

MEETING MINUTES
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
JUNE 7 & 8, 2013
LEGISLATIVE INFORMATION OFFICE
1292 SADLER WAY, 3RD FLOOR
FAIRBANKS, ALASKA

Friday, June 7, 2013

9:00 a.m. CALL TO ORDER

Meeting called to order by Chairman Representative Keller at 9:00 a.m.

9:02 a.m. ROLL CALL

Roll was called with the following members present: Rod Arno, Senator John Coghill, Mark Fish, Representative Wes Keller, Kathleen Liska, Mike Meekin, Susan Smith, Ron Somerville, and Frank Woods.

Commission staff in attendance: Executive Director, Stan Leaphart, Assistant, Karrie Improte.

Others in attendance: Clark Milne, Darcie Worden, Ernest Prax, Chad Hutchison, Rynnieva Moss, Bruce Campbell, Al Barrette and five member from the public.

9:03 a.m. AGENDA

Leaphart – I have just received, through attorney client privilege, proposed changes to the Sealaska Legislation with a request that we discuss these in a closed session and with the understanding that they have not been agreed to by all parties. I checked with the AG's office and we can do that in Executive Session as long as we take no formal action, for discussion purposes only.

Commissioner Arno – With that information in mind can we do that; can we add an executive session on Friday's agenda to discuss the Sealaska Bill at 4:30 p.m.? (No objections and an executive session was added as suggested.)

Leaphart – At 10 a.m. we are going to have Randy Zarnke from the Alaska Trapper's Association come and talk to us. We have been working with the ATA on the changes to BLM's cabin policy and they have made some changes.

Representative Keller – On tomorrow's agenda you'll see something that we're putting together a Summit on Federal overreach. The outcome to be how we deal with the issue of Federal overreach. Also Warren Olsen wanted us to take up under new business the definition of navigable water. The definition in State Statute isn't very specific about what you do with navigable water when it's frozen.

The agenda was approved as amended.

Approval of Minutes (February 22 & 23, 2013 Meeting in Juneau) delayed until 9:55 a.m.

Commission Member Opening Comments also delayed

9:10 a.m. Communications & Executive Director's Report (recording quality poor)

Leaphart – March 19th letter to the Fish and Wildlife Service on a proposed rule and EA for the establishment of a non-essential experimental population of wood bison in central Alaska in accordance with section 10(j) of the Endangered Species Act; there was a petition last year to downgrade the wood bison from endangered to threatened. Then another petition to delist the species, but that petition was denied. The herd is growing and they have to wait for this rule to be finalized before they transplant the herd.

A communication to Melanie Steinkamp, US Fish and Wildlife Service on March 29 regarding the Commission's review of the Draft Guidance on Selecting Species for Design of Landscape-scale Conservation stating that the

Commission does not support adoption of the Surrogate Species program. We recommended that this not be utilized in Alaska.

An April 11, 2013 comment letter to Lenore Heppler, Eastern Interior Field Manager for the BLM, on the Eastern Interior Proposed Resource Management Plan and Draft EIS as well as the supplement on Hardrock Mineral Leasing in the White Mountains National Recreation Area. Our concern was that there would be another layer of administrative designation placed over the area. Also, when they came out with the draft the BLM did not address the issue of hardrock mineral leasing... (recording poor)

Commissioner Arno - Can you request a copy of the State's comments on the plan? It might help us assist the State if there will be a challenge to the Record of Decision.

Leaphart - The point we tried to make is that they did a really great job reaching out to the public about this Plan. Then when the Plan came out it was 1,400 pages in 4 volumes, with 150 maps; I talked to a number of people who stayed away from the plan as a whole and just focused on the area they were interested in but there are elements that focus on the entire area and there were some people who looked at it and just put it down. I'm not sure how we get around that.

A letter dated May 31, to Greg Dudgeon, Superintendent of Gates of the Arctic National Park and Preserve in support of the Chandler Lake Mitigation Project Access Environmental Assessment. It is a clean-up on a native allotment where there were 130 55-gallon drums and 700 5-gallon fuel cans left by the military during oil and gas exploration quite a few years ago. The Park Service had to authorize access to the allotment. The land owners used the Right-of-Way Certificate of Access process.

9:40 a.m. Reports from the Executive Director

Leaphart – Briefs the Commission on current project around the State since the February meeting in Juneau-Angoon Airport EIS – “The FAA Identifies a Preferred Alternative”;

Stories in the News, Ketchikan, Alaska “Research Finds Wood and Plains Bison Not Subspecies”;

Department of the Interior News Release – “Interior Department to Hire Nearly 17,000 Young People to Work on Public Lands This Year”;

“Clean-up Project Will Help Villagers in Anaktuvuk Pass Remove 50-year old fuel containers left by the Military”

10:10 a.m. Randy Zarnke, BLM cabin Policy

Mr. Zarnke – I am a long time member of the Alaska Trapper's Association, my purpose today is to discuss BLM's cabin policy. As you know there are many people who trap for their livelihood. They trap on State, private and Federal lands. Many need shelter along their trap line for safety and efficiency. Over the years the process for obtaining permits has not been easy. In 1987, BLM instituted a requirement that to obtain a trapping cabin permit the applicant must prove that 25% of their annual income had to come from trapping. It was difficult for many people to meet that requirement with the price of furs what they were and incomes rising for summer employment. I can think of 2 trappers' in particular that had cabins near Bettles. They had been permitted but were not meeting that 25% income, so, in 2005 BLM directed them to remove the doors and windows from their cabins and they would be no longer allowed to use them. One gentleman complied with that request the other did not but neither of them used their cabins again; both were abandoned.

Three years ago our organization contacted BLM and told them that it wasn't working and we wanted to change the policy. BLM agreed to consider that and they brought it to their group, the Resource Advisory Committee, (RAC). There was a lengthy discussion at an Anchorage meeting and BLM admitted that the 25% income requirement wasn't working and evidence of that was that they hadn't had any new applications in 25 years for cabins.

After this lengthy discussion the RAC established a sub committee that met over several months and came back with a much more realistic set of parameters that people should meet to obtain a trapping cabin permit. That new

policy was adopted by the full RAC and recommended to BLM for approval as well. BLM did approve that policy and as of fall 2012 they set out to accept the new application.

Unfortunately, BLM has now started to implement some fee structures that had been on the books for year but not implemented previously, until now. There is now this fee structure at \$750/year for the evaluation process and the approval of their trapping cabin permits up to approximately \$1,000. I would contrast that, at DNR they charge \$100 a year.

As a side issue BLM insists on referring to these a commercial use cabins and we have had an on-going, low-grade issue because in ANILCA, trapping is almost explicitly a non-commercial activity. We have had this back and forth across the table but we are reluctant to go too far in that they will only allow commercial use cabins. The word we get from BLM is that we keep insisting that trapping is not a commercial activity and you don't qualify for a commercial use activity cabin. Thereby, I am saying that if you don't qualify for a commercial use cabin then you don't qualify for any cabin.

We feel like it was improperly categorized by them but we don't want to push it because we may push ourselves right out the door.

**10:30 a.m. Southeast Alaska Land Entitlement Finalization and Jobs Protection Act;
Presented by Jaeleen Araujo, Sealaska Corporation.**

Ms. Jaeleen Araujo - Sealaska Corporation presented to the Commission at your February 2013 meeting in Juneau. There have been many issues raised by the Commission and by the Public that have been addressed in the current versions of the legislation. Some of these concerns have been public access; ANCSA 17(b) easements and the reservation of those easements, the impacts on commercial guiding, recreational use of the land and access to those areas, timber harvesting and how the environment will be impacted. I hope during this presentation to attempt to highlight some of those changes that have addressed the Commission concerns.

The current status of S.340 is that there was a hearing held on April 25, 2013 before the Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests and Mining. The Administration is favorable, but seeking Cumulative Mean Annual Increment (CMAI) Language, this is important so that 2nd growth could be harvested sooner. CMAI is not a Sealaska Issue – requested by the Forest Service. Committee mark-up is expected by the end of potentially June 2013; and this mark-up will include the CMAI language. After there is Committee approval the Bill will likely be included in a package with several Senate Public Land Bills to be developed by Senate Leadership.

Currently for H.R. 740, there was a hearing on May 16, 2013, before the House Committee on Natural Resources' Subcommittee on Indian and Alaska Native Affairs. There was testimony from Sealaska and Jimmie Rosenbruch, who is a bear guide on Prince of Wales Island. There was testimony presented by the Administration, which was favorable to the goal of bill. The Senate version is preferred and would also like to see inclusion of CMAI language. There is no projected date for a House Committee mark-up.

The Senate bill would complete the ANCSA conveyance for Sealaska with 70,075 acres. That total is split in 3 categories: Large Economic Development Parcels or timbered lands totaling 68,581 acres over 9 sites. This is not a pool, all lands are specifically identified; Small Economic Development Sites totaling 1,004 acres at 9 sites, this is a significantly decreased conveyance as a result of public input; there are 2 energy sites in this category; and 490 acres of Cemetery and Historic Sites over 76 sites; there are no sites within any of the CSU's (Conservation System Units); Sealaska is to apply for their selections within 2 years of enactment of the Bill; application must be made using the ANCSA 14(h)(1) application and approval process; the current amendment allows for time to ensure the conveyance documents can be amended to recognize all easements and preexisting uses as specified in the 17(b) process. The 17(b) window of time for conveyance shall remain open until the 17(b) process is completed by the BLM.

Public Access was a big concern and will be permitted for subsistence use and non commercial recreational uses and will be subject to "reasonable restrictions" such as public safety, to minimize conflict, to protect cultural

resources and scientific research and if there are any environmental protection issues. Access will also be permitted across cultural sites where there is no reasonable alternative for access available. It will retain public access along salmon streams for subsistence, sport and recreational fishing and along salmon streams within cultural site boundaries. Current permit holders will be recognized for the term they were issued and renewed for an additional one 10-year term. The Senate Bill designates Conservation Lands (CSU's) of approximately 150,000 total acres of new LUD II areas; the reference to ANILCA Sec. 803 will be eliminated for the new CSU's.

The House Bill is very similar to the Senate bill except for a few distinctive issues. Timbered lands have been reduced by roughly 1,000 acres to accommodate additional small economic parcels and cultural sites. Small economic development parcels include an additional 7 Sites individual sites all of which are energy sites. Cemetery and Historic Sites add an additional 51 sites. As there are no CSU being established the sites within those areas are therefore preserved in this category. Public easements for salmon streams will be preserved but not required for cultural sites. As I said there are no Conservation lands being dedicated by the House bill. There is a technical amendment to the National Historic Preservation Act which provides that ANCSA Corporations shall be eligible to participate in all programs administered under this Act for the benefit of Indian Tribes, including securing grants and other support to manage their historic sites and preservation programs; and it includes another technical amendment to the Tribal Forest Protection Act which allows that forest land owned by ANCSA Corporations shall be eligible for agreements and contracts authorized under that Act. Both of these amendments do not validate, invalidate, or otherwise affect any claim regarding the existence of "Indian Country" in Alaska.

I am available for the remainder of the day to answer questions. I will be available by phone tomorrow, and William Anderson will be available for the remainder of the meeting.

Further discussion by the Commission follows. The full discussion can be found online at: <http://dnr.alaska.gov/commis/cacfa/>

11:30 a.m. PUBLIC PARTICIPATION

Carl Portman, Resource Development Council - Carl Portman, Resource Development Council Chairman and members of the Commission, my name is Carl Portman, Deputy Director of the Resource Development Council. I am calling first to share some observations on the management practices that I have observed on Sealaska timber lands and then to express RDC's strong support for the Sealaska lands bill.

RDC is a statewide membership-funded association comprised of individuals and companies from Alaska's oil and gas, mining, timber, tourism, and fishing industries, as well as Alaska Native corporations, local communities, and organized labor.

Last August, I accompanied more than 40 RDC board members from across all of these industries in visiting Sealaska's timber and silvicultural operations on Prince of Wales Island. Dr. Mike Newton, renowned silviculturalist and professor *emeritus* from Oregon State University, showed us pre-commercially thinned harvest units that have now evolved into thriving second-growth forests. The professor has been helping Sealaska continually improve their forest stewardship, including conducting peer reviewed science on integrating habitat enhancement with second growth management. Deer browse and forest growth is enhanced by Sealaska's thinning and pruning practices. Dr. Newton praised Sealaska's stewardship and said "Sealaska Corporation is engaged in ecosystem management on a grand scale unmatched by any federal program."

Sealaska has also engaged fisheries biologist Dr. Doug Martin who has led Sealaska's efforts spanning decades to monitor the effects of Sealaska's forest practices on stream habitat This peer-reviewed work has been done in collaboration with the US EPA, DEC, DFG and DNR. None of this could have been possible without leadership of Sealaska.

Sealaska's forest stewardship is a model for sustainability and best practices. Our Board was very impressed with Sealaska's superb resource management and stewardship, as well as its commitment to serving its Alaska Native shareholders, and protecting fish and wildlife habitat.

Sealaska has invested over \$19 million in planting, thinning, and pruning practices. The corporation has pre-commercially thinned over 44,000 acres and has hand planted over 8,760 acres. Sealaska's modern silvicultural practices are an investment in the region's future. These investments leverage the regional economic benefits of a working forest by significantly increasing growth, yield and habitat.

For over 30 years, Sealaska's logging operations have been a major pillar of the region's timber industry and economy. Under the 7(i) provisions of ANCSA, Sealaska contributed over \$310 million to other regional corporations, half of which is distributed to village corporations. The jobs in road building, logging, camp support, long shoring, air taxi and barge services, thinning and silviculture work are real contributors to the Southeast Alaska economy.

The timber industry has been decimated by limits on federal timber supply. It is only on its last breath, utilizing timber from State, mental health and Native corporation lands, predominantly Sealaska. Without new selection areas afforded under Sealaska's land bill, what little remains of the industry will collapse? Once the economic benefits of these activities are lost it will be very difficult to gain them back. Capable logging and support contractors are already very difficult to find in the region, and hard won markets, once lost, will be very difficult to win back.

Southeast Alaska land policies have lost any semblance of balance, and communities are declining in population and struggling to keep minimum enrollment to maintain schools. The Sealaska bill will allow some restoration of balance by allowing a small portion of the land base to be managed as a working forest to support communities. Sealaska has demonstrated its commitment to the highest forest management and stewardship practices. We think the land bill is a unique opportunity to stem the tide of declining opportunities in Southeast Alaska.

RDC urges the Commission to consider support of the Sealaska lands bill, and I thank you for this opportunity to testify.

Representative Keller - You are speaking for RDC. Can you give us an idea of how many people you are representing?

We have about 600 Corporate and members, but within the Corporate membership, those memberships represent 1,000's of Alaskans working full-time, year-round in 5 basic industries. Those are: Conoco Phillips (more than 1,000 employees; and we have member in every one of the land based corporations in the State. We count each of the Corporations in the State as one even though there are many people that they represent.

Shelly Wright, Southern Conference – I here on behalf of the Southeast Conference and the Director of Southeast Conference. We represent the State in the former Regional Development organization and also an economic development district with the Federal Economic Development organization. We have a membership of about 168 people but we are in the same category as RDC. We are represented by 36 municipal organizations as well as private members and private businesses.

