
**STATE OF ALASKA
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**

1992 ANNUAL REPORT

JANUARY 28, 1993

INTRODUCTION

The Citizens' Advisory Commission on Federal Areas was established in 1981 by the Alaska State Legislature to provide assistance to the citizens of Alaska who are affected by the management of federal lands within the state. The need for the Commission arose primarily from the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. The ANILCA placed an additional 104 million acres of land in Alaska into federal conservation system units and outlined specific use requirements and restrictions for those areas.

The changes in land status that resulted from the creation and expansion of conservation system units increased the potential for conflict between Alaskans' traditional uses of these federal lands and the various agency mandates in ANILCA. The Commission, through its enabling legislation, is charged with the responsibility of researching issues and determining the impact of federal statutes, regulations and management decisions on the citizens of Alaska 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 1992 were: Chair, Mr. Lew M. Williams, Jr. (Ketchikan) and Vice-chair Ms. Thyes Shaub (Juneau). With Mr. Williams' departure from the Commission in April, 1992, Ms. Shaub assumed the role of acting Commission Chair. A full list of the members for 1992 is included at the end of this document.

STAFF

There is currently one staff position for the Commission: an executive director. The office is located in the Department of Natural Resources Northern Regional Office, 3700 Airport Way, Fairbanks, AK 99709-4699.

DUTIES OF THE COMMISSION

The duties of the Citizens' Advisory Commission on Federal Areas are mandated in AS 41.37.080:

(a) "The commission shall consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state.

(b) The commission shall consider, research, and hold hearings on the impact of federal regulations and

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federal management decisions on the people of the state.

(c) The commission may, after consideration of the public policy concerns under (a) and (b) of this section, make a recommendation on the concerns under (a) and (b) of this section to an agency of the state or to the agency of the United States which manages federal land in the state.

(d) The commission shall consider the views, research, and reports of advisory groups established by it under AS 41.37.090 as well as the views, research, and reports of individuals and other groups in the state.

(e) The commission shall establish internal procedures for the management of the responsibilities granted to it under this chapter.

(f) The commission shall report annually to the governor and the legislature within the first 10 days of a regular legislative session.

(g) The commission shall cooperate with each department or agency of the state or with a state board or commission in the fulfillment of their duties."

GOALS AND OBJECTIVES

To ensure that its goals and objectives fulfill its mandates and responsibilities under the law, the Commission has adopted the following goals and objectives statement.

I. To provide a citizens' forum to facilitate improvement in intergovernmental relations regarding federal area management issues.

II. To ensure that the impacts on Alaskans by federal area managers are minimized.

III. To advocate for consistency, with the law, in the management of federal areas.

IV. To circulate information to the public on federal area management.

To fulfill these goals, the Commission will perform the following functions:

- ▶ The Commission will monitor federal agency planning, management activities and implementation efforts.

- ▶ The Commission will review any proposed exchange of federal public lands.

- ▶ Commission research and analysis of special projects mandated by the ANILCA or other federal statutes will continue.

- ▶ The Commission will become in-

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volved at the earliest stages of any planning effort 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 work to assure that the best interests of the State of Alaska are brought into the decision making process.
- ▶ The Commission will work with the congressional offices and monitor federal legislation and regulations that have an impact on the administration and management of federal lands in Alaska.
- ▶ The Commission will continue to report to the Governor and the Legislature on any recommendations made on federal land management decisions that affect Alaskans.

Over the last 10 years, 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. Although the Commission's role is advisory, it has the authority under AS 41.37.100 to request the attorney general to file suit against a federal official or agency

if the Commission determines that the federal official or agency is "acting in violation of an Act of Congress, congressional intent, or the best interests of the State of Alaska."

SUMMARY OF COMMISSION ACTIVITIES IN 1992

1992's objectives were divided between reviewing and commenting on federal agency planning documents and regulations, monitoring proposed federal legislation, and investigating citizen complaints. The Commission also continued its efforts to ensure maximum levels of public participation in agency management and policy decisions affecting the federal public lands in Alaska by notifying individuals, organizations and interest groups of pending actions. Unfortunately, due to budget reductions, for the last two years the Commission has been unable to sponsor public meetings solely for gathering public opinion on specific issues. However, at each regular Commission meeting opportunities are provided for members of the public to present comment on any matter concerning federal land management. Additionally, plans are now being made to begin publication and distribution of a newsletter to keep the public better informed of federal agency actions.

