

Alaska Lands Update

Auklet Cloud, Kasatochi Island
Photo Credit—USFWS

monthly updates on Federal management actions for the people of Alaska

Citizens' Advisory Commission on Federal Areas, Department of Natural Resources, State of Alaska
3700 Airport Way Fairbanks, AK 99709

Citizens' Advisory Commission on Federal Areas Membership Makes A Few Changes

Governor Parnell reappointed Charles Lean and appointed Kathleen Liska to the Citizens' Advisory Commission on Federal Areas in Alaska.

Mr. Charlie Lean, of Nome, has more than 30 years of experience as a fisheries biologist in western Alaska. He currently works for the Norton Sound Economic Development Corporation as a director for the fisheries research and development program. Lean currently serves on the Nome Volunteer Ambulance Department of the Nome Emergency Planning Commission, and is a member of the Port Commission. He has received numerous awards including the U.S. National Park Service Star Award and the Alaska Department of Fish and Game, Division of Commercial Fisheries Meritorious Service Award. He holds a bachelor's degree in wildlife management from the University of Alaska Fairbanks. Lean is reappointed to a public seat.

Ms. Kathleen Liska, of Anchorage, currently runs operations for Increase Alaska. She writes a bi-weekly newsletter, The Alaska Statesman, which informs the public of current topics that impact Alaska. Formerly, she has helped coordinate events for the Federation of Community Councils and for Wind Walkers International. She

has also been a volunteer for the Downtown Soup Kitchen. A third generation Alaskan, Liska has a family history of politics and enjoys actively staying involved in Alaska issues by providing research, events, and networking opportunities through multiple platforms. She is appointed to a public seat recently vacated by Colleen Richards, of Anchorage, who resigned her seat in February.

Mr. Alex Tarnai, of Tanana, has recently resigned his seat on the Commission which leaves a vacancy. Tarnai was reappointed by Governor Parnell to a public seat in April, 2011. ♦



Whiskered Auklet Chick
Photo Credit—USFWS

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Comment Deadline Reminders

- BLM Alaska **Eastern Interior Resource Management Plan** and supplemental document on hard rock mining 90-day public comment period will close on **April 11, 2013**. The project can be found at: <http://www.blm.gov/ak>;
- USF&W Service has extended the comment deadline for its Draft Technical Guidance for selecting **Surrogate Species** in their **Strategic Habitat Conservation** concept until March 29, 2013. The project website can be found at: <http://www.fws.gov/landscape-conservation/draft-guidance.html>;
- The **Tongass National Forest 2008 Land and Resource Management Plan 5-Year Review** is now open for public comment period until June 30, 2013. The documents can be found online at www.fs.usda.gov/main/Tongass/landmanagement/planning;
- The **Kennecott Mines National Historic Landmark Operations Plan and EA** is available for public comment until April 30, 2013. The document can be found at: <http://parkplanning.nps.gov/projectHome.cfm?projectID=34130>;
- USF&W Service Draft Clarification of the Application of Select Terms Under the Marine Mammal Protection Act is open for review at: http://alaska.fws.gov/fisheries/mmm/seaotters/pdf/final_sa.pdf; until May 17, 2013;

Documents expected out soon:

- The **Final Comprehensive Conservation Plan** for the **Arctic National Wildlife Refuge** is still pending Secretary approval. There is no projected release date at this time.

Agency Websites:

National Park Service

<http://www.nps.gov/state/ak/index.htm>

U.S. Fish & Wildlife Service

<http://alaska.fws.gov/>

U.S. Forest Service - Region 10, AK

<http://www.fs.usda.gov/r10/>

Bureau of Land Management

<http://www.blm.gov/ak/st/en.html>

Department of the Interior

<http://www.doi.gov/>

National Marine Fisheries Service

<http://www.nmfs.noaa.gov/>

State Asserts Ownership of Multiple R.S. 2477 Rights-of-Way in the Chicken Area

The State of Alaska filed suit against the United States and others on March 20, 2013, asserting ownership of multiple R.S. 2477 rights-of-way in the Chicken, Alaska area. This case seeks to address important issues of federal overreach and protection of State sovereignty concerning management and control of important State property interests.