I have to concur with everything that was stated in the previous testimony, and I would like to talk to you about the affects that Sealaska has on the southeast economy. The timber business that Sealaska is in would not be as nearly as successful as it is right now. Their cultural programs and language programs are invaluable to what is happening in the economy of southeast Alaska. They put back at least everything that they put in. It is very important to us that they are allowed to maintain those programs that keep us learning and to keep jobs flowing in rural Alaska. Without the infrastructure that Sealaska provides to southeast Alaska it's going to be a harder battle to fight and I encourage the passage of the Sealaska Bill.

Leslie Isaacs, City Administrator for the City of Klawock – I love here on Prince of Wales Island and I'm calling today to express my support for the Sealaska land legislations. We in the city of Klawock have a carving program that teaches our young apprentice carvers about carving the totem pole properly you have to understand

everything about our native culture and in the past, Sealaska has been very supportive buy donating logs to keep our program operating on a shoestring budget here in Klawock.

In 2004 I was privileged to attend a forum on traditional values in Juneau where there were about 45 Tliglit, Haida and Tsimian people and elder who came together to talk about traditional native values. The forum which was called our way of life included: "We are Stewards of the Land"; and this is what I see Sealaska taking on this view.

Thank you to the Citizens' Advisory Commission on Federal Areas for the opportunity to bring this information forward.

Sarah Dipdol, Board member of Klawockwinia for the City of Klawock- As a citizen who grew up in Klawock I wanted to call and show support for Sealaska and the Alaska Jobs Protection Act. Sealaska plays an integral role in the sustainability of our village corporation, specifically through the 7j contributions that villages see. For Klawock, what this means is that we are able to provide burial funds and scholarship funds. Triose contributions we see as vital for shareholder. Not only through financial contributions do we see Sealaska important but they have played a role in leadership in silviculture. They have taken the time to show us methods of silviculture on our lands, proper thinning and other techniques.

I just want to call in support of this and I hope that the Citizens' Advisory Commission with rule in favor of this legislation. Thank you very much.

Al Stein – (a handout from Mr. Stein to the Commission)

I have looked at the acres that Sealaska has and I think the estimate you received in February is low. There is more than 20,000 acres available for Sealaska to harvest, averaging somewhere around 10,000 acres/year, and probably have 3 to 4 year of timber left. I am just aware that for many years they have said that they are running out of timber and that has never happened.

We worked hard with the legislature to maintain buffer strips around salmon strips. This Bill does not have those buffer strips around salmon streams.

The main point I want to make is that this legislation is completely unnecessary because since 1976 everybody has know where the operations were going to occur, people have made their investments many of them after 1976 and many of them have their investments pulled out from under them and that's not fair.

Thank you very much for the opportunity to speak. I am no long in Alaska but I was a 25 year resident.

Myle Poelstra, Edna Bay – Thank you for the opportunity to testify today.

I am opposed to this legislation. The reality of this legislation is that it will only support Sealaska and we are going to lose jobs and businesses. There are a lot of communities in southeast Alaska hat believed that public lands around their towns would remain part of the Tongass National Forest. Residents here in Edna Bay have made investments and staked their lives.

My husband and I have spent 35 years in Alaska. Everything that we have is going to be undermined by this legislation and I don't think it's fair to undermine the investments of everyone else so that Se4alaska can choose better timber than what they agreed to and submitted to BLM in 2008.

We are really frustration that there is no one here to speak for us.

12:00 p.m. LUNCH

1:30 p.m. AGENCY REPORTS – National Park Service –Alaska Region Management Issues;
Ms. Sue Masica, Regional Director for the National Park Service based out of Anchorage, by phone; Don Striker, Superintendent at Denali National Park and Preserve; and Greg Dudgeon, Superintendent at Gates

of the Arctic and Yukon Charlie National Parks (in person).

Ms. Masica (by phone) – Some perspective about the Park Service for the state, there are 23 different parks around the state and we have a budget of about \$110 depending on the projects for that year. We employ about 1,000 people at our peak about half of those are seasonal working in 23 different communities around the state. We have been working diligently last with Senator Murkowski getting local hire reinstated for us. We have used that to hire about 132 folks from local communities within proximity to the Parks. We hope to continue that into the future.

The Park Service receives 2.4 million visitors to the parks herein Alaska every years, using the Park Service economic model, we estimate a statewide contribution of \$237 million. We find that model to be pretty precise and reflective of the travel patterns in Alaska.

What I thought I would do was focus on some current issues that are affecting us on a statewide basis. The wildlife management issues are pre-dominate as one of the challenges that the Park Service faces. We consistently have to work with the State and others on the authorities we have and how they may align or not align with the State authorities. With the Park Service interest on Natural Process and abundance and integrity of natural systems, that doesn't always align neatly with the State constitutional provisions for sustained yield and priority for abundance. We have to work our way through that. Certainly, with respect to how we have addressed that and we've certainly heard those concerns and CACFA has been engaged with us and raised some of those and we will continue to work through those. We do interpret our authorities different than the State has sometimes done. My interpretation of that is we need to keep those conversations going and engaged and even though we disagree we need to keep the dialogue and the discussion open.

There is no fix in place yet but we are working towards that.

Another issues I thought I would mention in terms of the National Park Service around the State and the sequester it was about a \$3.2 million reduction in the Park Service Alaska statewide. Our staffing levels are reduced on a permanent basis and the Parks are all having to deal with transitioning to having that budget reduction relayed to them late in the fiscal year and having a short time in which to implement the reduction and how do we see the reduction at least through the next5 fiscal year, and how might each park handle it and what will they do differently. The one thing we were able to do in this Region and across the Park Service is we didn't have to furlough anybody but the other thing that we did in this region was to examine our operation and take the reductions in areas the would impact as little as possible to the people who used and enjoy the National Parks/. The seasonal work force allows us to get the parks open, handle the visitation patterns but also those employees who work with the local folks who use the Park year-round. That those things are not negatively effect will continue to be our objective as we move forward.

We see the importance of engaging with communities and local stakeholder as a very high priority and wish to maintain that.

The last topic for is the business operation that support commercial services for people who come into the Park continue to operate under a contract, and that is the case for the Lodge at Glacier Bay and the tours at Denali.

Mr. Dudgeon – I moved to Fairbanks in 2007. We moved from Yakutat; my wife works for Fish and Game and I was working as a fishing guide. Thanks to Senator Murkowski and the reinstatement of the local hire program I wasted to say that, not just as a superintendent but as a recipient.

Stan and I had a chance to visit and we discussed some items of note:

1. The Land Action Plan for Gates of the Arctic is on the street. We are required to have these and they are redone every 5 years and essential they define the Conservation Units strategy for dealing with adjacent lands or private lands with the Park. If people who have inholding come to us and would like to sell their inholding, we will look for funds to make that happen but was not in the process to acquire anything outside our boundary of the Park.

2. We also identify areas where there are inholdings where we have had a conversation that selling their land to the Park Service might be an option.

There has been just in the last few weeks they are going to hand off the Ambler Road project from DOT to ADA. This summer in Gates of the Arctic, we have 15 studies where we are working with or collaborating with DOT or DOWL or UA looking at what is on the ground.

The last time we talked the Park was pursuing a new management plan and a wilderness study. The spirit of this study is in keeping with the Gates for the Arctic, it's a wild place and it will be managed to be maintained as such. We are no longer conducting the wilderness study as that is in direct conflict with the potential for the Ambler Road project, which as I mentioned is under way.

Commissioner Smith – I would like to revisit the issue of buying out inholding. I'd like to know where the Park Service gets its money for buying out inholdings. Is it budgeted every year, does it come from the National Park Conservation System...(inaudible)

Mr. Dudgeon – I would have to say that from the 5,000' level, past on the past the money has been available. It's not a fund source that have, ongoing. Depending on the Conservation Unit and location; if someone comes to us and says they would like to sell their inholding, I would go to the Lands Office at the Regional and say that we have somebody who would like to sell and then the conversation begins between the Lands Office and the inholder. Funding for these purchases is outside our operating budget.

Mr. Striker – From the upper level of National Park funding I can tell you there are three areas in the budget; one is the operating budget, Construction budget and a land acquisition fund where the revenue is from off shore oil revenues and a Land Conservation Fund. This big Land and Water Conservation fund there is a fee for that that can be used by other agencies. Its federal dollars used for land acquisition. It's not a case of you are robbing from the maintenance budget to buy land.

Ms. Masica - The trend in term of appropriation for land acquisition has been downward. The dollars at the national level are prioritized in a way that protect our investments and the infrastructure and then our operational thing. They haven't walked away from the land fund but it's considerable less than it has been in the past.

Senator Coghill – What you said earlier, would you encourage NGO's to buy it and they donate it; and if that is the case is there an open market to purchase that inholding?

Mr. Dudgeon – I can see that happening but that is not the case with any of the opportunities we've had; and again it has to do with the location of the parcel and the parties involved. One of the things that everyone I talk to wants to ensure is that just because they are selling the land, they want to continue to subsist on it, hunt and fish on it. Once it becomes public land that is not a problem. The NGO question is not one where I have had any experience with.

Senator Coghill - Because they are inholding there are permits and things they are required to do what they do there, including inholdings that have timber and possibly mineral extraction. The permitting has wearied them to the point that they have a financial inability to stay there. Some of that has come with the flood of rules coming from these management plans. I am hoping that that is not a purpose to try to weary people into purchase. I am just saying it out loud because people are thinking it.

Mr. Dudgeon – response inaudible

Commissioner Arno – I'm just wondering, like in Gates of the Arctic, the State with it's 'Roads to Resources' program is working to get road access to (through?) the National Parks, how do you fit that in with the Federal Lang Ranges Transportation Planning process to try and make Naitonal Parks more accessible to the public.

Mr. Dudgeon - There is an interesting process right now where there is a provision in ANILCA that allows an

industrial road through a place that some consider the wildest Conservation Unit in the system and we understand that that came with the Preserve. We are actively engaged and involved. Our responsibility in that project is to help inform and decide on what is the least impactful route.

Commissioner Wood – Are those conservation purchases or total purchases?

Mr. Dudgeon – Total purchases.

Commissioner Woods – Oh, Wow. In our area there have been purchases of conservation easements that is that the agency manages the land but the owner maintains the ability to hunt and subsist on it.

Mr. Dudgeon – The land is still available to everybody for subsistence.

Commissioner Woods – I realize that the federal government has a decreasing budget and there is a fear in the average Alaskan, 1. Is that there haven't been any furloughs and other losses but they wonder what is it going to look like in the future. I think the fear for me as a native Alaskan is that you are going to go away. Not only to help manage, but say the RAC. If they only have meetings every 4 years, on the big scale we have dual management, for example, caribou, we have a caribou herd and the southern range of the herb we have a predator issue. In order to solve the problem it can get locked up in litigation for years, because nobody gets their needs met. Thank you, I appreciate you coming and I think the more we get to the table the more we can work these issues out. The more people we get into this arena from Alaska, we benefit.

I think in 1992-3 when the Feds took over there was this huge wall we all put up to protect our boundaries. I just read what you were going to do with the land and how you are going to deal with the process of dealing with and purchasing the land and then what you are going to do with it. The things I don't agree with is protecting natural diversity and I think, of you could include some kind of cooperative management strategy. As a native person, I believe that it's my responsibility to help you see how your national process might look in Alaska.

Mr. Striker – We are finally open (the Denali Road). It was interesting to me as the new Superintendent to see the season opening process. As the new guy, it's very important to me to get out and meet neighbors first. If your stakeholders are your immediate neighbors and you stakeholder aren't not happy then it is going to be a tough road to hoe.

I have been bouncing all over the place; I'm a Philly kid and my first Park was Yellowstone. When a landscape architect heard what I likes to do she said; "You Recreator, get thee to the Forest Service!"

The important thing that I have kept in mind and I have been in a bunch of different States there are a lot of places that have a difference of opinion between the States and feds. One of the unique things I have found working for the Park Service is, and you have heard of America's greatest idea? That is the National Park System but for me this is the ultimate sort of form of our government. We took the places that we value the most and give them to all of us. I always remember that we I set priorities, how we set priorities. Really, I am just a steward of this land and we have a lot of really passionate stakeholders, and so many times we can argue because we have different missions or we try to find areas where we find each others missions where this is going to be overlap. If we can find areas like that, and focus our energy on that, in terms of jobs, in terms of kids and inspiring kids, in terms of local economies, in terms of access and business.

Thank you for the opportunity to be hear.

2:30 p.m. Bureau of Land Management – Upcoming Planning Projects

Shelley Jacobsen and Jeanie Cole from the Northern Field Office in Fairbanks

(Distributed an outline and three maps on the planning area which can be found online at:
<http://dnr.alaska.gov/commis/cacfa/>)

Ms. Jacobsen – Hello and thank you for the invite. My name is Shelly Jacobsen and I am the Central Yukon Field Manager stationed out of the here in Fairbanks at the Fairbanks District Office. We are planning to begin public scoping for the Central Yukon Resource Management Plan later this month. This is Jeanie Cole.

A little background information on the planning process for this area, The BLM Central Yukon Field Office, intends to prepare an RMP for this planning area which encompasses approximately 16 million acres of BLM-managed public land. We have distributed several maps. This area includes the Dalton Highway Corridor and the Central Arctic Management Area. By revising this plan, we will replace the Utility Corridor RMP completed in 1991; the Central Yukon RMP completed in 1986; and a small part of the Southwest Management Framework Plan completed in 1981. Also, this RMP will cover lands within the Fairbanks North Star Borough that are not covered by any other management plan.

We have a public web page dedicated to this plan which can be accessed from BLM-Alaska's Planning web page at: www.blm.gov/ak. This website provides all the background and contact information and will be updated regularly as the plan progresses.

Some of the preliminary issues that have been identified for the Central Yukon planning area are: the increasing demands for and impacts from recreational use along the Dalton Highway; access and off-highway vehicle use, particularly along the Dalton Highway; increasing demand for mining and the impacts from mining on fish and aquatic habitats; should lands be opened to new mineral entry; the disposal of mineral material such as sand and gravel along the Dalton Highway corridor; modifying withdrawals to allow the State of Alaska to select lands within the Utility Corridor; the identification of Areas of Critical Environmental Concern (ACEC); are there any potential additions to the Wild and Scenic Rivers system in this management areas and should any of this area be managed for its wilderness characteristics; what resources need protection for maintaining a subsistence lifestyle; what is the importance of subsistence to local economies and traditional lifestyles; and what are the impacts, if any, from climate change. What are the appropriate uses for this area and are there any long-range development issues of State or Federal management, and what are the affects on adjacent and nearby lands. The plan must address public access needs; and the BLM must also consider current and potentially new special designations, such as ACECs and Research Natural Areas (RNAs).