This report will provide a brief overview of several major issues in which the Commission was involved during the past calendar

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year. Minutes, as well as tapes, of all Commission meetings held during 1992 are available if the reader needs more detailed information on a particular issue. Copies of all resolutions and recommendations made by the Commission are also available from Commission staff upon request.

PROPOSED FEDERAL LEGISLATION

The second session of the 102d congress in 1992, saw the introduction, and in some cases the passage, of many legislative proposals that would affect the management of federal public lands throughout the nation. Additionally, several bills were introduced that would change management and land status in existing conservation system units in Alaska. Consistent with its stated goals and objectives, the Commission monitored the progress of these bills, gathered public input and provided recommendations and testimony to Alaska's Congressional delegation and various Congressional committees. Following is a short summary of those bills.

COMMERCIAL AND SUBSISTENCE FISHING IN GLACIER BAY NATIONAL PARK

Background: In early 1990 the National Park Service announced that it was closing the marine waters of Glacier Bay National Park to commercial and subsistence fishing through enforcement of existing regulatory

and statutory prohibitions on these activities. Although commercial fishing has occurred in the Glacier Bay area for nearly 100 years and is recognized in the general management plan for the park, as well as in park specific regulations, a nationwide NPS regulation, implemented in 1983, prohibits this activity within units of the national park system. The decision to enforce the prohibition on subsistence activities was made in response to action taken in 1989 by the State Board of Fisheries authorizing a subsistence fishery in portions of Glacier Bay for the residents of Hoonah. Because ANILCA does not specifically provide for subsistence activities within the park, the NPS maintained that this activity must also be prohibited.

In August, 1991, the agency proposed regulations that would allow commercial fishing within the park to continue for a period of seven years. During that time studies would be conducted to determine the effects of the activity on the other resources of the park. Designated wilderness waters would be closed to commercial fishing upon adoption of the final regulations. The regulations also clarify that subsistence activities within the park are statutorily prohibited. It is unclear when the proposed regulations will be finalized and adopted. To date, the NPS has not halted either commercial or subsistence fishing within the park.

At approximately the same time the NPS was issuing its proposed regulations, Senator Murkowski introduced S. 1624 "A bill to

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amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park." Shortly after that, in September, 1991, Congressman Young introduced H.R. 3418 "A bill to regulate fishing and other maritime activities in certain waters of Alaska."

While not identical, both proposals would have authorized subsistence fishing and gathering by local residents and allowed the continuation of commercial fishing within non-wilderness park waters. The Murkowski bill mandated the development of a plan "(f) or a comprehensive multiagency research and monitoring program to evaluate the health of fishery resources in the nonwilderness marine waters of the park, to determine whether and to what extent commercial fishing in such waters may have a detrimental impact on park resources, and to determine appropriate levels and methods of commercial fishing to be allowed in such waters." Both bills also proposed regulating the level of tour boat and cruise ship entries into the park.

Commission Action: The Commission submitted written testimony supporting passage of the Murkowski bill, S. 1624, to the Senate Committee on Energy and Natural Resources that held hearings on the proposal in June 1992. The Commission submitted similar testimony supporting the Young bill, H.R. 3418, to the House Committee on Merchant Marine and Fisheries during hearings on that bill.

Status: Although both bills successfully cleared their respective committees, neither bill was passed by the full Senate or House. It is likely that similar proposals will be introduced during the current session. Meanwhile, the National Park Service can be expected to issue final regulations before the beginning of the next fishing season. These regulations will clarify that the waters of Glacier Bay National Park are closed to subsistence fishing and close designated wilderness waters to commercial fishing. The final regulations will likely implement a study program on the effects of commercial fishing on park resources with some form of phaseout of that activity at the end of the study period.

ALASKA PENINSULA WILDERNESS DESIGNATION ACT

Background: In February, 1991 Congressman Young introduced H.R. 1219, the "Alaska Peninsula Wilderness Designation Act." The bill proposed to designate 2.9 million acres of federal public lands on the Alaska Peninsula as wilderness. The lands in question are located within the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge and the Becharof National Wildlife Refuge. The proposal also contained a "grandfather" clause that would allow those individuals currently holding a special or commercial use permit for

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operations on lands that would be designated as wilderness to renew that permit through their lifetime. Permittees would also be allowed continued use of any structures, such as cabins and lodges, used in support of their operation.

In addition, the bill would have allowed Koniag, Incorporated, a regional Native corporation established under the Alaska Native Claims Settlement Act, to relinquish its subsurface selection rights to lands within these conservation system units in exchange for certificates of credit. These credits would be placed in a special account and could then be used by the corporation to bid on federal property sold at public sale.