"Litigation is always a last resort, but we will not stand by while the federal government restricts public access to State-owned rights-of-way," Attorney General Michael C. Geraghty said. "In our large State with limited connectivity between communities and resources, these rights-of-way are of vital importance."

Revised Statute 2477 (R.S. 2477), contained in section 8 of the Mining Law of 1866, granted states and territories rights-of-way over unreserved federal lands. The law remained in effect until repealed in 1976. Although no new rights-of-way could be established, the 1976 repeal of R.S. 2477 did not extinguish pre-existing rights already created under the revised statute.

A significant number of R.S. 2477 rights-of-way exist in the historic mining area of the Fortymile Region near Chicken, Alaska. Many of these rights-of-way were created not long after gold was first discovered in the area in 1874. The six rights-of-way asserted by the State in this case total approximately 65 miles of roads and trails, and cover a geographic area of approximately 400 square miles. They have long and rich histories, dating back more than one hundred years. At least two of the six rights-of-way were part of the original Valdez to Eagle, All-American route. All of the rights-of-way continue to serve as important access for miners, hunters, trappers, recreationalists and subsistence users.

Despite an obligation to manage federal lands subject to the State's valid existing rights, including in areas such as Wild and Scenic River Corridors, the federal government has not been doing so in many instances. Specifically, in this case, the Bureau of Land Management (BLM) has failed to recognize the State's right to any of the rights-of-way asserted in the complaint. BLM has also sought to impose significant management restrictions on use of the rights-of-way. Examples of restrictions imposed on some of the miners using these rights-of-way include:

1. Obtaining and paying thousands of dollars for environmental assessments and permits before using the State-owned rights-of-way;
2. Obtaining and posting bonds prior to using the State-owned trails;
3. Erecting a gate preventing use by the public;
4. Notifying the BLM at least five business days before using the trail and requiring a BLM employee to accompany the user on the first spring and summer moves along the right-of-way; and
5. Limiting travel to only a few trips per year.

In its recently proposed Eastern Interior Draft Resource Management Plan and Environmental Assessment, BLM has also sought to further limit and, in some cases, eliminate the public's motorized use of these State-owned rights-of-way.

"This case is an important step in countering federal overreach with regard to State-owned property interests and in protecting the livelihoods of our residents," Governor Sean Parnell said.

In addition to the federal government, numerous private property owners are also named in the case. While the federal government owned the property at the time these rights-of-way were created, some of the land at issue has since been conveyed to private parties, or private parties now possess an interest in the lands. One instance of this is where a private party holds state or federal mining claims. Due to the fact that the case is a quiet title action, the State has sought to name as defendants all persons and entities whose property interests might be affected by a court determination involving the rights-of-way. This includes many of the miners in the area whose claims are crossed by the rights-of-way. Despite technically being named as defendants, the vast majority of the defendants who have been named are supportive of the State's actions in seeking to preserve their access rights.

The complaint can be viewed at: <http://law.alaska.gov/pdf/press/032013-Complaint.pdf>, and the exhibits to the complaint can be viewed at: <https://stateofalaska.sharefile.com/d/s268cdb5c35544bcb>.

For more information, contact Assistant Attorney General Z. Kent Sullivan at (907) 465-3600. ♦

Commission Members

- Representative Wes Keller**, Wasilla
Chairman - (H)
- Mark Fish**, Anchorage
Vice Chairman - (G)
- Rod Arno**, Palmer (S)
Executive Committee
- Charlie Lean**, Nome (G)
Executive Committee
- Senator John Coghill**, Fairbanks (G)
- Kathleen Liska**, Anchorage (G)
- Mike Meekin**, Palmer (H)
- Warren Olson**, Anchorage (S)
- Ron Somerville**, Juneau (H)
- Susan Smith**, Chokosna (G)
- Alex Tarnai**, Tanana (G)
- Frank Woods**, Dillingham (G)

(S) SENATE APPOINTMENT

(H) HOUSE APPOINTMENT

(G) GOVERNOR'S APPOINTMENT

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For more information, visit our website:

www.dnr.alaska.gov/commis/cacfa

AS 41.37.160 The Citizens' Advisory Commission on Federal Management Areas in Alaska is established in the department [Natural Resources]. In the exercise of its responsibilities, the commission shall consider the views of citizens of the state and officials of the state.