We believe we must review and classify any waterways that may be eligible for inclusion in the National Wild and Scenic River System. This is consistent with BLM guidelines for the management of wild and scenic rivers. There is also the need to incorporate Environmental Justice (EJ) considerations in land use planning alternatives and adequately respond to EJ issues facing minority populations, low income communities, and Tribes living near public lands and using public land resources. The plan will assess all BLM-managed lands in the planning area for wilderness characteristics using criteria established by BLM Manual 6310. The RMP will examine options for managing lands with wilderness characteristics and determine the most appropriate land use allocations for these lands. Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to: emphasizing other multiple uses as a priority over protecting wilderness characteristics; emphasizing other multiple uses while applying management restrictions like conditions of use and mitigation measures to reduce impacts to those wilderness characteristics; and, the protection of wilderness characteristics as a priority over other uses. The BLM will manage the Central Arctic Management Area Wilderness Study Area consistent with BLM Manual 6330 - Management of BLM Wilderness Study Areas, and ANILCA, until Congress acts on the wilderness recommendation.

The schedule for this Planning Project is as follows:

Public Scoping June 14-December 11, 2013

Analysis of the Management Situation March 2013 - March 2014

Alternative Development Oct. 2014 - April 2015

Prepare and Distributed Draft RMP/EIS Jan. 2015 - Sept. 2015

Public comment on Draft RMP/EIS October-December 2015

Prepare and Distribute Proposed RMP/Final EIS April-September 2016

Protest Period and Governor's Consistency Review September-November 2016

Record of Decisions 2017

(Also provided were 3 area maps which can be found on the CACFA Website at: <http://dnr.alaska.gov/commis/cacfa/>.)

Lon Kelley – BLM-NPRA Legacy Wells Strategic Plan

Between 1944 and 1982, the U.S. Navy and the U.S. Geological Survey conducted a program of exploratory and scientific drilling on Alaska's North Slope in the Naval Petroleum Reserve which is now called the National Petroleum Reserve in Alaska (NPR-A). In 1976, the BLM was given responsibility for managing the NPR-A, and in 1982 the BLM inherited the responsibility to assess, plug, and clean up the wells that the U.S. Navy and USGS left behind.

Since 1982, the BLM has spent tens of millions of dollars cataloging and remediating these well we call "legacy wells." Some wells are still being used; approximately 18 are currently being operated by the USGS. There are 68 wells that require no further action and approximately 50 that will require some action on the part of the BLM.

In order for BLM to take the next step towards full remediation of the remaining wells, we completed a summary report; "*2013 Legacy Wells Summary Report: National Petroleum Reserve in Alaska*", which is a comprehensive site-by-site assessment of the condition of the remaining inherited wells. The report forms the basis for the "2013 Legacy Wells Strategic Plan". This plan lays out a dynamic and flexible near-term strategy for addressing some of the highest priority wells, while reemphasizing BLM's commitment to achieving full remediation of all of the wells we have inherited.

There are high, moderate and low surface risk categories for the wells that require BLM action:

High surface risk means that the well has known contaminants present, there is a potential threat from erosion, there is significant solid waste present and the potential is great potential for impacts from possible discharge of hydrocarbons

Moderate surface risk indicates that there is a potential risk to travelers, particularly snowmachine travel, there may be debris at the site that impacts the visual resources.

A low surface risk might indicate that there is minor solid waste present on the surface, there are no known contaminants and there is a minimal impact to visual resources.

The BLM has prioritized the wells that require action based on surface and subsurface risk. That prioritization can be found in the Legacy Wells Summary Report which I believe you have received.

2:45 p.m. BREAK

3:00 p.m. Agency Reports – Scott Ogan, DNR PAAD Unit Update

Mr. Ogan – (There was a break in the tape) ...There are going to be some overriding Public Trust Doctrine Issues. For those of you who don't know, there are a few different definitions of navigability: 1. there is navigability for Title issues and 2. There is navigability for Public Trust access purposes. Our Statutes are very clear and our ownership of those lands is very clear, that people have a Constitutional right to access the waters that are determined navigable. The definition of navigability does not establish ownership as per federal case law that goes back to the Civil War era.

These two areas have been contentious, related to ownership of the riverbed and other exclusive rights; but this is creating with our statutory obligation as the trust agent to manage access to these areas for the general public.

We do have a trial date for the Mosquito Fork, November 2014. BLM wanted more time but we objected and we got it. We are doing a lot of other traditional water craft used at statehood. We have hired the best expert witnesses on navigability. We still have a very small amount of field work to do, consulting with our experts we feel we need to back fill one area so we are going to go out this summer and have a few quick days on that one. We have been out there in all conditions and I think we are very, very well prepared for that.

The Chicken Quiet Title Action (QTA) and RS2477 is progressing. We are close to discovery on that and we don't have a trail date set. We haven't received a decision from the feds yet.

We are pretty much finished with our field work out their.

We just got a Recordable Disclaimer of Interest (RDI) for the Klutina River. It's not filed yet but it is on the Federal Register.

We are about to apply for 10-15 water bodies in the south west area of the Kuskokwim and the Eek River area. We expect to have those application submitted as draft by the end of the fiscal year. There is a lot of water and a lot of native allotments but I don't think it is going to be too controversial.

Commissioner Somerville – Under Salazar they suspended the use of the term Recordable Disclaimer of interest, is that correct?

Mr. Ogan – They never really allowed us to do it on RS2477's. It's clearly in the CFR's they have the regulatory authority to do it but they made a policy call that aren't going to do it for RS2477's. We are getting signals as it may be away to possible settle the Utah cases. Utah filed on 18,000 RS2477 that they knew they had in the state. They thought they had a Statutory Limitation problem and were coming up against a deadline, so they files suit on all of them to avoid the Statute of Limitations.

The cost of an RDI is a fraction of the cost of a QTA. As slow as it is and as cumbersome as it is, it is still very cost effective modality of clearing up clouds on the State's Title. The US and the States have to agree that it is navigable and if we get that agreement. It is essentially as good as a QTA.

3:30 p.m. Public Participation NONE

3:31 p.m. BREAK

3:45 p.m. Convene Executive Session – when the Commission has passed a motion to convene in an executive session, it is not an open public forum therefore there is no recording of the proceeding nor is there a transcript.

4:30 p.m. Adjourn for the Day

Saturday, June 8, 2013

8:00 a.m. (approximately) Continued Executive Session

9:20 a.m. (approximately) Executive Session Ends

9:30 a.m. Unfinished Business – Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act – (continued)

Clarence Clark, Special Assistant to the State Forester for the State of Alaska –

Mr. Clark - The lands within the box are part of the National Forest System underneath the 2008 Forest Plan they are broken up into numerous Land Use Designations, a combination of Lands. Those Land Use Designation allowed for certain development abilities or non-abilities. How much of the land inside the boxes are available for timber harvest at this time the answer is roughly 38,000 acres. There are a lot of different numbers and how you can get that number of timbered land inside the boxes.

There is 112,000 acres of Productive Old Growth or POG, and just because it is POG doesn't mean is harvestable timber lands. The National Forest Management Act says that you cannot have a clear cut over 100 acres in size. You must leave a logical setting in-between cuts and a logical setting is about 10 ac in size. Other reason acres may be POG but not available for harvest is soil conditions, steepness of the slope, nothing over 78%.

So we have taken 112,000 acres of POG, separated out the different land use designations, it takes into account buffers for anadromous stream, then we look at what is suitable for timber harvest and you get, 38,000 acres.

Commissioner Somerville - How much of that 38,000 acres of available timber is Roadless?

Mr. Clark – That I can't answer, but there was roughly 3.2 million in the development land base around the Tongass. Roadless removed 2.2 million acres from that land base, and not all of that would be suitable

***Handing out tracking information on the productivity of the Tongass National Forest
TTRA volume refers to the Tongass' s 'seek to meet demand". They should be trying to offer that volume on an annual basis. The average of this column 144,000,000 BF on an annual basis.

The next column is what they have offered and the average is approximately 66,000,000BF. They have been offering half what they are supposed to be offering.

Senator Coghill – (inaudible)

Mr. Clark - On the Tongass and at the National Forest level there is interest to keep the industry going. As we all know, the concept switching over the young growth. It seems that there is some desire to drive the industry down by its inability provide the 'seek to meet' quota and create an industry that will be satisfied by what is available.

Conversation continues on operating practices on the Tongass National Forest and State timber sale information.

Reports from the Executive Director (continued)
Testimony submitted from Al Stein, hardcopy distributed.

Leaphart – Mr. Stein submitted a 'Summary of Comparative Land Value Analysis for Sealaska Lands Bill S.730.

Commission Discussion continues on the Sealaska Legislation

Commissioner Smith – I think it might be helpful if we made a list of the documents we've had received (inaudible)

Leaphart - Memo regarding the final selection to BLM, we can request a copy of this whole analysis not just the excerpts.

Commissioner Arno – I'd like some information from the Fish and Game department containing the deer population and harvest objectives and their concerns over logging activities, having to reduce those population and harvest objectives. As far as I'm concerned this ties into ANCSA and providing subsistence resources.

Commission Somerville – Thank you to Clarence for coming to help straighten out the Commission. I would like to see something in writing that tells us how much of the timber base is going to be reduced as the result of this exchange. The reality as I see it, those roadless areas that they are giving up are not going to be part of the timber base anymore, at least until they lift the restriction. Also, these new Conservation units that are being created which we previously objected to, what is the impact on the timber base from that?

Leaphart – In the Plan our various categories a lot of those conservation areas that a lot of people are concerned about is that it's an administrative decision and once it's put into Legislation it will be permanent. You move from an administrative decision to a statutory decision, it permanent. That's something for us to keep in mind.

Representative Keller – In our letter to Murkowski we told her we were concerned that this action would open up ANCSA to the other Corporations. She assured us that that would not happen. Can we get a little more information on that? Have we talked to the Department of law on that?

(Poor quality recording)

Commissioner Woods – I think it will be in our best interest that we enforce our letter, ask Senator Murkowski to answer our questions, I don't think she's answered them totally. Under ANILCA, she references so much stuff that we haven't had the time to go through all the details. I think it's time because Native Associations in Alaska are growing up, they're becoming better business partners they are providing a huge economic engine in the state and the communities they live in. Commissioner Somerville asked for a legislative change for certain things and that the fix that we have in front of here in Alaska. My experience of the federal system in Alaska is to protect the laws that they have in place but I see know what is happening is that this bill will take precedence and it raises the bar for private land owners in the regulatory process. Now the State and the feds don't look at native lands as private but the regulatory bodies that manage there is no land status that they reference.

My stance is that we address a letter to Lisa (Murkowski) respond to her letter to us and what still needs to be addressed.

11:20 a.m. - BREAK

11:30 a.m. – PUBLIC PARTICIPATION

Jaeleen Araujo, Sealaska Corporation (by phone) - I hope that the Commission can take what they have and make some kind of decision hopefully in favor of our legislation. I had the impression that we had addressed all your questions. I will say, for information sharing purposes that we just heard last night is potential house mark-up this week. This is not confirmed yet and I know that you want to take time to deliberate and I want you to know the timetable. As I testified yesterday we didn't what was coming down the pike on the house side and now we hear that there might be a potential markup this week.

I do want to respond to the question, why doesn't Sealaska just do a land exchange with what they have and what is available in the boxes? I want you to know that the first few years we were working on Sealaska's entitlement and current land holding; we tried to do some exchange options and after 3 changes and new Forest Service Staff and a new administration we gave up on that option. It's not as easy as it sounds. I also want to address the suggestion about 17b easements not being vacated, I'm not sure the State would take kindly to Senator Murkowski write legislation about that. This is really something that the public has to do.

I really feel like you have all your concerns address and you have enough information to deliberate quickly and move this thing forward.

Commissioner Woods – When this first came out you had a presentation with Forestry Management Plan and that included second growth and old growth. I remember...(Tape was muted temporarily)... Jaeleen, you referenced that the federal issue can review but the decision has already been made at the federal level. The entitlement is a contract with the government. Is it our job to question how an ANCSA corporation got their entitlement, I don't think so. We can question that or review it, we are reviewing a document from our legislative body asking for clarification. When we are in charge of reviewing information that hasn't been provided completely as commissioner it's hard.

Jaeleen Araujo – I will say that were not asking for anymore that ANCSA provided. We are just asking for what was promised to us through ANCSA. What we are challenging and why we are putting it in the bill, is the limitations that were placed on our selection rights in terms of where can we choose those acres. We are not asking for more, that figure has already be decided on and agreed to with the BLM.

Myla Poelestra, Edna Bay (by phone) - I realize you heard me opposing the legislation yesterday. Today the reason I'm calling back is to comment on the remarks that were made earlier by the State of Alaska forester regarding whether or not Edna Bay would be in favor of logging, based on our comments on the Bypass Road. And I just wanted the board to know that the community of Edna Bay has gone on record and passed several resolutions supporting continued Forest Service management on Kosciusko, which includes the restoration and transition planning for the island.

I'm actually from a third generation logging family, as are several other families here, and at no point in the past decade has the community objected to proposed logging or timber sales. Our comments regarding the Edna Bay Bypass Road focused entirely on the location of the road and its impact to the community's watershed. As currently proposed, the Edna Bay Bypass Road will cut through the only year-round watershed for Edna Bay. The springs from this watershed currently provide water to over 30 residents. This is a spring system and it's highly vulnerable to disruption from the inevitable debris and the runoff that will be created from construction and use of the road.

Five entities, including Sealaska, are proposing to use the Bypass Road, which will produce a considerable volume of traffic and resulting contamination to the watershed. And so we simply expressed our concerns and requested that the State come up with a solution that would leave our watershed undisturbed. And that's all I have to add, and I'd like to thank the board for hearing my comments and adding them to the record.

Representative Keller - Mila, and thank you for the clarification. It was very helpful and thank you for taking time to call in. Dave Randrup, would you go ahead and give us your testimony. Brevity would be appreciated.

Dave Randrup - Okay, I'll try to be as short as I can. I'm concerned about loss of deer habitat in Game Management Unit 3, which is Mitkof, Kupreanof and Kuiu Islands. And the Forest Service estimates that the deer population decline are as high as 54 percent on Kuiu Island, 44 percent on Kupreanof and 45 percent on Mitkof Island.

The communities of Kake and Petersburg are relying upon the subsistence resource base. The deer harvest and the Game Management Unit 3 have declined over the years. 1965 was the last good year, with 1,141 deer harvested. The season was closed from 1975 to 1992, because of the lack of deer. The highest harvest since 1992 was 242 deer. Persons have had to travel to other units with risks in order to harvest these deer. It's not an equal opportunity for everybody.

The wolf population dynamics, because of the decreased deer population, have put wolf viability at risk. Our local biologist even recommended that fact. The Unit 3 wolf harvest is down considerably this year from previous years. There's a risk I think of Federal takeover of wildlife from the State because of the declining resources. The Forest Service States that they're not responsible for wildlife populations, yet the State demand for carrying capacities are not being met by Federal authorities who manipulate wildlife habitat. I think there's poor coordination between State and Federal agencies.

Recently, in this unit there was a Forest Service timber sale at Tonka, and that was sold on March -- or the record of decision on March 28th of 2012. In that was 38-and-a-half million board feet of timber and 2,085 acres of commercial forest land. Yet, four months later the Forest Service change analysis on July 26th, built a sort yard, which originally was supposed to be 5 acres and then they expanded it to 16 acres. And additionally, they took 113 more acres of added timber. And on top of that they designated 112 new streams. There was no chance for public comment on that change analysis, no need for comment or anything, and I don't think that's right. The Petersburg Ranger District has a five-year thinning plan, 6,535 acres total; 682 acres are for potential wildlife; 5,853 acres are for timber. Thinning and gap thinning are not really proven remedies for understory vegetative responses. I don't think they have all the information needed to pursue this.

