alaska. The four drainages affected were the Birch Creek Wild and Scenic River, Beaver Creek Wild and Scenic River, Fortymile Wild and Scenic River and the Minto Flats drainage. Currently in these four drainages, any mining operation on a federal claim which would disturb more than five acres is prohibited from operating under the provisions of a court ordered injunction.

The agency released the draft cumulative environmental impact statements in 1988. As with any document of this nature, reaction was mixed. The Commission, however, felt that the action proposed by BLM to manage placer mining activities in these four drainages was an appropriate approach. The agency proposed to continue to manage mining activities according to existing federal and state regulatory requirements. The Commission felt that the proposals represented a good balance between resource development and protection of the other resources of these four areas, as well as providing for the continuation of subsistence activities by local rural residents.

Implementation of the management proposals contained in the documents and lifting of the injunction now in place is contingent on approval by the courts. A decision is expected prior to the beginning of the 1989 mining season.

Also in 1988, the BLM released a supplement to the draft resource management plan for the Pipeline Utility Corridor. The supplement contained a proposal to allow the State of Alaska to select lands within the corridor to help fulfill its remaining land selection entitlement. The land is currently unavailable for state selection because of the provisions of Public Land Order 5150, which originally withdrew the land for the Utility Corridor. The proposal would have allowed the State to select some 1.1 million acres within the corridor by lifting the public land order. The proposed selection was in two blocks, with approximately 500,000 acres between the Yukon River and the Arctic Circle and another 600,000 acres north of Toolik Lake.

At its June 2 meeting, the Commission heard testimony from several local residents who were opposed to the State selection of the southern 500,000 acre block. Local residents were concerned that State ownership of the land might

eventually result in land disposals which would increase competition for subsistence resources and contribute to existing trespass problems on adjacent private lands. Based upon the public testimony and because of the concerns of several of the Commission members, the Commission did not support the State selection of the southern block. The Commission did, however feel that the State should be allowed to select the block north of Toolik Lake. The Commission conveyed its concerns to both the BLM and Governor Cowper.

The issue of State land selection in the corridor remains unresolved. Negotiations between the State and BLM continue and modifications to the earlier proposal have been made. The Commission plans to consider the current proposal at its next regular meeting.

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service has now completed comprehensive conservation plans for all sixteen national wildlife refuges in Alaska. Final plans were released in 1988 for the Arctic National Wildlife Refuge, Alaska Maritime National Wildlife Refuge, and Yukon Delta National Wildlife Refuge. These plans are designed to guide management of the refuges for the next ten years, subject to revision if necessary. The agency's primary planning effort will now be the preparation of specific resource management or "step-down" plans. A preliminary list indicates that approximately 50 resource management plans will be prepared over the next two to three years.

One resource management plan which was completed this past year is the Furbearer Management Plan for the Kenai National Wildlife Refuge. The first draft of this plan was released in August, 1987. Because of an inadequate public review process and the controversial proposals the plan contained, the decision was made by the Fish and Wildlife Service to revise the plan. The revisions were made after a workshop was held involving representatives from the Service, the Alaska Department of Fish and Game, local trapping groups and environmental organizations. The revised plan was released in January for second round of public review, with the final plan available in August.

Preparation of public use management plans for the Kodiak and Togiak National Wildlife Refuges began in late fall of 1988. The Commission has long been concerned about the management of public uses on these two refuges and the need to design recreational use strategies to avoid conflicts between user groups. Conflict between sport fishing activities and subsistence users on the Togiak Refuge have been identified in the past. The refuge staff has worked with local user groups to resolve these conflicts. The Commission will participate in the preparation of these two management plans in the coming year. It is hoped that the public use management plans will help develop mechanisms to avoid future problems.