Ken Salazar is seeking additional information and has directed additional government-to-government consultation to inform a pending decision concern-



Volcano Club Log Cabin
Photo Credit— USFWS

Murkowski Reaches Agreement with Secretary Salazar on the King Cove Road

Senator Lisa Murkowski announced on March 21, 2013 that an agreement has been reached with the Department of the Interior to further review the U.S. Fish and Wildlife Service's opposition to the King Cove Road proposed land exchange through the Izembek National Wildlife Refuge.

After direct talks with Murkowski, Interior Secretary Ken Salazar agreed to take a second look at a land exchange in Izembek National Wildlife Refuge with the community of King Cove and the state of Alaska that would allow a one-lane, gravel road to connect King Cove with an all-weather airport in neighboring Cold Bay.



King Cove, Alaska
Photo Credit— City of King Cove

"There is no greater good we could do than to provide the residents of King Cove a safe land route to the airport in Cold Bay so they can be evacuated in cases of medical emergencies," Murkowski said. "I'm pleased that Secretary Salazar has agreed to take a second look at this. I look forward to working with Interior to ensure the department fulfills its native trust responsibilities to the people of King Cove."

Under the agreement, the Interior Department will look at whether the environmental impact statement (EIS) by the Fish and Wildlife Service adequately considered the importance of protecting the human health and safety of the residents of King Cove. The review will also include an evaluation of Interior's native trust responsibilities, and government-to-government consultations with local

Aleut groups, including the Aleut Native Corp., Agdaagux Tribe of King Cove, Beikofski Tribal Council, King Cove Corp., City of King Cove and Aleutians East Borough.

In a memo to Fish and Wildlife Service Director Dan Ashe and Interior Assistant Secretary for Indian Affairs Kevin Washburn, Secretary Salazar directed them not to issue a final decision on the road until the review was completed. New information uncovered in the review will be taken into account in any final decision on the road, and could result in Interior conducting a supplemental EIS.

"In my mind, this is an environmental justice issue. Conserving our natural spaces is important, but we have to balance that with the safety needs of local residents," Murkowski said. "King Cove has been clearly disadvantaged by a wildness designation that separates them from Cold Bay. The least we can do is to ensure they have the ability to reach an airport that can handle instrument approaches when weather makes travel by plane and boat all but impossible."

Murkowski said she looks forward to working with the Interior Secretary to ensure the safety and dignity of the people of King Cove is upheld. ♦

Secretary Salazar Seeks Additional Information on Proposed Road through Alaska's Izembek National Wildlife Refuge

Following a meeting with Alaska Natives from King Cove, Alaska and in response to concerns raised by the Alaska delegation, Secretary of the Interior

Ken Salazar is seeking additional information and has directed additional government-to-government consultation to inform a pending decision concerning the Izembek National Wildlife Refuge, Land Exchange/Road Corridor as directed under the 2009 Omnibus Land Act. "As I said when the U.S. Fish and Wildlife Service released the final Environmental Impact Statement, the preferred alternative would protect the heart of a pristine landscape that Congress designated as wilderness and that serves as vital habitat for grizzly bear, caribou and salmon, shorebirds and waterfowl," Secretary Salazar said. "The important analysis contained in the FEIS is based on exhaustive scientific review and extensive public dialogue, including government-to-government consultation."

"Pursuant to the unique trust relationship that Interior holds with Alaska Natives, and in response to concerns raised that a non-commercial road is necessary for medical evacuations from King Cove, I believe that additional steps and dialogue are appropriate before a final decision is made," added Salazar. "In reaching the Department's final decision on this matter, the Secretary will consider the full record before the Department, including the Fish and Wildlife Service's final Environmental Impact Statement, information presented in a report from the Assistant Secretary for Indian Affairs, and comments received during a public meeting in King Cove convened by the Secretary."