Public participation in Federal land management is kind of meaningless at present, because land management in Southeast, the feds own 93.8 percent, the State 2.7 percent, and Native is 3.5 percent. I would like to read real briefly a couple comments from some scientists here.

There's 11 scientists that gave a joint Statement of members of a peer review committee concerning the inadequacy of conservation measures for bird of prey species in the Tongass National Forest in the land management plan of record. They concluded that the final land management plan for the Tongass does not incorporate the recommendations of the peer review, or other scientific input in fundamental ways. And they said, consequently, we do not believe this plan will protect viable, well distributed populations of bird of prey species on Tongass National Forest.

Overhearing a comment by somebody that talked previously, the dependent employment in Southeast Alaska for Tongass timber employs very few people, about 90 people, I would say, in 2009, as compared to 3,800 people in the fishing industry and 4,100 people in the recreation industry. I think there's quite a discrepancy there, that there needs to be a little more contribution towards our other economic sources, other than timber.

And one more thing I'd like to share with you is, I read someplace that Sealaska shareholders, as many as 70 percent living below the poverty line will remain without burial assistance, while 50 Sealaska executives accumulated a total of almost \$45 million in compensation in the last six years. I guess that's all I will confront you with right now. Thank you.

Greg Petrich - Okay, great. Well, I'll keep it brief here. And I had a friend remark about, boy, you Alaskans issues sure are complicated, and this is a classic here. But previously I testified to the Commission about the nature of the claim, the original claim, and how my assessment was it was improper to revisit it, that it had already been settled and settled properly. And we have to keep in mind that Sealaska is the only entity in the State that's being treated in this manner. The remainder had to put in final and irrevocable priorities for selections; everyone across the State had to in 2008, they put those into BLM. And Sealaska asked for an exemption from that for them to be the single entity to pursue legislation on their final claim allotment. So that in and of itself is creating the first inequity, which we say in the system.

And as you all know, ANCSA was a balanced comprehensive piece of legislation that had a lot of -- it was a full open public process, and there were two tools used, land and money, to complete claims and to keep them equal and balanced across the State. And Sealaska received a very valuable claim. At the time, too, they also cited in Congress, they specifically asked for the claim that they got, first of all, in 1975 to Congress in three separate testimonies, and they cited all kinds of support, including the State of Alaska, State/Federal Land Use Planning Commission, Sierra Club, the Alaska Federation of Natives, all behind what they wanted to do to select these areas inside the box.

Now, they claim political pressure, or they didn't have options, or whatever, but ANCSA actually, in section 15, authorized the secretary to modify the contracts if they needed to that were in place in the region. And they didn't do something that was really important; in particular, they needed to ask for something, or they needed to say that something was insufficient in their claim. They did not do that. They enthusiastically endorsed it.

Now comes to the real part of my testimony that I wanted to convey to you here, is that Sealaska and Murkowski have made various claims about how this is not going to unbalance or reopen ANCSA, which is a serious situation, having other people come to the table when we believe that there's land settlements across the State. And that affects development; it affects conservation management for fish and wildlife, all kinds of public interests. At the same time Sealaska and Murkowski are saying this, Sealaska on their website announces that they are funding a million dollar support to the landless Natives who seek a new land claim, five entities in Southeast, Native entities that sought recognition and were denied it, because they didn't meet the basic population criteria that were available at the time. And those criteria were established in consultation with villages and people across the State. There were standards set at the time and they did not meet those. There's five of those in Southeast Alaska and they would like to receive corporate recognition and get the standardized 23,000 acres of claim settlement.

Now, at the time their claims were reviewed by a special Interior court and rejected. There have been various pieces of legislation over time to try and establish a corporate recognition forum; they haven't done this. But my point is, at the same time Murkowski and Sealaska are making these claims, Sealaska is giving this group a million dollars to pursue their legislation and obviously supporting it, and citing on their website, Sealaska, Senator Lisa Murkowski and Representative Don Young have both introduced legislation in the U.S. Congress that calls for recognition of landless communities under ANCSA.

Rebecca Knight - Good afternoon. My name is Rebecca Knight. I'm from Petersburg and I have previously testified before the Commission via teleconference. I'd like to reiterate Mr. Petrich's and Mr. Randrup's testimony previously, good testimony. I think Mr. Randrup's point was that there is a smaller piece of the pie for users of the deer resource on the Tongass, and the more habitat we lose, the less deer there are. My family relies on just about 100 percent of venison for the red meat in our diet. I've said that previously.

Anyway, at the top of my list was how unnecessary the legislation is. And I think that's the very most basic question that your committee needs to ask. In my mind, I remain unconvinced that the legislation is necessary, but I think the Sealaska folks figure if you repeat it enough times, people will start believing it. I don't.

I would also like to comment that I continue to believe that it will create a precedent throughout the State, and I would like to read you a couple of quotes. Jaeleen Araujo, chief counsel for Sealaska, admitted before the Senate subcommittee in 2011, and this is a direct quote: "And I also would submit that if other regions have similar inequities or problems in the region, then they should present those to congress and have a similar public process that we are going through to have their issues, I guess, judged and identified, and to determine if they have a right to have some congressional action as well."

And that also there was a quote in the Wrangell Sentinel in 2010, she had a presentation before a group of Wrangell residents and she said if the legislation passes it could serve as a precedent in the future, and that, quote: "A lot of land issues in Alaska have lost some traction and we're hoping with our bill to lay the foundation to get some things done on Alaska native land issues."

And then one other point, in Sealaska's press release in February, their online press release, it may have been removed by now, I do have a screenshot, that the legislation would only, quote, partially address their needs. So this sounds like this is opening up a whole new era of land legislation in Alaska. And I hope that your Commission really takes a hard look at this. There was a previous spokesperson, I think it was a State forester, that commented that there were 112,000 acres of productive old growth within the boxes and only 38,000 along the road system that they could select from. I would counter that there is plenty of productive old growth within the box, if they are really indeed supposed to get up to 70,000 acres for Sealaska to log. And no one guaranteed them monumental profits back in the day, and they certainly don't guarantee my family's fishing business -- or no one guarantees my family's fishing business monumental profits, or anyone else in the State. So I think that's another serious question that needs to be looked over.

And the whole notion about acreage is up in the air, too. The number of acres that they are supposed to receive has anywhere from -- I think I've seen as low as 63,000 up to over 70,000. Those are a pretty large range. And it's not casual figures that have been thrown about, these are figures that are in official testimony, and so on.

The other thing, back to precedent, I would like to say that informal assurances from other native organizations that they would not revisit their land claims, just don't hold water and really aren't binding at all. And even if they were in writing, I think as we have seen, ANCSA went through what was supposed to be final and irrevocable, is under danger of being reopened. Anyway, thank you very much for the time to testify.

Chad Johnson - I just have a few words to say and I represent myself. I'm a reforestation contractor in the rural areas of Prince of Wales Island. And I've been experienced in many levels of reforestation and I've witnessed the beautiful restocking outcomes of the regrowth techniques that Sealaska provides. And I support this legislation because Sealaska is one who is fully committed to the reproduction of our natural resources here in Alaska, and they're also fully committed to the people of the great State. And I'm fully confident that they will continue to set examples by demonstrating their utmost care of our forest.

And I also just want to add that their techniques for reforestation are great for the wildlife habitat. They provide lots of food, like from the brush regrowth and everything else. And that's all I have to say. Thanks for listening.

John Sturgeon - I'm here today representing myself to support Sealaska's bid, their new land bid. I think Sealaska has done an exemplary job as far as their forest management. They're by far one of the best in the State, as far as -- in fact, best in the nation as far as what they do as far as reforestation, protection of streams, protection of wildlife. They spend a lot of money on studies to make sure they do things properly and I think they're very responsible.

And one of the things that everybody talks about is the declining oil revenues in Alaska and trying to diversify our economy, and this is one way we can actually do something, that they will give this land to Sealaska so they can continue their timber program. And I just want to say again, say my support for Sealaska's efforts to get their entitlement, like they said before, that they're not asking for any more than they were originally allocated. They just want some lands that they can actually use. So again, I support Sealaska's efforts and I appreciate the Commission's efforts to listen to what people have to say. Thank you very much.

Don Hernandez - My name is Don Hernandez. I live in Point Baker. I'm testifying as an individual. However, I would like to note for the record that two communities, Point Baker and Port Protection at the north end of Prince of Wales Island have both submitted numerous letters in opposition to the Sealaska bill. Our communities are 100 percent opposed to the bill. We are two communities that are totally dependent on healthy fish and wildlife habitat to sustain our way of life. We are commercial fishing oriented with a little bit of visitor hunting and guiding and very heavily dependent on subsistence fish and wildlife harvest.

I would like to make it very clear that there is no acceptable level of fish or wildlife degradation, fish or wildlife habitat degradation that is acceptable to us. We feel that enough has been lost in the past and any activity that takes place in our area, or anywhere in Southeast Alaska, should be very mindful of protecting the fish and wildlife habitat. Sealaska's logging practices are not adequate to protect the fish and wildlife habitat. There is no justification for the impacts of Sealaska's logging practices to be borne by communities such as ours, which have nothing to gain or benefit from these ANCSA land claims. We only stand to lose and that is an unfair situation. Sealaska has admitted in their testimony that one of their reasons for requesting this essentially land exchange for different lands is the impacts that would occur around their villages, should they be granted the lands that are already available to them within the boxes. They do not think that their methods of logging would be beneficial to the community that have already been impacted by their logging practices. They talk about the need to not impact the Situk River, or Craig's watershed. Well, they are admitting that there would be negative impacts from their logging practices, we all know that, yet they are asking our congressional delegation to pass those impacts on to other communities such as ours, and that is just totally unjustified and unfair. Our congressional delegation should not be a party to it, and you as State representatives also should not be a party to making political deals such as that. If we can't find a way for Sealaska to make a profit off of their ANCSA landholdings without damaging the local resources, then maybe they need to find a different way to go about their logging practices. So that's my testimony. Thank you very much.

Commissioner Somerville - Mr. Chairman, is it possible to ask Jaeleen to comment about -- she's been quoted here

a couple times, and I was wondering if giving her a chance to quickly respond to that would be appropriate.

Representative Keller - It's fine with me. Jaeleen, did you have any follow-up comment that you would like to make, you can. You were referenced several times.

Jaeleen Araujo - Yes, they love to quote me and take things a little bit out of context. If you listen back to what was stated in quoting my testimony, I did say, if other regions have issues, they should bring them to Congress and let Congress be the judge if there is inequity. I wasn't saying that I know of, and in fact I don't know of any other ANCSA corporations that would come forward with issues that they want to address for Congress, in terms of their entitlements and their selections. So like I said, I did say, if they have them, then they should come forward and make the case for them, but I don't know of any. And so even though for some reason they think my Statement is saying there are others and I'm about to open the door.

And to the extent that we have addressed any other outstanding claims, our only other concern out there has been for the landless, and while we have given a million dollars over the past 40 years, not a new grant of a million dollars to pursue the claim, we have supported those communities, because we do feel like they were unjustly left out. And the only reason why we State that addressing our claim might help them, is that 40 years after ANCSA there are very few people left in congress that were around when ANCSA was passed. So in a way this whole process has been a significant education process for congress to get them to understand what ANCSA was about and what the land settlement did and potentially did not do.

And in terms of Point Baker and Port Protection, we worked very hard to move away from those communities. Our initial bills had selections encompassing a large portion of North Prince of Wales. If you look at the maps now, I think the closest we are to any of them is about five miles from Edna Bay. We're not very -- anything in proximity to Port Protection. We understand their concerns, but we disagree that our practices have not been very mindful of the environmental issues nearby and we don't feel that we're replacing any impact on our native communities to an impact on them, because we don't feel that we're close to their communities. But we can continue to disagree on that, but I just want to make sure the Commission had that information as well.

Representative Keller - Good call, Commissioner Somerville, and good response. Back at 1:45.

12:15 p.m. LUNCH

1:45 p.m. NEW BUSINESS

A. Draft Land Protection Plans – Gates of the Arctic NP&P and Lake Clark NP&P

Leaphart - These are the first new revised land protection plans that I've seen since we've been back in business. The original land protection plans for national park units were done as part of that first general management plan process. And essentially what a land protection plan is, the Park Service is required to do them for any park that contains private or non Federal lands or interests of land within the boundaries of that park. And what the Park Service is directed to do is identify those non Federal lands, define what they would consider to be compatible uses of those lands, or incompatible uses, and then based on how they define those, look at the possibility of acquiring some form of interests, if necessary. In other words, they could do like Greg was talking about the other day, and I think Frank mentioned, a conservation easement or just some kind of an agreement.

But I've kind of always been interested in these, because even though the Park Service has, to my knowledge, never exercised its authority to condemn land within a park in Alaska, that authority still exists. And there were some issues certainly in Kantishna, as we know, with the mining claims, and legislation was actually passed where the claim owner could actually essentially ask for condemnation, so then the court was able to set -- go to court and could agree what the compensation would be. The Park Service was pretty good at invalidating a lot of those claims without any compensation. So I just thought that it might be worthwhile to just bring this issue to your attention. Both of these are very similar, in terms of how they define compatible, or incompatible uses. For example, both plans pretty much make the determination that modest inholding structures, such as cabins, almost

all tracts are compatible, low impact commercial operations, and modest structures, whatever those might be, subsistence firewood harvest with minimal adverse visual or natural resource impacts, repair, replacement or modification of existing noncommercial structures, new or existing airstrips with minimal alteration to vegetation, terrain or visual qualities, access to nonFederal land by snowmachine, dog team, motorboat, foot, airplanes and other traditional means of surface transportation. So that's what they consider to be a compatible use on nonFederal land within Lake Clark National Park Preserve. Now, what they consider to be incompatible uses are large obtrusive structures and view from wild rivers, large scale new or increased developments or use in sensitive areas, such as Telequana, Twin Lakes, Crescent Lake, Ijik National Historic Landmark, (indiscernible) Bay, Chulitna River and Tuxedni Bay. Clear cutting of forest area subdivisions of ownership by tract, significant increase in size of existing noncommercial structures. Don't want to plan on adding onto your house, I guess. Construction of airstrips that significantly alter vegetation, terrain, visual quality, and ATV access or road access. Exceptions could be existing easements, trails, or cases where there would be no damage to park value.

This Commission historically has had a lot of trouble with. These are private lands within these park units, we've never seen simply because they're located within a conservation system unit that -- well, the property owner should enjoy the full range of rights as a property owner. ANILCA recognizes, for example, that there are going to be a lot of non federal lands within these conservation system units. That's why we have ANILCA guaranteed access, 1110(b) access. That property owner is guaranteed access to that property.

