

ALASKA LANDS UPDATE

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FALL ANILCA TRAINING

Registration is now open for the fall ANILCA Training, November 3 and 4, presented by Institute of the North. The training is from 8am to 4:30pm each day at the BLM Campbell Creek Science Center in Anchorage.

Course content includes: Alaska's land history from Territorial days to the present, with an emphasis on the diverse and various changes that accompanied the passage of ANILCA; the background and context of ANILCA's passage, including major constituents, issues of the day, and the "Great Compromise"; overview of ANILCA statutory provisions, including key access provisions for traditional activities, subsistence, inholdings, and transportation & utility systems; subsistence on federal lands; wilderness reviews and management; ANILCA implementation, including federal land planning; and, intriguing case studies.

Presenters include federal agency representatives and others with extensive ANILCA experience. Attendees will be provided with comprehensive and detailed training materials, including an annotated copy of ANILCA.

The training is recommended for federal agencies with ANILCA implementation responsibilities, state and local land and resource managers, Native corporations, rural residents and inholders, as well as community leaders, policy makers, consultants, the academic community and the interested public. Registration closes one week in advance, unless already full. 35 participants minimum; 55 participants maximum.

For more information on the course, contact Institute of the North at (907)771-2444. For registration, contact Kristina Baiborodova at (907)786-6360. More information can also be found at <http://www.institutenorth.org/calendar/events/anilca-training1/>.

Due to staffing issues, the Alaska Lands Update will be available at least quarterly, and on a monthly basis whenever possible. Thank you for your patience and continued interest!

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Fun Web Tools

The Bureau of Land Management, as part of its Planning 2.0 policy (currently under development), is creating a website where all land use planning and National Environmental Policy Act documents can be accessed based on geographical location, project resource type, year and other project-specific fields. All projects will be posted here nationwide by the end of 2017. Tour the new planning tool at https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

Reports From the Courts

TONGASS ROADLESS RULE

A full 9th Circuit panel reinstated the Roadless Rule in the Tongass by finding the Bush administration had no “reasoned explanation” for the exemption.

What happened: the Roadless Rule applies to the Tongass (with the same exemptions outlined in the Clinton administration’s 2001 Record of Decision). The 2014 9th Circuit decision is overruled and the 2011 U.S. District Court decision is upheld.

Why: the Clinton administration applied the Roadless Rule to the Tongass in 2001 because of a perceived high risk to its roadless values. In 2003, the Bush administration exempted the Tongass, finding roadless values could be maintained and the minor risk was outweighed by the socioeconomic cost. The court was not satisfied the Bush administration explained why the risk went from high to minor in just two years. This insufficient explanation is considered arbitrary and capricious under the Administrative Procedure Act.

Worth a look: The majority opinion has a really tight synopsis of the Roadless Rule litigation. In the Smith dissent, the judges point out that one really good reason why the risk jumped from high to minor is the “political judgments of the new administration,” and that each administration (and not the courts) can choose what policy is best.

Also check out pending legislation to exempt Alaska from the Roadless Rule at <https://www.congress.gov/114/bills/s631/BILLS-114s631is.pdf>.



MOSQUITO FORK

On July 28, U.S. District Court Judge Sharon Gleason signed an order confirmed that the State of Alaska owns the submerged lands of the Fortymile River’s Mosquito Fork. This is a successful resolution of the State of Alaska’s 2012 Quiet Title Action to confirm state ownership of these lands.

Background: for decades, ownership of the Mosquito Fork’s submerged lands has been a source of contention between the BLM and the State. The beds of nearly all navigable waters in Alaska are owned by the State, but in this case, BLM disputed the navigability of all but 1.5 river miles of the Mosquito Fork while the State claimed ownership of roughly 80.5 river miles, much of which lie within the Fortymile Wild and Scenic River Corridor.

The area surrounding Mosquito Fork has a rich mining history dating back to the 1886 gold strike at the mouth of Franklin Creek, eight miles downstream from Chicken. In recent years, the State had issued mining claims to these lands but BLM objected, claiming those lands were owned by the United States.

What happened: the U.S. Department of Justice filed a Recordable Disclaimer of Interest in federal court, which disclaims “all interest adverse to” the State of Alaska for all disputed submerged lands of the Mosquito Fork between its confluences with Dennison Fork and Wolf Creek. The Recordable Disclaimer of Interest was filed the day before oral arguments on the State’s pre-trial motion were scheduled to take place.

ALASKA STATE LANDS ADVISORY GROUP (ASLAG)

On January 14, 2015, CACFA passed a resolution under its authority at Alaska Statute 41.37.230 establishing the Alaska State Lands Advisory Group.