U.S. Forest Service

Throughout 1988 the U.S. Forest Service continued its revision of the Tongass

Land Management Plan. A draft environmental impact statement and draft forest plan are scheduled for release in December, 1989. With the number of proposals considered in Congress for amendments to the ANILCA provisions governing management of the Tongass, it is not clear at this point how the administrative revision process may be affected. The Commission established a sub-committee in June, 1988 to better monitor this important revision process. Both local and national interest in the future management of the Tongass will remain high.

Federal agency planning documents or regulations reviewed by the Commission during 1988 included:

NATIONAL PARK SERVICE

Draft & Final Environmental Impact Statement/Wilderness Recommendation:

Aniakchak National Monument & Preserve
Bering Land Bridge National Preserve
Cape Krusenstern National Monument
Denali National Park & Preserve
Gates of the Arctic National Park & Preserve
Glacier Bay National Park & Preserve
Katmai National Park & Preserve
Kenai Fjords National Park
Kobuk Valley National Park
Lake Clark National Park & Preserve
Noatak National Preserve
Wrangell-St. Elias National Park & Preserve
Yukon-Charley Rivers National Preserve

Draft Wilderness Management Plan- Glacier Bay National Park & Preserve
Alesk River Draft Management Plan- Glacier Bay National Park & Preserve
National Park Service Revised Management Policies
Draft Programmatic Agreement- National Historic Preservation Act
Revised Draft Land Protection Plan- Lake Clark National Park & Preserve

BUREAU OF LAND MANAGEMENT

Draft Cumulative Environmental Impact Statements- Placer Mining:

Birch Creek National Wild and Scenic River
Beaver Creek National Wild and Scenic River
Fortymile National Wild and Scenic River
Minto Flats

Draft Resource Management Plans/Draft Environmental Impact Statements:

Fort Wainwright
Fort Greely

Draft Management Plan- Area of Critical Environmental Concern (ACEC):

Tozitna North & Tozitna South ACEC- Central Yukon Planning Area
Galena Mountain ACEC- Central Yukon Planning Area

Final Environmental Impact Statement/Wilderness Recommendations- Central Arctic Management Area

Norton Sound Aquatic Habitat Management Plan
Draft Watershed Activity Plan- Tozitna River Watershed ACEC

U.S. FISH AND WILDLIFE SERVICE

Draft Comprehensive Conservation Plans:

Arctic National Wildlife Refuge
Alaska Maritime National Wildlife Refuge

Final Comprehensive Conservation Plans:

Arctic National Wildlife Refuge
Alaska Maritime National Wildlife Refuge
Yukon Delta National Wildlife Refuge

Supplemental Environmental Impact Statement/Wilderness Amendments:

Kenai National Wildlife Refuge
Alaska Peninsula National Wildlife Refuge
Becharof National Wildlife Refuge

Draft Legislative Environmental Impact Statement: Acquisition of Inholdings in Alaska National Wildlife Refuges
Subsistence Management and Use- Implementation of Title VIII of ANILCA
Draft Environmental Impact Statement: Management of the National Wildlife Refuges*
Furbearer Management Plan: Kenai National Wildlife Refuge
Revised Draft Cabin Policy*

(* Currently under review)

U.S. FOREST SERVICE

Draft Environmental Impact Statement: 1989-94 Operating Period for the Ketchikan Pulp Company Long-term Sale Area

Final Environmental Impact Statement: Quartz Hill Molybdenum Mine
Project

Draft 1987 Timber Supply & Demand Report- ANILCA 706(a)

PROPOSED FEDERAL LEGISLATION IN 1988

During the second session of the 100th Congress, work continued on proposed legislation which would affect the federal lands in Alaska. Following is a brief discussion of those legislative proposals.

Tongass National Forest

During 1988, work continued on legislation to amend certain sections of ANILCA which guide the management of the Tongass National Forest. At present the forest is managed primarily by the Tongass Land Management Plan (TLMP), the National Forest Management Act, and ANILCA. Section 705(a) of ANILCA established an annual \$40 million Tongass Timber Supply Fund and directed the U.S. Forest Service to offer for sale 450 million board feet of timber per year. The Timber Supply Fund was intended to help maintain the timber supply from the Tongass to dependent industry at the rate of 4.5 billion board feet per decade, or an average of 450 million board feet per year.