And here we have, in these documents; an agency has made a determination that in part, in some degree, if you try to exercise that right of access, that's going to be considered an incompatible use. So ATV access or road access, and that seems pretty consistent to me with the provisions of ANILCA. On one hand, the law that created these parks guarantees the inholder the right of access, it just States very clearly in the law, for economic and other purposes. And so I think that, from my perspective alone, it makes that element of these land protection plans inconsistent with ANILCA.

And there are other statutes of the National Park Service, the Organic Act and other policies, that drive these land protection plans, but it becomes pretty problematic if you're a property owner and you want to develop access to your property, or if you have a large tract of land, in the case of the native corporation, not that most of the corporations are inclined to do that, but if they wanted to subdivide their property, sell off some land, that would be considered to be incompatible. And the Park Service might want to try to persuade you not to do that, but certainly it's within your rights as a property owner to do that. So like I said, the Park Service has, to my knowledge, never actually condemned property in a park in Alaska, but I guess it purges plenty, but.....

Commissioner Somerville - Thank you. ANILCA land acquisition, 1302, my understanding of that as adopted was to preclude that restriction. Land located within the boundaries of conservation systems which are owned by the State, Native Corporation, occupant of a tract, title to the surface estate of which was on or before the State had title to it, anyway, may not be acquired by the Secretary without consent of the owner. I mean, that was designed purposely to make sure they weren't condemned. So am I missing something?

Leaphart - Well, there are a lot of parcels of land I guess in the parks that aren't occupied on a full-time basis, and I think those are the ones that -- but at the same time.....

Commissioner Somerville - The occupant of a tract or title to a servient estate. If they have title to an inholding, I think I would argue that they can't condemn it.

Leaphart - I would agree completely. So I have a little problem with this. Just an example, in Wrangell-St. Elias National Park there's a block of patented mining claims. It happens to be within the designated wilderness. And it says that any effort on the part of the claim holder to develop those claims, particularly if it requires surface access, which of course it would, would be grounds for initiating a condemnation proceeding. So of course mining claims are a little different creature when it comes to a park, because you have the Mining in the Parks Act, so even if you have patented ground, you still have to go through some approval process with the Park Service.

But I guess that's my point, is that these plans sort of have a chilling effect on your rights as a property owner, and

that was not the intent of section 103(c) of ANILCA, that private lands, or non Federal lands within a conservation system unit aren't subject to the regulations that apply to the Federal lands, or solely to the Federal lands. I mean, there's certainly some that would apply, Clean Air and Water Act, those kind of things, but Park Service regulations, they don't apply.

So I think what I'm suggesting, unless somebody has some specific comments today, is that staff will take these and go through them and develop a set of draft comments and circulate those over the next couple of weeks for your approval and send them in by the July deadline. I was hoping Greg might speak a little more to it yesterday, but he just mentioned it.

As I said, for the most part everything that the Park Service has acquired to date, has been from a willing seller. But I also know that an agency can make you become a willing seller if they push hard enough, so that's what concerns me about these. So if that's acceptable, we'll do it that way and so....

Commissioner Somerville - Thank you, Mr. Chairman. I just think, to amplify what you said, this is an area that there are very few groups representing these constituents. They're just individuals who are located throughout the units and there is nobody representing them. The State certainly doesn't do a very good job of it in general, so I really think it's one we need to keep amplifying.

Commissioner Arno - Can we get a list of the lands that haven't been transferred since ANILCA out of at least these two parks?

Leaphart - Sure, I can do that. I know I have a partial list that Susan, Commissioner Smith had provided me from the Wrangell's, and also I think it has other parks, too.

Representative Keller - Anything else? Now I'm at the point where the next item on the agenda here, on the subcommittee on the Federal overreach, the CACFA Subcommittee on Federal Overreach, I'm going to ramble. I don't have a good outline here to follow, but please listen and quiz me. But you have in front of you the first draft on the Federal Overreach Summit. That is the implied product of this subcommittee. I'm going to ask Rynnieva and Ernest to come up, if you would, too, where you can be near the mike to help me out. I've talked to Stan about this. We've met and discussed the possibility, but just from my perspective want to tell you that it's an issue, of course, that not only is it dear to my heart, but it's one that is very prominent in many people's minds. And everywhere I go and every angle it seems like more and more you're running into concerns and what I perceive as an increased awareness of the problems connected with the overreach of the Federal government.

B. Proposed CACFA Subcommittee on Federal Overreach

Leaphart – (Distributes a guidance memo to the Commission members as was read as follows)

To: Commission Members

From: Stan Leaphart- Commission Executive Director

Dated - June 1, 2013

Regarding State/Federal Conflicts - Defining Issues & Potential Strategies to resolve at the February meeting;
Commissioner Ron Somerville presented the following proposal:

“I propose that CACFA establish a committee to produce a document by February 2014 which documents the major land and resource conflicts between the Federal and State governments which have occurred since Statehood. Concurrent with the establishment of a Federal/State conflict committee in CACFA, I proposed that CACFA recommends that the legislature appropriate a minimum of \$150,000 in the CIP budget to CACFA for the effort.”

After discussion, the Commission decided not to adopt the proposal at that time. Following the CACFA meeting, I included the following in a memo for Chairman Keller as some general background information for his discussions with other members of the Legislature and the Governor's office.

Based on our earlier meetings and discussions, here are some suggestions for your consideration on how the State could address and hopefully resolve some of the Federal/State conflicts and Federal overreach in Alaska with respect to land and resource management. The suggestions are certainly not all inclusive nor particularly detailed at this point, but may serve as a foundation for further discussion and definition of the issues and problems, as well for developing possible solutions. It also comes from my perspective in working primarily with the 4 Federal land management agencies, which may be a limiting factor.

Please give this a very critical review with suggestions for revisions and let me know where it may need additional detail or clarification.

Proposal: Create a Federal/State Conflict Committee, Working Group or Task Force (Determine structure, composition, size, best mechanism to create, life-span and most importantly, end product);

Goal: To prepare a comprehensive report to the Legislature and the Governor by fall 2013 (before budget discussions start within OMB and Administration) and make recommendations for action by the Administration and the Legislature. The report will consider all options, including but not limited to breeches of the Statehood Act by the U.S. and violations of existing federal law and policy, which rise to actionable (legislative, policy or legal) responses by the State. The report will also outline a strategy to move this forward, and make recommendations for the associated budget and staff needs to carry out the strategy.

The group or task force will include the Chairs of the House and Senate State Affairs Committee, members of DNR's PAAD Unit, ADG&F, State ANILCA and State Tongass Teams, CACFA, as well as a State AAG. Meetings will be monthly, and one contract attorney will be retained to research case law and help develop the legal strategy.

A FY 14 appropriation of \$300K will be needed to contract for legal counsel and pay for travel and associated expenses for members of the task force.

Purpose and function:

- Document land and resource management conflicts between the Federal and State governments which have occurred since statehood;
- Analyze past legal efforts by the State and other states to determine best course of action;
- Define the scope and extent of the problems. (Maintain perspective and realistic expectations on how "big a bite" to take.);
- Rank in order of importance (State sovereignty, economic growth, resource development);
- Determine which are "fixable. (Keep list manageable.);
- Develop strategies and mechanisms for resolving documented conflicts. (Litigation, administrative appeals or petitions, legislation);
- Avoid duplicating efforts and avoid turf wars by consulting and coordinating with existing State programs (PAAD, ANILCA Program, State Tongass Team);
- Keep Congressional delegation advised of efforts;
- Avoid re-inventing the wheel by consulting with others such as the Utah Constitutional Defense Council. (Idaho and Arizona created similar councils with varying degrees of success.);

Define issues by categories:

- 1) Violations of Statehood Compact;
- 2) Resource development. (Mining, oil and gas, timber, hydropower and geothermal, NPRA, ANWR, remaining ANCSA 17(d)(1) withdrawals);
- 3) Fish and game management. (Federal subsistence management, preemption of BOG and BOF regulations, Endangered Species Act);
- 4) Submerged lands and navigable waters. (Federal reserved water rights, water allocation, NPS water regulations)
- 5) Access and infrastructure. (RS 2477's, transportation and utility system corridors, roads to resources, viability of ANILCA Title XI);

- 6) Recreation and Tourism. (Effects from management of Federal conservation system units and other Federal lands?)
- 7) Further define problems which may be unique to a particular Federal agency because of statutory mandates, policies, etc.

Legal Support/Counsel: Dedicated legal support is critical to this effort. Group will need to know about past court decisions, precedents, etc. to avoid wasting time and effort on issues already decided. Also to help formulate strategies. Contracting outside legal counsel may be more efficient and acceptable from a budgetary standpoint as there is no need to create a new PCN, pay benefits, etc. In addition, existing DOL staff are already stretched thin.

Group must familiarize itself with Federal statutes (along with their implementing regulations, policies, guidelines, etc.), the Statehood Act and relevant Federal case law that affect management on Federal lands as well as State lands in some cases. (ANILCA, ANCSA, FLPMA, ESA, MMPA, NFMA, NPRPA, the Wilderness Act, TTRA, National Wildlife Refuge Management Act, Wild and Scenic Rivers Act, etc.)

Although no formal action was taken by the Legislature, following the session Chairman Keller and I discussed the issue again and determined that the next step should be for the entire Commission to take this up at the June 7 & 8 meeting in Fairbanks.

Attached is some background material, including the list of agency violations that Commissioner Susan Smith compiled prior to our last meeting and a paper on the formation of State constitutional defense councils provided by Commissioner Kathleen Liska.

Leaphart (continues) - In CACFA, in our corner of the world, we look at things like access to natural resources and what have you, but of course this is also prominent if you go into the education arena, you've got (indiscernible) and you've got a lot of parents screaming that the Federal government is now imposing on what goes into the schools. Ultimately my concern, and then we'll get to the mission Statement for the summit and the subcommittee, but ultimately my concern is that this issue is like many issues. They come and they -- a lot of people get interested and there's a lot of talk, and then they die of their own weight, because people just frankly get tired of hearing about it. And so I would really like, to see the State have a focal point for this issue. And there's different State -- handed out here in the book on constitutional protections groups anyway in the different States, they're putting together constitutional -- watching out for their own Statehood sovereignty and that kind of thing.

Representative Keller - The summit is patterned after something Senator Coghill did related to the Office of Children's Services and some concerns that they had there and it worked out really well. He had everybody that was touched by Children's Services, Children in Need of Aid, like the judges, they had guardian ad litem, and social workers and everybody was present, and they told their problem that they had dealing with Children's Services. And then after that we had a roundtable and discussed different options of where we go. And one of the results of that summit was a manual on the policies related to Children's Services in the State of Alaska. So that's the model that we're looking at and proposing to you.

As far as what I've got in mind on the subcommittee, I thought I can come up with two or three people from CACFA, As you go through the list you saw the faces in there and the potential participants. They haven't been invited yet, so I mean I'll certainly work on that and whatever. But let's say somebody is going to respond and do it, it's going to take some babysitting and administrative help from a number of people to make this happen. There's the facility, the advertising, the whole aspect of it.

Rynniva Moss - For the record, Rynniva Moss, staff with Senator Coghill. And Senator Coghill and I have talked a bit about this, and I've also brought the discussion up with Erik Elam with Congressman Young's office, Chad Padgett and Rhonda Boyles, and Congressman Young would like to participate in it. And because of that, Senator Coghill thought it would be best to have it in late August, because Congress is in recess and Congressman Young could be here in person to participate. He has offered his staff to help put the thing together.

And I got the same reception from Kip Knutson in Washington, D.C. and from Randy Ruaro, Deputy Chief of Staff for the governor. So people like the idea. We are certainly open to other people to add to this list to be participants, but I brought these because the articles in this, a lot of these articles were written by the people who we want to invite to participate, because they have so much history up here and have watched the evolution of Statehood, ANCSA, ANILCA, all the promises, all the things that they said they wouldn't do that they did, and all the things they didn't do that they said they would do.

So as Representative Keller mentioned, the other product out of that CINA workshop was House Bill 53, which made major changes to statutes dealing with Children in Need of Aid. So what Senator Coghill would like to see from this is, yes, a document documenting historical issues of Federal/State relationships, but also two or three action points that the legislature can go forward with and help change, or turn the tide and get Alaska the equal footing that it deserves.

Representative Keller - I've notified the Governor; I don't think he heard me. I'm kidding, but I did tell him that this is coming and that we were going to talk to Michael Geraghty, the attorney general, and he's also now watching what evolves in our court, what we do next, but he is positive. And Jim Cantor works for Geraghty, so I'm sure he knows, and I personally would commend Cantor to you as a good one to have involved. He understands what's going on. We don't have a budget or anything yet, this is all brand new. Obviously, I've demonstrated I think pretty well that we have staff commitment, that we've got -- I didn't know about Don Young until just now and his staff, that's fantastic. And I'm willing to beat the bushes with DNR. I've got a hunch that they will at some level be able to kick something in, and also the legislature. I can go to leadership and see what I can pull off, but that's all undefined at this point.

Commissioner Fish - I think this brings up a good point but I do think that we have, as Commissioners, but I do think that we should have it over two days for such a broad issue, and getting that time frame and then getting how many participants is really central to the overall effort, because those are the two things you're going to need to figure out what kind of budget, what kind of room, what kind of logistical support you're going to need for the summit. So I think that's one thing that we should work on really initially, is let's establish the duration and the number of participants that we plan on having.

Commissioner Liska - This is an interesting subject for me, because my grandmother was a senator in territorial days and for State senate, and this was an issue. She was a part of this report on Commonwealth North board and was a part of Governor Hickel's court case, which I think was their solution at the time to address this overarching issue. I think today we have new avenues and new ways to look at possible solutions of how to address this across the board.

What's exciting to me is, I didn't know you all existed as an organization, to look at these issues across the board regionally, but also be it Forest Service, State or national in the State of Alaska. So this is exciting to me. And I kind of hang out in Juneau every now and then just to learn the ropes of what's happening and to see that Representative Millett put through a resolution in relation to what her ideas are in a Federal overreach committee. I hear a lot of people across just mumbling within the administration.

When I first heard you when I was in Juneau with you last February, Karrie I guess put out a response, where do we want this Commission to go, and Stan and she are looking for direction. And each one of your opening comments were, almost across the board, it's time to do something. And so I commend you, Representative Keller, and the Commission. The longevity that you have in these issues and your knowledge, and I'm just learning it. I grew up with it, but rebelled against it because I was sick of it, but now to be back here I'm like, okay, there's a reason for this.

I've heard several people talk about, even William here from Sealaska, I'm sorry I don't remember your last name, talking about that we are losing the institutional knowledge from Statehood and ANCSA and ANILCA, and we now have these same issues with a whole new group of people like myself who grew up here and I could sing you the d(2) ragtime song probably that I grew up with, but don't understand it. And then Stan, who's been here at the Commission from the inception, who is, okay, I'm overwhelmed; this has been going on a long time. And so I

think coming together, the fact that the administration is interested in this.

I sat down with Governor Parnell right after he won the primary in 2009 and brought him the information regarding the Statehood court case and where do we go. Maybe not this avenue, because we lost the initial case, but the appeal was written by John Roberts, who is now Supreme Court Justice John Roberts. So across the board things are being put in place. I was a part of a very ad hoc think tank of where -- not just looking at the problems that we have posed before us on a Federal land issue, but looking at where do we want to go. What is the hope for the future? Let's not look at everything that's wrong, but what needs to be put in place that's right, so it's not just a negative issue.