Commission Action: In keeping with its longstanding policy not to support any additional wilderness designations within Alaskan conservation system units, the Commission submitted a letter to Congressman Young opposing H.R. 1219. The Commission's policy is based upon the failure of the various federal land management agencies to adopt wilderness management policies that are consistent with the special provisions of ANILCA. Over the years we have identified many public use problems and management conflicts that are a direct result of overly restrictive wilderness management policies. These policies do not provide the flexibility intended by Congress in passing the ANILCA. The Commission simply felt that it could not support designation of an additional 2.9 million acres of public lands

as wilderness, as proposed by H.R. 1219. The Commission did, however, express full support for Koniag, Incorporated's efforts to exchange its subsurface selection rights for certificates of credit.

Status: H.R. 1219 passed the full House on August 3, 1992. Following passage in the House it was received in the Senate and referred to the Committee on Energy and Natural Resources. The Senate, however, scheduled no hearings nor took any other action on the proposal before adjournment. The Commission has not been able to confirm whether or not the bill will be introduced during this session. The bill received wide support from the environmental community because of the wilderness designations. These designations were included to deflect opposition to the exchange of selection rights for certificates of credit. The bill was opposed by the State administration and by Bristol Bay Native Corporation, who both objected to the proposed wilderness designations.

BERINGIAN HERITAGE INTERNATIONAL PARK

Background: The proposal to create the Beringian Heritage International Park is an outgrowth of the 1972 US-USSR Agreement on "Cooperation in the Field of Environmental Protection". Under that agreement, a working group was established to address "Conservation and Management of Natural and Cultural Heritage" through

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the development of specific activities characterized as themes. The Beringian Heritage International Park project came out of the theme entitled "Research, Conservation and Management of the Beringian Heritage." In June 1990, President Bush and Soviet President Gorbachev announced their intention to create an international park spanning the Bering Strait. In November 1991, S. 2088, "A bill to authorize the establishment of a Beringian Heritage International Park" was introduced in the U.S. Senate. The bill would authorize the President of the United States to designate, by proclamation, the Bering Land Bridge National Preserve and the Cape Krusenstern National Monument as the U.S. portion of the international park. This designation would be contingent upon the enactment of a similar provision by the Russian Republic. Some of the purposes of the Beringian Heritage International Park are: "to foster a climate of understanding and cooperation between the United States and the Russian Republic and the indigenous people of the Beringian region. . . to promote the protection, public understanding and enjoyment of Beringia's unique environmental, natural and cultural values. . . and to encourage the reestablishment of cultural traditions, including gifts, customary and traditional barter and trade of subsistence resources, between indigenous peoples on both sides of the Bering Straits."

S. 2088 would not designate any additional lands as part of this international park and, ostensibly, would not alter the management requirements for either area. In addition,

the bill would establish the Beringian Heritage International Park Commission that would provide advise on the management, policy, budgetary and programmatic issues associated with the park. The proposed commission would consist of 16 members, eight from the United States and eight from the Russian Republic. Four of the U.S. members would be Alaskan Natives- two from the NANA Region and two from the Bering Straits Region. Another U.S. member would be selected by the Governor of Alaska and appointed by the Secretary of the Interior. The other U.S. members would be: the Secretary of the Interior or his designee, a member recommended by the Smithsonian Institution, and a member recommended by the National Science Foundation.

Although the proposal to create an international park has received support from the Department of the Interior, the National Park Service, environmental organizations, and some area residents and organizations, there has also been significant opposition. The Alaska Federation of Natives passed a resolution at its 1991 Annual Convention objecting to the introduction of any legislation to create the international park until such time as Alaska Native people are given "true and meaningful participation" in both the park project and the decision making process. The resolution was passed at the request of 22 organizations within the region, including Bering Straits Native Corporation, NANA Regional Corporation, Association of Village Council Presidents,

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the Eskimo Walrus Commission and the Reindeer Herders Association.

Commission Action: In April 1992 the Commission was contacted by the Sitnasuk Native Corporation. Sitnasuk requested Commission assistance in stopping any further action on the Beringian proposal and S. 2088 until such time as local concerns were better addressed. The Corporation was primarily concerned about possible impacts to local peoples' access, subsistence activities, and future development needs should the proposal move forward. Commission staff also discussed the proposal with the Alaska Federation of Natives and NANA Regional Corporation.