Both of these provisions have come under increasing scrutiny. Opponents view the provisions as unnecessary and wasteful, primarily due to deficit timber sales. Supporters of the provisions maintain that the provisions are necessary to offset the loss of available timber in designated wilderness areas on the forest and to maintain a viable timber industry in Southeastern Alaska.

Legislation proposed in the 100th Congress (and certain to be reintroduced in 1989) would eliminate the Timber Supply Fund and reduce the mandatory harvest levels on the forest. Other proposed legislation would eliminate long term contracts between the Forest Service and two major timber companies operating in Southeastern Alaska. Other legislation being considered would designate additional wilderness areas within the Tongass. At present, there are 5.4 million acres of designated wilderness in the forest.

The Commission has taken the position that any changes to those sections of ANILCA which direct the management of the Tongass should be deferred until the Forest Service has completed its revision of the Tongass Land Management Plan. In addition, Congress should hold formal hearings in Southeastern Alaska prior to the passage of any legislation affecting management of the forest. While Congress has heard from those groups and organizations who were able to travel to Washington, D.C. to testify at hearings, the Commission believes that it is essential that Congress hear directly from the residents of

Southeast. The Commission has consistently maintained that current management problems on the Tongass can be corrected through cooperative efforts between the State, the U.S. Forest Service, local communities and affected user groups and through administrative revisions to the forest management plan. The Commission and its Tongass sub-committee will continue to monitor the progress of any proposed legislation and will continue its involvement in the revision of the management plan.

Other proposed legislation considered by Congress in 1988 which would affect the federal lands in Alaska and result in changes to the ANILCA included bills designating the coastal plain of the Arctic National Wildlife Refuge as wilderness. Legislation which would permit oil and gas development on the refuge coastal plain and designate the National Petroleum Reserve-Alaska as a unit of the national wildlife refuge system was also considered during 1988. It is expected that similar legislation will be introduced in this first session of the 101st Congress.

The changes proposed for the Tongass National Forest and the issues surrounding the Arctic National Wildlife Refuge appear to signal the possibility of additional amendments to the ANILCA. While the Commission, as well as other organizations and individuals, has long recognized the need for some changes to the law, any changes must be very carefully considered. During the development of the ANILCA a number of compromises, such as those on the Tongass, were reached. The Commission believes that the spirit of these compromises must be preserved. Congress intended that the customary and traditional uses of the federal lands in Alaska were to be protected. These customary and traditional uses range from subsistence activity to commercial fishing, from mining to timber harvest and a wide range of other uses and activities. The major goal of this Commission has always been to ensure that the federal agencies implementing the law remain aware of this intent as they manage the federal lands under their control. The Commission will continue to work to ensure that the special provisions of ANILCA, which recognize the unique nature of Alaska, will remain in place, even though amendments to the law may be made.

It has been eight years since the passage of ANILCA. In that time dozens of management plans, policies and regulations have been implemented. The impacts to the citizens of this state have been considerable. As the federal agencies continue their implementation and planning efforts, impacts will also continue. A review of the proposed planning schedules for the federal land management agencies strongly indicates the need for continued monitoring and citizen participation in the process. Now that most of the general or conceptual plans for the conservation system units are essentially complete, more specific resource management plans and unit specific regulations can be expected.

The Commission will continue to advocate for maximum levels of public involvement in the planning process and for the protection of customary and

traditional uses of the federal lands in Alaska. As competition for resources increases, cooperation between user groups will be critical to successful management of these areas. At the same time, the federal agencies must recognize the importance of citizen participation in the process and provide the opportunities for that participation. The Commission will strive to work toward these goals during 1989.

Sincerely,

Dorothy Jones, Chairman
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS



By: Stan Leaphart
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