I think that we can address it that way, because of this new generation that is coming who doesn't have necessarily some of the old angst, because we weren't in the fight, but a new perspective to look at this issue. So I'm behind it. I'm excited to see that you have John Katz on this list. This ad hoc think tank I was a part of, one of the things that was put forward by someone was, John Katz is probably going to retire in five years, so how about appropriating someone, a protégé in his office who could be mentored by him to be that mind meld somebody put through yesterday, I think it was Scott Ogan, to receive the institutional knowledge to some degree, who could then be put in that place to replace him, who could hit the ground running, have the relationships already built Federally and Statewide, to be able to begin to make an impact right then.

I would even make that suggestion, is that we need that for Stan. We need someone being added to Stan who could do the same thing for this Commission, but that this would be a beginning of even how to put ideas up on a board and come to some idea and consensus with the native organizations also, because we're a State, all of us together. So I really commend you, Representative Keller, and it sounds like it's already all in your desire to do something based on what you said in February. And I took notes, because when I heard you each speak I'm like, okay, it's time. So thank you.

Representative Keller - At the risk of being repetitive, because I think it and I sometimes don't say everything, but you just illustrated the kind of results that I would like to see come out of it. In the second half of the summit, as the proposals are being made, how do we respond, how do we deal with this, what we call Federal overreach. An example would be a proposal to make sure CACFA takes on an apprentice, or whatever you said there, it makes sense to me. That's the kind of thing that if we can accumulate them and get them out in a report, then they have a long reaching effect, even though they're not silver bullets. I mean, there are no silver bullets.

Then what I found as I talked to the different players that deal with this, like Geraghty, and I have the utmost respect for Michael Geraghty, I respect him as a friend, but he sees -- not but, because he is probably the most prominent, but he does see the response as being litigation and courts, and certainly, like I say, maybe that's the big one, really. But still there's other things we can do, there's many other things we can do, and you just named one. Another one is collaborating with the other States, especially the western States that are encountering the same kind of problems.

Commissioner Arno - As I look at this list, and I admit I don't know everyone on there, but of those that I do know on there, I see that there's a lack of representation from the native community. I think Byron Mallott or even Don Mitchell, but clearly I think that the native community needs to be better represented, because they have a different view, in my experience with them, on what overreach is.

Commissioner Smith - I would like to suggest a couple of other participants, Sally Gibert and Lee Craig.

Commissioner Somerville - Well, I was suggesting Stan, but also Tina Cuning. If I can amplify one thing, I think Kathleen has said, I too am kind of excited, I guess why I made the motion at our last meeting. I'm afraid we're going to think too small on this issue. I kind of tried to make the point that, what would the public pay in order to address and correct some of these -- what would Alaskans be willing to pay in order to do that? And I would like to see something put in front of the public so they can say to our legislators, we want these addressed. Does it take more attorneys, is that what we need? Do we need outside counsel? When we went to the Supreme Court, we got John Roberts to represent us.

When I made my motion, and as well as the funding, is the idea the Commission is perfectly positioned to go around the State and get input from the public and hold public hearings at Nome, Kotzebue, Barrow. I realize that's very expensive, but why not? I mean, if we talk about overreach, there's things that we're probably not going to list if we just try to sit down in one day and list things. And I don't want to undermine what I think is a great effort to try to get this thing going.

Representative Keller - If I could respond, and I'm not the only one to respond to this, I mean, this is ours, but that's what this is. It's an initial draft, here's an idea. If you don't back out from being on the subcommittee, those are the kind of questions that have to get answered, along with a zillion details, and you can't even think of them all. If you've ever been part of something like this, it's a lot of work. Things like who's going to be the emcee, who's going to be the director of it? I mean, I'm not presuming, I want what's best for us, and what's best for getting the information out there appropriately. And a good emcee might be Don Young, or something like that.

Rynniva Moss - I just want to respond a little bit, Rynniva Moss. The idea was if some of these people could not attend, we would ask them to do a white paper. And also Senator Coghill and I discussed the fact that we have to have it in a place where we could get our legislative information services to videotape and record the process, and even videoconference it to Juneau and Fairbanks.

Commissioner Liska - I didn't add that when I met with the governor, he's very in support of doing something. He didn't know if he was the one necessarily to begin the charge. And I think the fact that this is all citizens here, I think grassroots it needs to start there and pull in, like what's already happening in the other agencies. Last fall Dan Fagan, who has a very conservative talk show on the radio and is in much controversy, I'm not even going to go into that, but he interviewed the governor, the lieutenant governor, several agencies and several even organizations and industry, and did a program on Federal overreach that I believe was the beginning. I know that Dave Harbour has spoken to Senator Murkowski and she is ready to do something also. I don't think people have known what to do. I think also that it can't just be a legislative and/or Department of Law approach. It needs to be a many-pronged approach, but with a single focus of what we're trying to do, even if it covers many aspects of that. But organizing in a summit, to come together to determine what that overall focus and approach is, based on the results that we want to get, but also then determining what the Department of Law needs to work on, what legislation appropriation of funding, both State and Federal, if need be, so that it's covering all the different areas in a very focused fashion.

Representative Keller - In response to that I want to add, Stan pointed something out and I agree with him, and you'll see that the mission Statement reflects that, and that we have moved ourselves to access the kind of issues we deal with in CACFA. And assuming we go out of here today and are pressing on with this, then like -- I talked to Randy Ruaro, who works for the governor, I would say the CACFA subcommittee is inviting you to do this and to do that; instead of, I'm asking you to do that, it's the subcommittee of CACFA. And keep in mind that there will be advertising out there with CACFA's name on it, so the subcommittee has a responsibility to make sure that we don't let this overshadow, number one, our mission and what we're doing. This is almost supplemental, or whatever you call it. We don't want it to take up our meeting time when we get together, we're hearing other issues. We don't want this to be overwhelming us, but it would be a good opportunity for us to get the word out on what CACFA is and what it does. And I know that we've expressed a lot, too. Stan?

Leaphart - Mr. Chairman, we kind of pictured this as maybe the kickoff. This is kind of going to set the tone and then help define. I don't think we thought that it would be the only summit that we would have, but maybe just a preliminary, kind of identify the major issues, and maybe in the process identify issues that we don't want to try to tackle. I mean, we can't make it too small, but at the same time I don't think we can make it too big, because you can just take too big a bite of something and not be effective with every part of it, so that's a consideration, too. And there's some things we're probably not going to be able to tackle, just simply because they're so complex and involved.

Commissioner Woods - The overreach portion is who's responsible to pay, and burden of proof is outlined in that process. I think somebody ought to look at pre-Statehood and the whole issue in one tract and get the experts on

board.

Commissioner Liska - I think I referred to this book quite a bit, because what was interesting about this report from Commonwealth North is, the report was everything that they were going to work on, but the overall picture was these are all the things that we see right now that need to be worked on, but we're only working on this portion. The last section, half of this book almost, is strategies that need to be worked on for the future and for the coming generations, knowing that this is coming down the road. We have put these key things in place so the coming generations can just pick up where we were not able to finish and move on.

So to me part of what you were saying, Stan, is this is so huge that we can be encumbered with it and get stuck. Maybe some of what we can put in place is, this is the section we're working on, or going to work on, but here's what we're going to put in place in the process for the coming generations, whatever piece we're not able to work on right now, because of dollars, or we don't have public will, or something else behind it. So I like generational planning forward, only because I've seen it done and I know that we can think across the board and into the future that way. Now, that takes quite a bit, but I believe we've worked through Statehood, we've worked through ANCSA.

Representative Keller - This is pretty close to what I said to the governor when I talked to him about this, that what we'd like to do with this is make something that he has no choice but to get out in front of, and it fits with what you're saying. To me I'd like to see coming out of the summit is to end up with something where we have a focal point, like a division of constitutional protection, or a division of State sovereignty, or something, somewhere in the government where the phone rings and the buck stops on the issue that has to do with Federal overreach. So that kind of fits with what you were saying, is that's one thing, as far as what's proposed, that I'd like to see is something lasting in terms of what we get from the government.

Commissioner Liska - In that ad hoc think tank, someone suggested that we have title insurance. We received \$103 million, we need a dollar for every acre, or 103 million acres, we need a dollar for every acre as title insurance, and that could be put in the fund. It could perpetuate the taking care of these issues over time.

Commissioner Fish - One thing, when I'm talking on my cell phone at work and with friends and whatnot, everything that comes up on the issue of Federal overreach is the need for education. We need more education. People need to know what they're doing, and why is it wrong that they're doing that. And while I agree with that, the public in general is woefully inadequate in their knowledge of what's going on around them and need education. But education without a decision and action is just a constant, a self serving moot that goes nowhere. There's actually a structure for a decision making process that the late Colonel Jon Voight put out, and if you can keep on doing that, every decision you make gets better. And the faster you do that, the more decisions you make, the more actions you make, the quicker you get better, as an old fighter pilot said.

There's something to that, is we've come, we've made an observation that there's Federal overreach, I think everybody came to that conclusion. And you ask any member of the public and they just say that. But now we have that observation and we're setting up a summit where we can bring people together with all their orientations, their biases, their life experiences, their problems, their history, and through that observation and the orientation of the members of the public, come up with a decision, an actionable item that we can then go in the public, and then if need be have another summit in the future to discuss the ramifications, and did it work and what can we do better.

So I think we're onto something good here, but I want to encourage the action part of it. When it all boils down to it, we have to leave this summit with something that everybody in the summit agrees with, this is what we have to do, a marching order, and a marching order that we can follow up with the governor.

Leaphart - That's the most critical part of this whole thing. If the only result of this initial effort is a report that people come to and say, oh, okay, that's nice, and they put it on the shelf, and if we don't follow up and the people we hope we can recruit to help us follow up, then we shouldn't have even started down the road. And that's where the real I think heavy lifting is going to come, is that you get people excited by -- when the excitement kind of goes away and it's time to roll your sleeves up and really make it all happen, that's where it really gets more difficult.

I suggested that maybe we should just invite the whole delegation. There's Congressman Young, if they're going to be in recess, if he's willing to come, and Senator Murkowski and Senator Begich. And as part of the solution, we talked about solutions, I think what has to essentially -- it's essential that it involves some kind of Federal legislation, legislative fixes, and we can't litigate everything, as you pointed out. So we get them engaged with this and get them to thinking along those lines, once we kind of define what the problems and maybe strategies are, then that would be a good thing.

Representative Keller - Senators come and talk to the legislature regularly and that was Senator Murkowski's primary theme, was responding to Federal overreach and the problems that she had dealing with the government.

Commissioner Somerville - Thank you, Mr. Chairman. I wanted to comment about the draft here, which I think is great. The only reason I made my comment was in essence as an example, where you're talking about a one-day summit, why not two days, a week? I'm saying don't think so small you limit the time, that there's not adequate discussion. That's what concerns me. This is going to produce a product and then people will say, well, that didn't -- and I'd hate to see that happen. I think this is a great start, something of this nature, but there's got to be something reiterating it that we have to have a plan to go beyond that.

Representative Keller - What I would propose on that is that, like I say, I'm hereby appointing you all part of the subcommittee, and if you opt not to, just talk to me quietly and it won't be a bit deal if anybody doesn't want to spend time on this, to just quietly not do it, but let us know. But what I'm thinking about is the decision making process as we go along. Frankly, this is going to be carried by Rynnieva and Ernest. I mean, they're picking up the load here today, right? So what happens with a decision like that, one day or two days, as a member of the subcommittee you're going to get an email and have an opportunity to respond.

This is what I'm envisioning; we decide the scope of this thing. We aren't going to decide the scope of the thing today, but have input to each other using the electronic media as we go. And frankly, we don't have the funds to get together often face to face.

Commissioner Somerville - Well, I just wanted to amplify, give you an example, having participated in some summits. You're asking people, some of them very busy people, not me, but some of these other people, that they might be able to come on a Monday, but not a Saturday or -- so I'm saying, a summit that may drag on a little bit longer than a very precise short-term summit might be beneficial to consider more than one day, because of scheduling.

Commissioner Liska - Susan, you gave a report, like an inventory report of things that you'd started gathering in terms of examples of an asset inventory of where we're at? We talked about that to some degree on some of these other issues, but to take that to the summit? It doesn't have to be exhaustive, but at least a beginning initial attempt at that, and use that information for like a SWOT analysis; this is where we're at in strength, where we're at in weaknesses, opportunities and threats, so that we can not just come cold, but have some of this documentation and foundation in place. Some of it was even discovered today that we need? What's the overall asset and where are we already threatened and what are the cases that we already have? That's just a suggestion.

Ernest Prax - I can't remember the organization, but there's like a western State's coalition. I never have heard much of what they've done, but the general sense I got from them was they were into land rights issues that seemed in line with what we're proposing here. I can't remember if it was like the western States coalition, but there's something that is out there that might be another potential resource.

Representative Keller - As a matter of fact, it had crossed my mind that Representative Ken Ivory from Utah. He's the one that was really, from what I see, and I could have a bad perception, but because I run into him at different things I go to, but he seems to be the one that is gasoline that they light in Utah to keep this thing going and he's just all over doing stuff like this.

Commissioner Woods - For the summit, I think that possible outcomes would be a priority list that we would have

at least a list of priorities, and then possible fixes for them priorities. I'm trying to disseminate all the different Federal programs that are mine, and I can't even focus on this.

Leaphart - To kind of expand on that a little bit, this Commission has a legislative mandate, it's pretty clear, and I think if we start with that as our box, if you will, start from -- and the histories that we deal with regularly, and then find out, okay, maybe we should add this one that we don't -- for example, we don't do much with Clean Water Act stuff, we don't do much with Clean Air Act stuff, but we can't ignore them. I mean, they're a fact of life. If you're doing business in Alaska, you have to deal with those, but as a Commission we don't, but that doesn't mean they're not important. So I think if we look at our -- not as a narrow role, but it's narrower than all the Federal issues out there, so we've got to start there and then go out and we can decide if it's too far afield, or if it's not far enough. So that's just a suggestion there, too. We want to be aware of our mandate and try to kind of stay true to that and then kind of maybe spread our wings a little bit, if we can. If we could solve half the stuff we deal with, we'd be ahead of the game.

Representative Keller - One of the things, Stan, that you suggested at one time and I don't want to lose it, is that we really need to have somebody, a spokesman for game management policy in the State of Alaska, somebody who is dealing with the overreach on the Federal management.

Leaphart - And I think one of the things we have to keep in mind is that State agency people might have some constraints based on department policy or State policy, so we have to keep that in mind. Doug, he's probably the top guy in the State on Endangered Species Act and he's acting division director for wildlife conservation.

Commissioner Fish - In reference to what Stan was saying there about keeping in our box and then maybe adding a little to it, if you look at the problems between one agency and then an unrelated agency over here, you start seeing some common threads. I think if we can bundle up all those common threads and identify an overreaching problem that goes above the agency, the specifics of any given problem that we have and show I guess a pattern of mismanagement, or any pattern of doctrine that is being followed that can be perhaps in one fell swoop at an executive level in the Federal government be turned off like a light and all of a sudden those strings just go away and others are in their face and they're a little bit more in the State's authority rather than the Federal government's.