Secretary Salazar outlined the additional steps that will be taken, including additional government-to-government consultation and additional public meetings in a memorandum to the Director of the U.S. Fish and Wildlife Service and the Assistant Secretary for Indian Affairs. That memo can be viewed

Draft Clarification of the Application of Select Terms under the Marine Mammal Protection Act with Regard to Sea Otters

On Friday, March 1, 2013 the U.S. Fish & Wildlife Service in Alaska released for public comment a draft document clarifying the interpretation of the terms "significantly altered from their natural form," "coastal dwelling," and "mass produced" as they apply to Alaska Native handicrafts and clothing made from sea otter parts under the Marine Mammal Protection Act.

The document can be found at: http://alaska.fws.gov/fisheries/mmm/seaotters/pdf/final_sa.pdf. Comments on the draft can be made by email: fw7_sea_otter_clarification@fws.gov; and via mail: U.S. Fish and Wildlife Service; Marine Mammals Management Office; 1011 East Tudor Road, MS-341; Anchorage, Alaska 99503; and will be accepted until May 17, 2013. ♦



The Kennecott Mines National Historic Landmark Interim Operations Plan and EA available for public comment

The Interim Operations Plan was written to develop management strategies for the NPS at the Kennecott National Historic Landmark in the Wrangell-St. Elias National Park and Preserve. Such a plan became necessary when the NPS acquired the privately owned site in June 1998. The Kennecott site, mined for its copper in the early 1900s, is in the center of the park, approximately 5 miles from where the McCarthy Road ends at the

Public review and comment during the summer of 2011 on the National Park Service (NPS) proposed action for management of the NHL. This was a summer-long process and involved community meetings as well as review and comments by a subcommittee of the McCarthy Area Council;

- Public workshops in the summer of 2012 on interpretation, management concepts, transportation and access, parking, and the shuttle turnaround;

The Kennecott Operations Plan and Environmental Assessment is available for public review and comment for six weeks. All comments must be submitted by April 30, 2013. Public comments will be addressed in the Finding of No Significant Impact (FONSI) that will accompany the final Kennecott Operations Plan and Environmental Assessment.

The document can be accessed in several ways, including the following:

- Electronically through the park's website at <http://www.nps.gov/wrst>.
- Electronically through the NPS Planning, Environment, and Public Comment website at <http://parkplanning.nps.gov/projectHome.cfrn?projectID=34130>.
- Request a hard copy by calling 907-822-7276 (Bruce Rogers) or e-mailing bruce.rogers@nps.gov

You can submit comments in the following ways:

- Electronically through the NPS Planning, Environment, and Public Comment website at <http://parkplanning.nps.gov/projectHome.cfm?projectID=34130>.
- By e-mail to Bruce Rogers at bruce.rogers@nps.gov
- By mail to the following address: Wrangell-St. Elias National Park and Preserve; ATTN: Bruce Rogers; P.O. Box 439; Copper Center, Alaska; 99573. ♦

Historic buildings of Kennecott Mine, circa 1932
Photo Credit - www.largestnationalpark.com



Kennecott River. The NPS acquired 2,839 acres, including much of the historic mill town, the subsurface rights to the mine, and the surrounding natural area.

The 2001 Interim Operations Plan was intended to provide guidance for management of the NHL for a five-year period. A revision was needed to document the work that has been accomplished at the site in the last 10 years and to address new issues.

The Kennecott Operations Plan and Environmental Assessment presents alternatives for management of the Kennecott Mines National Historic Landmark (NHL) and considers the environmental consequences from implementation of those alternatives. The document includes proposals for historic structure stabilization, management of cultural resources, vegetation, access and parking, interpretation, and utilities and infrastructure.

This revision represents several years of collaboration between staff at Wrangell St. Elias National Park and Preserve, staff at the Alaska Regional Office, and the McCarthy/Kennecott community. The planning process has involved intensive public involvement and review, including the following opportunities for public input to date:

- Project scoping, which helped define the scope of the project and issues to be addressed;

Present day historic buildings at Kennecott Mine
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