Nominations and applications for appointment were invited via public notice, announcement at CACFA’s January meeting in Juneau, web posting and newspaper posting; submissions were accepted from January 16 through February 14, 2015. From the 24 nominations and applications received, nine members were selected and appointed:

John Crowther (Anchorage)
Hugh “Bud” Fate (Fairbanks)
Craig Fleener (Anchorage)
Stan Leaphart (Fairbanks)
Scott Ogan (Palmer)
Dick Randolph (Fairbanks)
Bill Satterberg (Fairbanks)
JP Tangen (Anchorage)
Mead Treadwell (Anchorage)

Among other things, ASLAG has been tasked with understanding, discussing and advising on the viability of and potential for transferring the ownership and/or management of federal public lands in Alaska to the State. To view a working charter for the group, visit the CACFA website at: http://dnr.alaska.gov/commis/cacfa/newsletters/ASLAG_DRAFT_Charter.pdf.

At its initial meeting in Fairbanks on June 9, Mead Treadwell was elected Chairman and Stan Leaphart was elected Vice-Chairman. Minutes of each meeting will be posted on the CACFA website at: <http://dnr.alaska.gov/commis/cacfa/MeetingInformation.html>.

The next ASLAG meeting will take place August 19 from 9am to 12pm
550 West 7th Ave, Suite 106, Anchorage

Katmai National Park and Preserve is currently developing a **Commercial Services Strategy** to provide guidance on how it can best partner with businesses to provide visitor services. This strategy can also be used in the future development of a Backcountry Management Plan.

Katmai's remote location and unique geography means most visitors rely on commercial services for transport to and for services within the Park and Preserve. All services are required to have a concession contract or commercial use authorization. Park managers are looking for feedback on current services, as well as suggestions regarding new services that could be offered in the future.

An Open House was held at park headquarters in King Salmon on July 15. Multiple documents are available for review online at <http://parkplanning.nps.gov/document.cfm?parkID=13&projectId=59496&documentID=67069>; the park will be accepting comments at this website through **10pm Alaska Time on August 9 (Sunday)**.

Not online? Contact Caroline Gimmillaro at (907)246-2158 or Michael Mulhall at (907)246-2157 for information on how to review and comment.

In 1980, Katmai National Monument's western boundary was adjusted by ANILCA to include **Pike Ridge**, a low terminal moraine near the outlet of Naknek Lake. Lands to the northeast were designated as "Preserve" while the Pike Ridge area was designated as "Park."

The Pike Ridge Trail is an undesignated off-road vehicle route that pre-date establishment of the Park and meanders in and out of the Park's (unmarked) boundary. While the Pike Ridge trail provides local residents with important access to subsistence resources and use areas outside the Park, motorized vehicles and subsistence activities are not legally allowed in the areas designated as "National Park."

The National Park Service is currently preparing an **Environmental Assessment** to evaluate alternatives and associated impacts regarding the Pike Ridge Trail in western Katmai National Park. The Service is looking to resolve longstanding access questions and use concerns on the trail while upholding legally mandated subsistence and access provisions.

Workshops will be held in King Salmon on August 4 from 6pm to 8pm at Dolly's Hall, and in Naknek on August 5 from 6pm to 8pm at park headquarters. An Open House Informational Session will also be held in the Alaska Regional Office lobby at 240 West 5th Avenue in Anchorage from 4pm to 6pm on August 10. The goals of the workshops are to share preliminary options and gather feedback from the public. Comments can also be submitted online before **10pm Alaska Time on August 5** at <http://parkplanning.nps.gov/document.cfm?parkID=13&projectId=59820&documentID=67468>.

Not online? Contact Troy Hamon at (907)246-2121 or Molly Cobbs at (907)644-3535 for information on how to review and comment.

Bering Land Bridge National Preserve is proposing to construct a new emergency shelter cabin on the southeast shore of the Cowpack Lagoon. The new shelter will replace the Kividluk Emergency Shelter Cabin, located at Kividlo, which was destroyed by high winds.

There are currently no Service shelters available for miles - it is about 37 miles by snowmachine to Shishmaref or 50 miles to Kotzebue (if Kotzebue Sound is frozen). The new cabin would provide lifesaving emergency shelter for subsistence users, the public and Service staff during severe weather.

Comments are being accepted on the **Environmental Assessment** through **10pm Alaska Time on August 19**. The document can be reviewed and comments can be submitted at <http://parkplanning.nps.gov/document.cfm?parkID=6&projectId=25458&documentID=67273>.

Not online? Contact Richard Anderson at (907)644-3536 for information on how to review and comment.

The National Park Service is seeking public comment on a proposed trail that expands on the existing trail in the historic Canyon City townsite located at mile 8 of the Chilkoot Trail, west of the Taiya River in **Klondike Gold Rush National Historic Park**.