I guess what I'm trying to say is that if we stick to our own mission and bring in others that can highlight their problems, then perhaps these common misconceptions can be shown in the light of day and folks can realize that it just isn't one thing that are issues, it's the way of doing business, and then we can make and then perhaps we can come to a consensus on recommending a different way of doing business.

Representative Keller - I accept your thanks and it is something that I'm passionate about and I'm excited, but I've got to tell you, it's not just me. I mean, behind the scenes we've got Stan, we've got Scott Ogan who's been pushing the rope on this one for a long time. It just became obvious that this is a tool that we could potentially use, because I with Kathleen have listened to all of you and know kind of where you're coming from.

Commissioner Somerville - Funding; this is a big issue with me. I worked with the legislature on some of these types of issues. Is there any advantage for the Commission, in that we're making a recommendation to the council, or somebody else, that funding be made available to this effort, rather than relying on our two representatives from the legislature to have to carry that message?

Representative Keller - Thank you for bringing that up, and we need a proposal first, but that's what we're doing here, is that now we have something to sell, whereas before, like you said, that we have Keller looking for money, it's a lot different now. If you know any support, I'll be looking to you for agreeing to ask the right people for money. I don't want to commit anybody, but I've heard some comments that there may be some money there and there may be some money here, kind of thing.

Commissioner Somerville - But we could make a recommendation to the governor's office and to the council that in fact this is going forward and the Commission as a whole is requesting that funding be found to help fund this effort, because of the importance to the State. That's what I'm getting at.

Representative Keller - It would be much appreciated and I think the subcommittee has the responsibility there to really nail down the mission for the summit and the requests, and I would hope that the director would help -- and Ernest come up with the wording on that and that would be super.

Leaphart - Mr. Chairman, I was hoping Representative Millett would be here today. Karrie talked to her office a couple times. We sent her a meeting packet and unfortunately she's not here, but we definitely should maybe touch base with her and her staff as well. And she introduced the resolution on the subcommittee that she was proposing.

Representative Keller - I'm a co-sponsor on that and I'll speak, I've talked to her. I thought she was going to be here. You're absolutely right, she is passionately with us on this issue, and what the resolution specifically would have done is proposes that the legislature develop a standing committee in the house and the senate to deal with Federal overreach. And when that came out I stopped the resolution and said, wait, wait, wait, and the reason is it's the same kind of thing. If the legislature takes the lead and comes up with the two standing committees, it isn't thinking big enough. I think we have the capability to make it broader. Representative Millett agreed, because she let me stop the bill until we added language in there to try to get this very thing done somehow in the resolution, and then time ran out and we'll see where we go next year.

Commissioner Somerville - A comment on that. Some of us have communicated on that and I will express one concern, and no disrespect to the legislature, but if the legislature establishes a subcommittee, it would be subject to the politics of the legislature.

Leaphart - Mr. Chairman, I think he did refer to this. He indicated he thought the existing definition was adequate.

Representative Keller - Well, we can just put that aside and then Warren can pick up the ball when he returns. Next meeting. What is the next meeting date?

Leaphart - Typically, Mr. Chairman, we've met in either late October, November, even as late as December. If we put the summit together, come up with some recommendations out of that, if we want to have time to kind of package that, some of that there might be funding needed in time to kind of get in on the early part of say the budget cycle so we could put forward some proposals for funding and that kind of thing.

Representative Keller - So what day do you propose, anyone? October 3rd, 4th and 5th?

3:15 p.m. BREAK

3:30 p.m. PUBLIC PARTICIPATION

Al Barrette - I'm glad I waited. It was interesting discussion to hear about Federal overreach and that's what I mainly came to discuss or ask the Commission to write a letter to our congressional delegation on Federal overreach. And my forte is wildlife management and fish management. I think it's been real blatant in the last six years on how the Federal government has participated in our State Board of Game and Board of Fish process. But when they don't have the answer, don't get the answer they like, or they don't get a proposal through, to be blunt about it, they take their ball and go home. We've seen this most recently on the Kenai where the Board of Game has, based on best science available, instituted some more general harvest allocations on brown bears and some wolf populations down there to protect the moose down there. And currently the Kenai refuge is in the starting stages of rewriting their management plan to disenfranchise some of the Board of Game's actions. We've also seen this on the refuges outside of Denali where traditional bear denning practices were taking place and it didn't fit their mandate, so they went through the compendium process, which is a real abusive process. It really takes the public process out of it.

They had the mind set of changing what the board did and so they're going down that road of the compendium. We've seen the same thing on Unimak Island. Finally the State and the U.S. Fish and Wildlife decided on the neutral parties to go over the statistical information on the Unimak caribou and the State came out favorably on

that. And then their biology was good, and again the U.S. Fish and Wildlife says, we don't care, we didn't like that, we don't agree with it, and we're not going to abide by it.

The Yukon Charlie Preserve, the State's been doing a wonderful on predator control management out there for the Fortymile caribou herd and they've been reducing the wolf population out there. And we've been seeing a great increase on the caribou production out there. And since we had a really good season on deleting some of those wolves out there again, now they're going to want to restrict the subsistence users on fur trapping out there, because they believe there's no more wolves.

So again, what I'm coming here to ask for is for this Commission to write a letter. I think it has a lot of influence on our congressional leaders and I think pointing out some of these instances of how the Federal U.S. Fish and Wildlife has been using their regulations, I'd say abusing some of their regulations and loopholes to circumvent State management. Again, my name is Al Barrett, for the record. I reside in Fairbanks.

Commissioner Arno - Thanks for coming out. Also, at the Board of Game he's been referred to as the nonofficial assistant AG, because Al knows where the regulation book is and he's got a copy of it and he holds the board's feet to the fire on the State side. But my question, Al, is we can complain to the congressional delegation, but what options do you think they -- I mean, other than bringing it to their attention, it's appropriations, or what? Go ahead.

Al Barrett - Thank you, Commissioner Arno. Realistically, the thing that will make U.S. Fish and Wildlife start complying with some regulations and their management is funding. If you start cutting their funding, then they'll start reacting. Right now it's a huge bureaucracy, and just like you guys wanting to have a symposium or a summit dealing with Federal overreach and start talking about it again, talking is fine, I guess we've got to start somewhere, but the point that needs to be done is this little sequester to happen, which was only a cut in their increased budget, seemed to have some effect. If you really got 10 percent into their budget, then you'd start seeing some reaction, and realistically that's it. It's about the money.

The people that are on the ground, the leadership of the U.S. Fish and Wildlife in Alaska, they have an agenda. They're not helping out the native private landholders out there, but they're not managing for consumption out there, they're managing for dealing opportunities and this thing called diversity, which boils down to is the majority, they use the term conservation a lot. They stopped using what they really mean, it's preservation. And so they're not conserving or managing wildlife for consumptive uses and other uses, which is fine, and they're not even looking at Alaskans first, who are on the ground and in these areas.

How many people actually visit the Yukon Charlie Preserve? I mean, it's not even road accessible by the boundaries they have, yet they'll point out how many hundreds of people or thousands of people. The Gates of the Arctic are the same way. Basically, when tourists come to Alaska they go to Denali. That's the most visited park. Even the Wrangell-St. Elias, they have to get all the way into McCarthy to just step foot in anything like that, so they're not using that property, they're not using that real estate, Alaskans are.

Commissioner Somerville - I know you know more about this than probably I am, but us sending a letter back there, unless there's something we specifically want them to do other than cut their budget, there's got to be more to it than that, or they're just going to be pissed off. I'm wondering if in fact there is a commitment here to not just once again put something in writing documenting our problems and then putting it on the shelf, if we wouldn't be better served to do a better job of that. In other words, get people like yourself to help us push to get the sort of product out before we, I do think changes to the legislation funding issues has to be part of the recommendations.

Al Barrett- Thank you. And I think about that a lot, and because it's such a huge bureaucracy and they have a way thicker codified book than Alaskans have, which is fairly thick already. It's really difficult. I got involved with the sea otter management, what was going on down there, and they're not even following their own management plan. Where they say that other Alaskans could harvest sea otters if there's an abundance of them, and it's proven, the natives that are currently allowed to harvest sea otters, they harvest currently like 450 a year, though the management plan calls for 2,100 a year. And so there is a place in their own management plan that says other uses can be provided for commercial and recreational, is what it's under, and yet they won't go down that road.

The science of managing wildlife, they go back to the diversity, to do nothing, let nature take its course, where the State of Alaska manages on a sustained yield basis for all Alaskans. And so you have to harvest some predators, and we've allowed our predator bases to get so large that we're taking aggressive actions like predator control, because years ago we didn't have the ability or the accuracy of counting predators such as bears. We've been doing fairly well on wolves, but bears are a big issue. You hear a lot about the State just did a huge program out in Sleetmute and took 89 bears out of 500 square miles. That's aggressive management, and to get people involved, they don't get involved until they hear that. And then they haven't understood that the board's been managing or leaning that way for the last three years and finally had to do it to produce that product out there for what Alaskans are looking for, and they're looking for moose meat. It's getting harder to find the King Salmon out there.

Commissioner Woods - On the game management, thank you for pointing out all the deficiencies of what we're faced with. And basically in Alaska, all the same. Under dual management, we're losing, everyone is losing. If I read ANILCA right, we have the option of co-management. The Federal government doesn't step up to the plate when it comes to addressing that issue. ANILCA says that we have the right, as State of Alaska native people, to co-manage the resource that we have. The Federal government doesn't have that, well, they don't want to step up to the plate and actually start working with and my idea is basically pretty simple.

We have the AC process on the State side, we have the RAC process on the Federal side. Where do we have a joint board meeting? We don't have any. There is no communication, there is very little coordination, other than the feds saying that they want to align all the seasons to the State, because it's easier for them and they don't have any management budget for at least a lot of the refuges. They don't want to touch, for instance, the Togiak Refuge, the Yukon-Delta, there is all Federal lands encompassing native corporation lands that are State managed, so what they do in those arenas is they turn the management over to the State of Alaska saying, okay, we'll abide by your rules, but here's the glitch, it's still a Federal hunt.

That doesn't make anybody comfortable, because, number one, it eliminates the people that need the resource just as much as the rural people in the zip codes of 99576 can hunt in the Togiak Refuge, but from 99501 cannot, so it discriminates everyone. Now, if we had a true co-management agreement between both the State and the feds, there would be agreements that we could come up with to solve these problems. And we all still live here.

Your suggestion is that we write to our delegation, our legislative body, saying that we're disgruntled with the way the system is set up and that we want to start working toward co-management?

Al Barrette- Thank you, Commissioner Woods. I'm glad you started speaking, because it reminded me, if you could ever get an answer from our interior delegation. I think the question that needs to be asked is, who owns the game in Alaska, because when you find that answer out, then we can start the process of managing and properly allocating resources. And I think you get that interior delegation, and that's a responsibility of theirs. They work for us, they're Alaskans, it's time that -- Federal landowners, they have the land and they have the right to manage the land, but I believe that through our constitution that that game belongs to us and it belongs to Alaskans.

Commissioner Somerville - I was going to point out that the interest in the agreements are very specific, they must adopt State management plans, unless they can demonstrate that they're inconsistent.

Al Barrette- May I address that, Mr. Chairman? Thank you. Address that MOU; my understanding, and I've been involved with that through the advisory council and Jennifer Yuhas, is it's just an understanding. There's nothing binding with that MOU. And my understanding of MOUs in general is they're not binding. If you want something binding, you need a letter of agreement, which has got some teeth in it. So they don't choose to use an MOU, because there's nothing binding there to it, even though we point it out all the time.

Commissioner Somerville - Well, it can be binding if the agency gives notice that they're going to cancel. There's a lot of agreements that are tied to that MOU. So if the State agency says, look, you're not abiding by our memorandum of understanding, we're going to cancel the agreement, a whole bunch of things go out the window. So I mean these have teeth to it, if they want to exercise it, but the State has to do that.

David Beatty - My name is David Beatty and I'm representing the City of Kupreanof. And the City of Kupreanof is one of the nine rural communities which from the very beginning has been opposed to the Sealaska legislation. And as we all know, it's fundamentally unnecessary legislation, which is rewriting ANCSA. And obviously in the existing ANCSA procedures and the Alaska Land Transfer Acceleration Act, Sealaska has already filed their selections within the boxes as described by ANCSA.

But what I'd like to point out is that besides being fundamentally unnecessary, the bill is classic special interest legislation and that has been tainted with campaign contributions from the Alaska Federation of Natives, of which Sealaska is a member, through the Super PAC contributions, which were central to Senator Murkowski's political survival. As we all know, in 2010, she lost the primary and it was later revealed by the Senator herself that she would never, never forget the role that AFN played in her political survival.

When we get down to it, what we're really talking about here is a precedent that is a Pandora's box, which once opened threatens more special interest legislation throughout the State and throughout all of the other tribal entities of the State of Alaska. And that in itself should be a pretty serious thought in regards to whether or not your approval is forthcoming.

I would just like to talk about the on ground realities from the perspective of a rural community resident. There are people in these communities who are already using these areas, and Sealaska's choices are obviously cherry picked for the maximum value to the corporation. And this will have profound effects on the small mom and pop outfits which have historically used these areas, but the main thing is, is that these outfits don't have access to the same investment capital and media outreach that the Sealaska Corporation does. And this really threatens the existing small business opportunities that already are using the Sealaska area choices. And this will have serious consequences on local economies and also on local economies built around the notion that the second grade timber that is coming online can be used for their own purposes.

I hope that everyone understands that these on-the-ground realities really raise a fairness issue in regards to whether or not special interest legislation is going to disrupt existing business claims that span the full spectrum, whether it's tribal businesses or tourism or any number of entities. So I would encourage you to, once again, not approve the Sealaska legislation as it has been approved by SEACC and Sealaska. So thank you for this opportunity to speak, and if there's any questions, I'd be glad to answer them.

William Andrews - Thank you, Mr. Chairman, members of the Commission. My name is William Andrews and I'm an employee with Sealaska. I work in the communications department. I wanted to start off my testimony with some of my earlier experiences as a resident in Alaska. I'm a former student and a graduate from the University of Alaska Southeast. My major was history and politics. I studied a lot of Alaska history, a lot of Alaska's politics and economics. I was also legislative intern in 2007 and I was also appointed to the Board of Regents as a student regents by Governor Palin in 2004.

During my experience as a student intern and on the Board of Regents, my main takeaways were that Alaska has a very susceptible economy to boom and bust, that we're very dependent on Federal dollars, we're very dependent on oil revenues, and that we have a very weak economy, that our legislature struggles every year on how to develop infrastructure, establish a stable long-term economy, as well as what manifests that is our lack of State taxes, that we rescinded those taxes and that we incorporated the Permanent Fund as a means to provide residents with revenues to spend money and encourage business development in our State.

Going back to my job as representative of Sealaska, I see our bill, our legislation as a microcosm of that struggle to establish and sustain a strong economy in our region. Our bill represents an agenda to create and protect jobs, put people to work, keep our economy thriving. But despite that, of us using an economic model to be successful as a native people, our agenda simply is not to just generate profits. Our main mission is to advance the well-being and create opportunities for our shareholders, our native people.