In response to local concerns, the Commission, at its April 1992 meeting voted to oppose S. 2088 and the designation of the Beringian Heritage International Park. The Commission relayed its position to the Alaska Congressional delegation.

In its letter to the delegation, the Commission pointed out that much of what S. 2088 proposed to do in establishing the international park could be accomplished through existing statutory authorities. For example, both the Bering Land Bridge National Preserve and the Cape Krusenstern National Monument were established for the purpose of preserving sites and evidence of Native cultures within the region and to provide for the study of migration of both man and animals between North American and the Asian Continent. Additionally,

existing provisions in ANILCA provide authority for the Secretary of the Interior to enter into cooperative agreements with other agencies and entities in order to further these purposes, making similar provisions in the proposed legislation redundant. The Commission also made it clear that if S. 2088 was sufficiently modified to satisfy the needs and concerns of local residents, it would reconsider its opposition to the proposal.

Status: When introduced, S. 2088 was referred to the Senate Committee on Foreign Relations. Although no hearings have been held on the bill, it has undergone modification in an effort to address local concerns. In the meantime, the National Park Service has held village meetings throughout the region to discuss the proposal. The agency is also continuing its planning efforts for the park. The Russian legislature has apparently indicated that it intends to move forward with efforts to create the Russian portion of the international park. Due to the considerable support for this proposal, it is likely that a bill authorizing the creation of a Beringian Heritage International Park will be reintroduced some time in the current Congress. The Commission will continue to monitor this issue and to work with local residents and organizations to ensure that their interests are protected.

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In an effort to correct some of the problems and past abuses of the program, the National Park Service issued proposed regulations in late 1991. The Commission reviewed the proposed revisions to the program and submitted comments in March 1992.

Commission Action: The review of the draft regulations clearly indicated that the revisions, while an improvement over the current situation, did not go far enough toward protecting the rights of private property owners. For example, provisions were made to allow the owner of site designated as a national natural landmark to request that the designation be lifted. In the case of a designation made without the knowledge or permission of the land owner or other procedural error, the revisions would permit the removal of the designation. However, the site and related data would be retained on a list of "nationally significant areas," even if the property owner objected to retention of the information in program files. The Commission raised strong objections to that portion of the regulations, arguing that it violated private property rights and gave credence to the belief that the national natural landmarks program was, in fact, simply a precursor to acquisition of private property and the creation of a new national park area. The Commission also recommended that the regulations require the National Park Service to fully disclose the effects of national natural landmark designation by explaining to property owners which federal and/or state statutes and regulations would then apply to the property

in question and how activities on the property would be affected. The Commission also insisted that those property owners in Alaska whose property had been designated without their knowledge or permission be immediately notified of the designation and be given the opportunity to have the designation lifted.

Status: No date has been given for issuance of final regulations for the National Natural Landmarks Program. In the previous session of Congress, at least one proposed bill would have instituted penalties on any landowner whose activities threatened the integrity of a national natural landmark. Other efforts have been made to strengthen the program by providing more funding through the Land and Water Conservation Fund, which is derived from OCS lease sales. The Commission will continue to monitor this issue and to ensure that affected Alaskan property owners are properly notified.

AMERICAN HERITAGE LANDSCAPE PROGRAM

Background: In March 1992 the National Park Service released the American Heritage Landscape Program Concept Paper for public review. The idea for creation of this program came out of the National Park Service 75th Anniversary Symposium. While still in the concept stage, this program would provide recognition and oversight for

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"special places representing the range of America's valued traditional lifeways." The system would be administered by state and local governments in partnership with private landowners and community organizations. The federal government would provide technical assistance. Each designated landscape would be established by federal legislation that would provide a framework for use and management of the area.

The concept paper defines an American heritage landscape as "a coherent and identifiable geographic region comprising a composite of outstanding natural, cultural, scenic and recreational resources whose integrity makes them worthy of national recognition. These resources are linked by a common theme or multiplicity of themes with great chronological depth." In order to establish the program, the National Park Service is seeking legislative authority from Congress.

Commission Action: After reviewing the concept paper, the Commission submitted detailed comments. In those comments, the Commission took the position that virtually all of the goals of the proposed American Heritage Landscape Program could be met under existing state and federal programs. For example, protection and preservation of historic and cultural resources is already provided for under the National Historic Preservation Act of 1966 and the National Historic Landmarks Program. Natural areas can be recognized and protected under the National Natural Landmarks Program. State

and local historic preservation programs, many of which are eligible for federal funding and assistance under existing authorities such as the National Historic Preservation Act and the Land and Water Conservation Fund, are available mechanisms for protecting historic and cultural resources.