Proposed changes are designed to protect natural and cultural resources of the historic Canyon City townsite while accommodating visitor use.

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No formal comment periods are currently open for Bureau of Land Management land use plans in Alaska. The following websites provide documents and updated information on current efforts of interest:

Squirrel River Management Plan: <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=36163>

Eastern Interior Resource Management Plan: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=1100>

Bering Sea-Western Interior Resource Management Plan: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=36665&dctmId=0b0003e8804de363>

Central Yukon Resource Management Plan: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=45823>

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Canyon City was the site of an organized settlement on the Chilkoot Trail during the Klondike Gold Rush of 1897-99. The present campground is located on the east side of the Taiya River and has been a popular camping area since the trail's creation.

Comments on the **Environmental Assessment** may be submitted through **10pm Alaska Time on August 21**. The document can be reviewed and comments can be submitted at <http://parkplanning.nps.gov/document.cfm?parkID=15&projectID=59534&documentID=67471>.

Not online? Contact Michael Tranel at (907)983-9200 for information on how to review and comment.

In cooperation with the Federal Highway Administration, **Kenai Fjords National Park** is working on a long-term solution to seasonal flooding problems on the Herman Leirer Road to Exit Glacier. The confluence of the Resurrection River and the Exit Glacier drainage is a broad alluvial fan with frequently changing flow patterns. Flooding has caused deterioration to the road, inundated existing culverts and even required road closure.

The proposal is to install four large box-culverts (6' wide), remove the jersey barriers and raise the road 5' throughout the one-mile problem area just beyond the Resurrection River Bridge (MP 7 to 8). The project would be a long-term solution that simultaneously improves the wetlands and stabilizes the roadway. Construction would take place in 2016.

Comments are being requested on this project and **Environmental Assessment** through **10pm Alaska Time on August 17**. The document can be reviewed and comments can be submitted at <http://parkplanning.nps.gov/document.cfm?parkID=14&projectID=54877&documentID=67409>.

Not online? Contact Sharon Kim at (907)422-0546 for information on how to review and comment.

Public scoping is currently underway for the **Wrangell-St. Elias National Park and Preserve Backcountry and Wilderness Stewardship Plan & General Management Plan Amendment**. The plan will focus on the area's 9.4 million acres of congressionally designated wilderness and approximately 1.5 million acres of eligible wilderness. The plan will also serve as an update to the 1986 General Management Plan by specifying management for those areas.

The resulting plan will help staff guide programs and set priorities for stewardship and science, visitor use, facilities and operations for specific areas of the backcountry and wilderness for the next 20 years.

The plan will (1) identify desired future conditions; (2) provide comprehensive management prescriptions; (3) develop specific management indicators and standards to protect wilderness character and protect opportunities for high quality visitor experiences; and, (4) identify management tools to address recreational and commercial uses and provide for customary and traditional subsistence activities. Management issues to be addressed include backcountry cabin use, remote airstrips, necessary and appropriate commercial services and allowable and appropriate motorized uses.

Public scoping will run through November 30, 2015. All planning materials are available online at <http://parkplanning.nps.gov/documentsOpenForReview.cfm?parkID=21&projectID=44299>. Six documents are available for review and comment - click on the link for each document to be taken to the website where that document can be downloaded and where comments can be submitted.

Not online? Contact Bruce Rogers at (907)822-7276 for information on how to review and comment.

**CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**
101 Airport Road | Palmer, AK 99645
dnr.cacfa@alaska.gov
<http://dnr.alaska.gov/commis/cacfa>

Kenai National Wildlife Refuge has a new Visitor Center! The new center opened May 2015 and is located adjacent to refuge headquarters in Soldatna. The building incorporates many environmentally conscious features, such as a sod roof, solar panels, in-floor radiant heating, LED lighting and a soapstone masonry heater.

Programs are scheduled for visitors year-round. The center will be open Memorial Day Weekend to Labor Day from 9am to 5pm daily, and 10am to 5pm Tuesday through Saturday the remainder of the year (except federal holidays). Directions and event calendars can be found at <http://www.fws.gov/refuge/Kenai/visit/directions.html> or by calling (907)260-2820.

The U.S. Department of Homeland Security & Governmental Affairs, Regulatory Affairs & Federal Management Subcommittee, is pursuing an initiative entitled **#CutRedTape** to improve the federal regulatory process.

The subcommittee is requesting public input on the social and economic impact of the current regulatory environment. Submissions will be kept anonymous and will help legislators better understand how regulations are affecting the public to support effective, bipartisan oversight and reform.

A portal has been set up for comments and insights to be submitted at <http://www.hsgac.senate.gov/subcommittees/rafm/cut-red-tape>.