An example of that is all of the money that we put into our local communities. We have a subsidiary, Haa Aani,

LLC, and one of the main efforts of that company is to drive and create economies for our rural communities that are suffering from migration, that are suffering from enormous energy costs. The question is, how do we provide those communities with renewable energy alternatives that are affordable? How do we create sustainable jobs that provide revenues for the communities? Examples of that are our investment into Biomass, renewable energy pellets, as well as our development of mariculture oyster farms, and initiatives into creating fisheries and things of that nature in those communities.

Another example is all of the money that we put into our cultural programs. We have a sister institution, the Sealaska Heritage Institute. We put millions of dollars into that organization every year in the form of scholarships, internships, as well as culture programs, such as language, traditional arts, such as weaving and carving. And these are examples of how our company puts money into the investment of our people and our communities. And it's not something a typical for-profit corporation does that's simply out to just try to drive profits.

Now, even though we do these nonprofit efforts, we still operate within that capitalistic model, that framework, and we take a lot of criticism for our executives and our board members and the amount of compensation that they get. But the reality is that, because we are a for-profit company, we have to offer competitive wages. We have to attract talent. And those executives and our board members, they drive that enterprise. Those opportunities are created from their efforts and it creates a lot of career opportunities for people.

An anecdote of myself; prior to coming to Sealaska I was working in the private sector working my way up in management. And when Sealaska approached me to come work for them, I jumped at the chance. And I did so because I take a lot of pride in the fact that I'm working for our people. I could be working for myself, advancing myself, but I don't get a lot of self-satisfaction out of that. I get a lot of satisfaction out of the fact that I'm doing things that create opportunities for my fellow shareholders. I'm doing things that advance our people and preserve our culture, and I take a lot of satisfaction away from that. And I get more satisfaction out of that than I do from my paycheck, I really do.

Commissioner Woods - The testimony both for and against will be there until the law passes, but continuing the theme is that how dare Sealaska apply for their entitlement, when it's already done. It's like how many people I've heard in this public testimony say that, what's done is done. ANCSA was passed and their entitlement, how can they do that? Well, I think that process is outside the box of this arena. Under the ANCSA settlement, it was dirty, and we're still cleaning that mess up with the process. That's why we're here. That's why the bill is in place.

I think that maybe you could elaborate just on -- I've got about six minutes, so I'm going to be quick. If you could elaborate on that, that continuing theme of, how dare they ask for anything more, I don't feel that -- as a board member, I haven't heard, and nobody has questioned that process, how they got there. I read it in Murkowski's letter and I read it in your explanation, and I see it in public law and doctrine they talk about the previous settlements between Haida and Tlingit, and in that arena there's too much questions. And I think if you focus on that problem that's already been litigated and public screened, you've had public hearings on it, you open up a whole new door of public hearings on something that's already done. I mean, if we want to go there, we can, but I think that maybe for the public and for my own personal as a Commissioner, that answer hasn't been answered. If you could elaborate on that, that would be great.

William Andrews - Mr. Chairman, Commissioner Woods, I can answer that question in two parts, one being that we're revisiting the selection process, because when we originally made our selections there were two companies that were active at the time, and that was the Alaska Pulp Mill and the Ketchikan Pulp Mill. And they had active contracts going on in the region and they didn't want their current projects or timber contracts interfered with by any selection that Sealaska or village native corporations made. So we were required to make selections within what they call now the red boxes. So now those enterprises no longer exist, so because they no longer exist it's really a moot point to say, well, we have to stay within those defined selection areas.

Secondly, ANCSA was designed to be an organic act, meaning that at any point in time we can go back, revisit it, look at what's working, what's not working for us, and amend it. So a lot of statutes and laws are that way, and it seems to be that the general public doesn't understand that process, that laws are designed to be flexible, they're

designed to be revisited, that if it appears that the community, or whatever stakeholder group is not benefitting in the best way from that law, that we have made clauses in there to be able to change that. So I hope that answers your question, Commissioner Woods.

Now, I think that Sealaska has gone through a lot of exhaustive processes to identify where it's feasible for us to make changes and accommodate the concerns of stakeholders, and I think that eventually you're going to come to a point where we just can't please everybody. I know that when the legislature passes bills that they can't be all things to all people. And like I said, there's always going to be a minority constituency group that feels that they're disenfranchised. But you have to look at the greater good of the public and look at the legislation and how it's going to be more of a benefit. But I do know that we've had, and continue to have, exhaustive communications with our stakeholders, and if there is misunderstandings or misinformation out there, that we do our best to work with those stakeholders and get the information to them. And a lot of the opposition sometimes is based off of misinformation, rather than cold, hard data.

Representative Keller - Thank you so much. So that closes the public participation time. I don't believe there's anybody else. And what we're going to do is move right into a little bit of discussion on where we're at. Sealaska has asked for our endorsement of the legislation, and just in summary documented some concerns sometime back, and there's been some concessions, and we've heard more testimony, and we just got the new version of the bill, and we still have questions and a list of things we were looking for information on. And in that setting, do you have a proposed course of action there, Mr. Director?

DISCUSSION

Leaphart - Mr. Chairman, we were kind of talking about this over lunch, and I know we have a bit of a time crunch here trying to hit the mark, target. I'm not sure we can add a whole lot to what we've already said, other than it's been suggested, point out, acknowledge the changes that have been made in response to our concerns, acknowledge concessions. But also point out that there's some of those concerns that still remain, and that maybe the best course of action for us right now, until we've seen another markup, right now we're still trying to hit kind of a moving target.

When we went from our letter in November of 2011, to February of 2013, with only an occasional update from Senator Murkowski's office that negotiations continue, we're still working on this, we don't have a lot we can show you or offer you now. So we've sort of been waiting until this latest version, and now that we didn't have the opportunity to get together at the last meeting, kind of look at the bill as it was introduced before the hearing was held, now we're up against the gun with a markup session.

So I'd maybe just throw this out for a suggestion, that we send a letter to Senator Murkowski, but also to address the delegation and say, acknowledging the changes, acknowledging the outline of concerns that still exist, but stating simply that at this point, until we see the markup, we don't have much else to offer on this process, neither opposing or endorsing until we see the changes that have been made. I don't know. That's just a suggestion.

I think that's important, because we did raise it at the last meeting, and then in Senator Murkowski's letter she addressed that and said she didn't see that as a problem. But I'm also aware that the State has raised that as an issue and other people have raised that as an issue. And I believe Jaeleen eluded yesterday to the fact that -- I don't know if they've decided to take that out, but it's likely going to come out. So I think it would be important to remind the Senator of our earlier objection to that, inclusion of that reference to 803 of ANILCA. So that's my suggestion.

4:30 p.m. Commission Member- Closing Comments

Commissioner Somerville - Well, thank you, Mr. Chairman. I appreciate the opportunity to lead off. You did this to me on my first meeting. Anyway, the thing I'd like to bring up is the reach of the Commission, and I discussed it with Karrie a little bit, and that is, I look at the website and I look at our mission and I look at how we can be more effective. I shouldn't say we're not. We need people, other people in the State to say the same things. The people we've already pointed out in here are over-burdened with paperwork and plans, and so when the Territorial Sportsmen, the group I work with down there, sees 1,400 pages on the Arctic Slope plan of some sort, they glaze

over, like legislators do at times when you've got a lot of things they're not interested in.

These groups in some cases need to participate. I don't think many of them understand the necessity of being a participant and I'm wondering how the Commission can help in that process. I don't have a magic bullet here. All I'm pointing out is the website, it's a good website, I want to pass that on, and I think the letters are a good public relations process, but I'm not convinced we're getting to the people we want to. And I'm hoping we can look at ways of expanding the influence by getting all the work that's done, getting pieces to those organizations, whether native organizations, or sportsman's groups, or whatever. Here's some areas that affect you, you might consider putting your comments in. It always helped me as I was representing groups if I had, for instance, a copy that the Commission had drafted, or that the State had put together, because then we could pick and choose from that what we felt was appropriate to the group.

It sounds like a huge task and it may require money, it may require people, but in order for us to really do the job, there needs to be an expansion of that sort of influence, if you will, in contacting groups throughout the State. And with that, I appreciate again the opportunity, and certainly the staff, they do a great job. Stan, I cannot say enough good about you and Karrie's work. You need more help, I realize that, and I also appreciate the other Commission members who spend their volunteer time in these types of activities. And I have enjoyed this meeting, not because of the conflict, mainly because of the dialog, and with Sealaska on things that we may or may not agree with, there's been some good communication. I appreciate it.

Commissioner Liska - Thank you. It's a real honor and privilege to be a part of this Commission. And I'm going to be drawing on a lot of each of you to be learning on all the different issues and topics that are brought to this Commission to look at around the whole State of Alaska, and so I really appreciate Stan and Karrie with what they're doing. And I pretty much said what I -- in relation to Federal overreach, that's a real issue for me. So I'm excited to see that something will be coming out regarding the summit and that we could even have a longer, like you suggested, Ron, time together in October, two-and-a-half to three days to be able to go into more detail, because there is so much to go through and still have the public participation.

But with you, Ron, I'm also interested in ways that we could brainstorm ways to get the public more involved. I know Rod Arno was talking to me about that also. And I don't know, do we have a Facebook page? I haven't really.....

Leaphart - The State of Alaska computer system will not recognize Facebook, so now, you can ask for a waiver.

Commissioner Liska - The governor has a Facebook page. Well, I follow CIBATA, the Cook Inlet Bridge and Toll Authority, on the Facebook, I follow the railroad. There are so many of them that I follow them on Facebook, I send that information out to people on Facebook just to educate Alaskans on issues. So I think that's one way. I know my grandmother is not on Facebook, but she reads the newspaper and is up on this, so for this new generation who need to partake in these issues to be educated, I think there's ways that we can expand our influence.

Representative Keller - My closing comment was that I appreciate all of you and am humble with trusting me with CACFA. And I hope that we all realize -- I mean, we'll see what the scope of what we just decided to do on the summit turns out to be, but I think you're going to find that, I mean, it is what we make it. But I think it's going to be a lot of work, even if we drop the ball. So thank you for taking it into consideration and I'd just ask for your ongoing support.

Commissioner Fish - Well, I'd kind of like to follow up on the communication stuff like Facebook. and it is a powerful tool, but we discovered a couple of pitfalls on it as well. Once you launch something, you really have to kind of stay on top of it. The conversations can get out of control in a hurry, and so it is additional work for an administrator to stay on top of it, and there's always a demand for constant more information. Another way of communicating coming up is they're starting to accumulate Statewide teleconferences in Flagstaff with these (indiscernible) organizations that are just craving information, especially on issues of Federal overreach (indiscernible) and those kinds of things. So if the opportunity comes up, perhaps we can get Stan to give an online presentation to the network that calls in to listen. I know one that does it every Sunday and their reach has been

from Petersburg to Delta with people that are listening into that. So perhaps that's something to look at as well.

And the only other thing I have is this Lands bill, and what can you say about it, it's been going around and around. But I think it's important in all of this that it doesn't get lost amongst (indiscernible). And my intent is I really wish that we could try -- we get Federal property into private hands. But I think it's important that we let people know that we think that this is a good idea to get Federal land transferred into private. We've got to be careful how it's done and we're going to look at it, and if we approve something, then it's got to be in the best interest of all of us. So with that, I think I'm done.

Commissioner Meekin - Well, I really appreciate to be here, too, and thank all the members, but I mostly I guess appreciate the communications. I really enjoyed listening to getting the information from people that call in and of course testify here, stuff like that. I think that's very helpful in trying to weed out these issues and stuff like that. And I fly for a living and I thought that I had a lot of paperwork, but I'm going to be happy to go home and know that you guys are -- the paperwork is unbelievable, the stuff that you have to process in day. Yeah, my hat goes off to you. Enjoyed it.

Commissioner Smith - I want to thank staff, I don't know how we'd replace you, either one of you, so thanks for hanging in there. And I hope we don't have to. And I think you're doing a great job as the Chair, as well, and appreciate your service. And I just want to say that I'm proud of CACFA. I think that we have a group of people that have experience in many, many different areas. It's always amazing to me to hear some of the wealth of information that some of the people at this table have to offer. But I'm also proud that we're a free-thinking group, that we're not bound by any political strings, that our core mission is for the people of Alaska, and that I think each one of us is really good at sorting that out and staying on track and staying focused.

I'm so excited about the Federal overreach summit. I've been anxious -- you know, for several meetings I've pushed us to do something and this is a wonderful idea. I'm even thinking when people are invited to attend, perhaps they could come with a list of their own and give it ahead of time and have a packet waiting for us, that maybe certain people from different areas that could give us a jump start so that we're not just spinning our wheels and talking right off, but we've got some concrete materials to deal with.

Senator Coghill - I know the State part of the advisory part of this is to advise our delegation of things that we see, certainly advise the public. The public is a little harder, because they're fragmented in every direction you can go, probably, so I can appreciate -- Facebook is one challenge, but there's many, many others. But speaking at AOC is, for example, one way to reach a variety of different groups that have a similar interest, so I appreciate that.

But it is true, whether it's skijoring, flying, I mean, you can start naming the issues and the EIS issues and the planning issues go on and on and on. So I tried to read the ANWR plan, I tried. I could not read it. I could not get through it. And I commented on it, but I could only zero in on a couple places that I understood, because quite frankly I could not understand everything I read. And I'm not a dummy, I just could not get through it to my satisfaction under the time frame that I was given to digest whatever they were digesting, without just taking their word for the bullet points. The bullet points were theirs, and when I got up to testify publicly, I had three whole minutes to talk about this 1,500-page document.

And you get to submit written comments and you want them to be concise and you want them to be accurate and you want them to be something that they can understand as a reasonable comment. It's very difficult to do. So I've tried at least on two different occasions to assimilate them myself personally and comment myself personally; very, very difficult to do.

So unless you're deeply involved in their style of language, I can understand, and so when I read the Eastern Alaska thing and some of your responses to it, the detail you were able to drill into still blew me away. I mean, I just could not get there where you ended up. And a lot of it is, quite frankly, I just don't spend the time. I'm not going to try to chase down everything, and it's a little bit like this Lands bill, you can't know it all. Even if all the information was available, I don't know that you could know it all. But those who are involved, there has to be a trust level.

Commissioner Liska - From the video that my grandmother is in, we have BLM, we have DOT, we have EPA, we have Fish and Wildlife, we have the national parks. What you said about, we used to be able to go to congress, so much policy is being pushed soft-wise through these different agencies, that we can no longer just go to congress, because it's coming through the agencies, not through legislation and laws now.

So to have someone in the State that could be kind of a clearing house for all the different Federal agencies, so the State as an over-arching thing could say, okay, this is what's happening in all the different agencies, because it's happening without all the other in State agencies understanding how these Federal agencies are impacting them from all these different areas. So it was suggested in this group of people that I was just brainstorming with that maybe we could have a Commissioner level position that was all Federal dealings with the State to kind of coordinate, funnel through, exactly. And that's just one idea.

5:00 p.m. Meeting Adjourn

Meeting minutes approved as written, January 24, 2014