The Commission also raised concerns about the element in the proposal that would require a heritage landscape to be authorized by Congressional action. Since one of the strengths of the program is supposed to be local control, the Commission felt that by requiring Congressional authorization, much of that local control would be lost. In addition to recommending that existing programs be modified, if necessary, to provide the recognition of these areas envisioned by the program, it was suggested that the provisions of ANILCA Section 1201(j) be examined. This section of the law provides authority to a federal land managing agency to enter into cooperative agreements with other federal, state or local agencies as well as private land owners. It also authorizes the Secretary of the Interior to provide technical assistance to the landowner. Essentially, the Commission took the position that the American Heritage Landscape Program was unnecessary because of existing programs and because it would create another large, expensive federal bureaucracy.

Status: After release of the concept paper, the National Park Service held a series of

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"focus group" meetings throughout the country. The purpose of these meetings was to refine the concept and develop a final concept proposal for approval by the director of the National Park Service. A second draft concept paper has been prepared and the name of the proposed program changed to the Heritage Partnership Program. To date, we are unaware of the introduction of any legislation to authorize the creation of an American Heritage Landscape Program.

FEDERAL SUBSISTENCE MANAGEMENT PROGRAM

Background: Following the *McDowell* decision by the Alaska Supreme Court in December 1989, the federal government assumed management of subsistence hunting and fishing activities on federal public lands in Alaska. From July 1990 until July 1992 the Federal Subsistence Board operated under temporary regulations in anticipation that the State of Alaska could return to compliance with the provisions of Title VIII of ANILCA. When that did not happen, the Board adopted a permanent program for subsistence management that went into effect on July 1, 1992.

The membership of the Federal Subsistence Board (FSB) consists of the regional directors for the National Park Service and the U.S. Fish & Wildlife Service, the state director of the Bureau of Land Management, the area director for the Bureau of Indian

Affairs, the regional forester of the U.S. Forest Service and a chairman appointed by the Secretary of the Interior. The FSB is responsible for establishing fishing and hunting seasons and bag limits; determining which areas of the state are rural; making customary and traditional use determinations; and establishing a system of regional councils and, if necessary, local fish and game advisory committees. While the FSB is responsible for subsistence management on all federal public lands, the individual agencies retain their existing regulatory authorities. These include the regulation of access, use of plant material, and in the case of the National Park Service, more restrictive eligibility criteria.

The Federal Subsistence Board has also determined that the State's system of Regional Councils is inadequate to satisfy the requirements under Title VIII of ANILCA. The Board has decided to create ten federal regional councils. These councils will be responsible for reviewing subsistence hunting and fishing proposals, gathering public input and submitting recommendations to the FSB. In spite of the importance of this element of the Federal Subsistence Management Program, none of the councils are operational, nor are they expected to be until late spring or summer of 1993.

Commission Action: The Commission has monitored the Federal Subsistence Management Program since its inception. One of the early problems identified involved the holding of closed meetings.

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While the FSB argued that the meetings were merely organizational in nature, it became obvious that regulatory decisions were being made without opportunity for the affected public to comment on those decisions or even observe the process. Commission staff met with Department of the Interior officials to discuss this problem and to request that the meetings be opened to the public. This situation has improved over the last two years, however, the FSB still regularly meets in closed session. The Commission continues to maintain that any FSB meeting where decisions affecting subsistence hunting and fishing activity are made should be opened to the public.

Commission staff has also provided assistance to the public in preparing appeals and recommendations to the FSB. Additionally, staff regularly attends meeting of the National Park Service Subsistence Resource Commissions (SRC) to monitor activities of those groups and to provide assistance in preparing recommendations to the NPS and the Federal Board. Problems with administrative and technical support, which is the responsibility of the NPS, for the SRC's continue. At the present time, none of the SRC's can meet because their charters have expired, even though new charters were sent to Washington, D.C. several months ago. Additionally, the NPS has refused to grant the SRC's a formal role in the Federal Subsistence Management Program, such as is provided for the Regional Councils and local fish & game advisory committees. This Commission

continues to work toward better support and an expanded role for the SRC's.

Status: As we have stated above, the Federal Subsistence Board is now operating under permanent regulations. Proposals for subsistence hunting and fishing regulations for the 1993-94 seasons are undergoing public review. The Board is expected to make its decision on the proposals at an April meeting. Final regulations for the next hunting season will be issued in June of this year. The Commission will continue to work with the Federal Board in implementing its program and with the public to ensure that adequate opportunities for participating in the regulatory process are provided.

USE AND OCCUPANCY OF FEDERAL MINING CLAIMS

Background: Extensive efforts have been made in recent years to amend the Mining law of 1872. One of the chief criticisms of the present law is that mining claims are frequently used for purposes other than mining. In some instances individuals have staked mining claims as a way to "squat" on public lands, without any intention of actually conducting mining activity. In an effort to correct this situation, the Bureau of Land Management issued draft regulations in September 1992. The draft regulations were designed to prevent unauthorized occupancy of mining claims for non-mining purposes by

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defining standards that all uses on mining claims would have to meet and the conditions under which occupancy would be allowable.

Under the proposed regulations, mining claim owners would be required to consult with the authorized BLM officer before any occupancy would be allowed. In addition, the claim owner would have to have an approved plan of operations before occupancy could be initiated. The regulations would also specify prohibited acts, create an inspection and enforcement mechanism, and provide for administrative, civil and criminal remedies to address prohibited acts. Additionally, the mining claim owner would be required to remove any structures or other improvements within 180 days of termination of mining activities.

Commission Action: This Commission fully supports the efforts of the Bureau of Land Management to prevent invalid use and occupancy of mining claims. The Commission maintains that improper use of mining claims jeopardizes the rights of legitimate miners to continue to use and occupy their claims. Commission staff consulted with the Alaska Miners Association and individual miners before submitting comments on the proposed regulations. The Commission requested that the BLM adopt, as part of the final regulations, the following policy statement: "The Secretary [of the Interior] will aggressively pursue abuse of the mining law to ensure that valid uses are allowed and protected and that appropriate action is taken

to eliminate invalid uses."

In reviewing the draft rules, however, the Commission determined that a number of the proposed requirements would place unnecessary restrictions on legitimate miners. For example, it was felt that the requirement that a mine operator have an approved plan of operations before occupancy could begin would not allow pre-season maintenance or other preparatory work. Additionally, the Commission argued that some of the proposed restrictions did not recognize the remote nature of many mining operations in Alaska and normal day-to-day activities that occur on those claims. We also objected to provisions that would allow the authorized officer to terminate the claimant's occupancy for failing to meet standards without first giving the claimant an opportunity to correct the deficiency. And finally, objections were raised about the categorical requirement that all structures, materials, equipment, or personal property be removed from a claim within 180 days of termination of a mining operation. Such requirements are overly restrictive and did not appear to allow any latitude to temporarily suspend operations for one or more mining seasons due to market, labor or other conditions.

Status: Final regulations addressing use and occupancy of federal mining claims are expected to be released within the next few months. Also, efforts to revise the Mining Law of 1872 are expected to continue during this session of Congress.

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CONCLUSION

The Alaska National Interest Lands Conservation Act passed in December 1980. In the intervening 12 years the level of federal land management planning, accompanied by regulation and policy development has been unprecedented. The impacts to the citizens of Alaska and their uses of the federal public lands have been considerable. The level of planning by federal agencies will remain high into the foreseeable future. As a general rule, federal land management plans are revised on a 10 to 15 year schedule. Federal agencies will soon begin to review many of the original ANILCA mandated plans for possible revision. At the same time, numerous unit specific resource management plans, development concept plans, land protection plans and public use management plans are now being prepared.

Problems and conflicts between federal land managers and public land users also continue. During 1992, Commission staff provided assistance to individuals having problems with access to private property within national park units and subsistence activities on federal lands. Whenever possible, the staff will continue to provide similar assistance in 1993. Additionally, the Commission remains committed to working to resolve the commercial and subsistence fishing issue in Glacier Bay National Park. We also will work to ensure that the Federal Subsistence Management Program is

responsive to the needs of Alaska's citizens and is conducted in an open and equitable manner.

In the coming year, the Citizens' Advisory Commission on Federal Areas will continue to advocate for maximum levels of public involvement in the planning and regulatory processes of all federal agencies and for the protection of customary and traditional uses of the federal public lands throughout Alaska. As competition for public resources increases, cooperation and understanding between user groups will be critical to successful management of these areas. At the same time, federal land management agencies must recognize the role of the public in their planning and regulatory efforts and the effects of their decisions on the citizens of Alaska. This Commission will strive to work toward these and other stated goals during 1992.

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