

Alaska Lands Update

monthly updates on Federal management
actions for the people of Alaska

Arctic National Wildlife Refuge
Photo Credit: USFWS

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

Cook Inlet Beluga Whale Critical Habitat Designation



Cook Inlet belugas splash in the waters of Cook Inlet.
Photo courtesy of the U.S. Army

The National Marine Fisheries Service (NMFS), Alaska Regional Office announced April 8, 2011, that it will designate two areas, totaling 3,016 square miles, in Cook Inlet as critical habitat for the Cook Inlet beluga whale. In October 2008, the beluga whales in Cook Inlet were listed as endangered under the En-

dangered Species Act (ESA). Designation of critical habitat for an endangered species is required by the ESA. Cook Inlet belugas are considered a distinct population segment by the NMFS. It is the only one of five Alaskan beluga whale populations living south of the Alaska Peninsula.

The designated critical habitat areas contain marine and estuarine environments that NMFS has determined to be essential for the survival of this population segment of beluga whales. One designated area includes the upper por-
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U.S. Forest Service Proposed Planning Rule

On February 10, 2011 the US Forest Service released its proposed new Planning Rule which is intended to establish a national framework for land management planning on all National Forest Units. There are 155 National Forests and 20 Grasslands under the jurisdiction of National Forest Land Managers. Two of those, the Tongass in southeast and the Chugach in south central Alaska, are the two largest National Forests in the United States. The proposed Planning Rule takes into account climate change and the abil-

ity to adapt planning quickly in the event of stress, increase the requirements for public input, increase protection for water resources, proactive measure to provide for diversity of native plants and animals, social and economical sustainability in surrounding communities, updates for sustainable recreation, requirements for integrating management of multiple uses and the introduction of science-based support of land management planning decisions. The public comment period closes on May 16, 2011. For more information,



The State of Alaska superimposed over the 'Lower-48' States, the Chugach and Tongass

follow this link to the Forest Service home page - www.fs.fed.us, under the heading of "National News", follow the link "Planning Rule Comment Period remains open until May 16, 2011".

Cook Inlet Beluga Whale Critical Habitat Designation

(continued from page. 1)

tions of Cook Inlet, Turnagain Arm, and Knik Arm, where the whales congregate in the summer months. The second area includes areas where the population congregates in the winter and includes middle Cook Inlet, foraging areas along the western shore of lower Cook Inlet and Kachemak Bay. The Port of Anchorage was excluded from critical habitat designation, along with the Eagle River Flats Range on Joint Base Elmendorf-Richardson. That area is managed under a separate Department of Defense Integrated Natural Resource Management Plan.

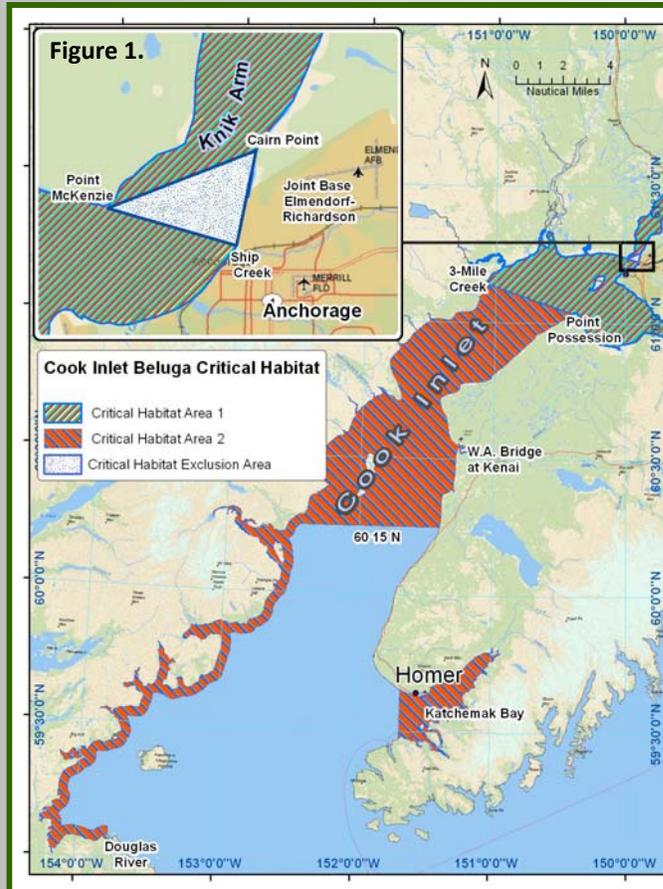
The critical habitat designation affects all activities that involve a federal permit, license or funding and which may affect critical habitat, such as construction and operation of oil rigs, port construction, dredging, or Environmental Protection Agency authorized discharges into Cook Inlet.

A final rule can be found at: <http://www.alaskafisheries.noaa.gov/frules/76fr20180.pdf>.

NMFS has also completed an economic analysis on the critical habitat designation. To view the news release and the economic analysis, follow this link;

<http://www.alaskafisheries.noaa.gov/newsreleases/2011/cibelugahabitat040811.htm>.

Figure 1. shows the critical habitat designations in Cook Inlet.



COMMISSION MEMBERS

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Susan Smith, Chokosna (G)

Alex Tarnai, Tanana (G)

Frank Woods, Dillingham (G)

(S) SENATE APPOINTMENT

(H) HOUSE APPOINTMENT

(G) GOVERNOR'S APPOINTMENT

BLM Seeks Advisory Council Nominees

The Bureau of Land Management (BLM) is calling for applications and/or nominations to fill five positions on its statewide 15-member Alaska Resource Advisory Council (RAC). The 45-day nomination period closes April 30, 2011; contact Thom Jennings at 907-271-3546 for more information.

The BLM seeks qualified individuals in the following categories: Category 1 - representatives of transportation or rights-of-way, off-highway vehicle use, or commercial recreation to fill two positions; Category 2 - representatives of nationally or regionally recognized environmental organizations, archaeological and historical organizations, and dispersed recreation activities to fill two positions; and Category 3 - a representative of the

public-at-large, employees, or academic institutions who are involved in natural resources to fill one position.

The RAC's diverse membership aims to achieve a balanced outlook that the BLM needs to manage public lands for multiple uses and provide advice and recommendations on land management issues for 75 million acres of public lands in Alaska. Individuals may nominate themselves or others. All applicants should have the appropriate background and experience to give informed and objective advice. All applicants must be Alaska residents. Call the number above or visit www.blm.gov/ak for more information.

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For more information, visit our website:

www.dnr.alaska.gov/commis/cacfa

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

State Files Notice of Intent to Sue

On March 11, 2011, Governor Sean Parnell asked the Department of Law to notify the Secretary of the Interior, Ken Salazar, of the State's intent to sue for quiet title on eight RS 2477 trails in the Forty Mile area of Alaska. (See map below) RS 2477's are historically used rights of way to access public lands, waters and natural resources such as minerals. Congress granted these rights of way to the State of Alaska at statehood but when the RS 2477 crosses federal public land, federal land managers generally do not recognize them until title is established in federal court. This 180 day notice

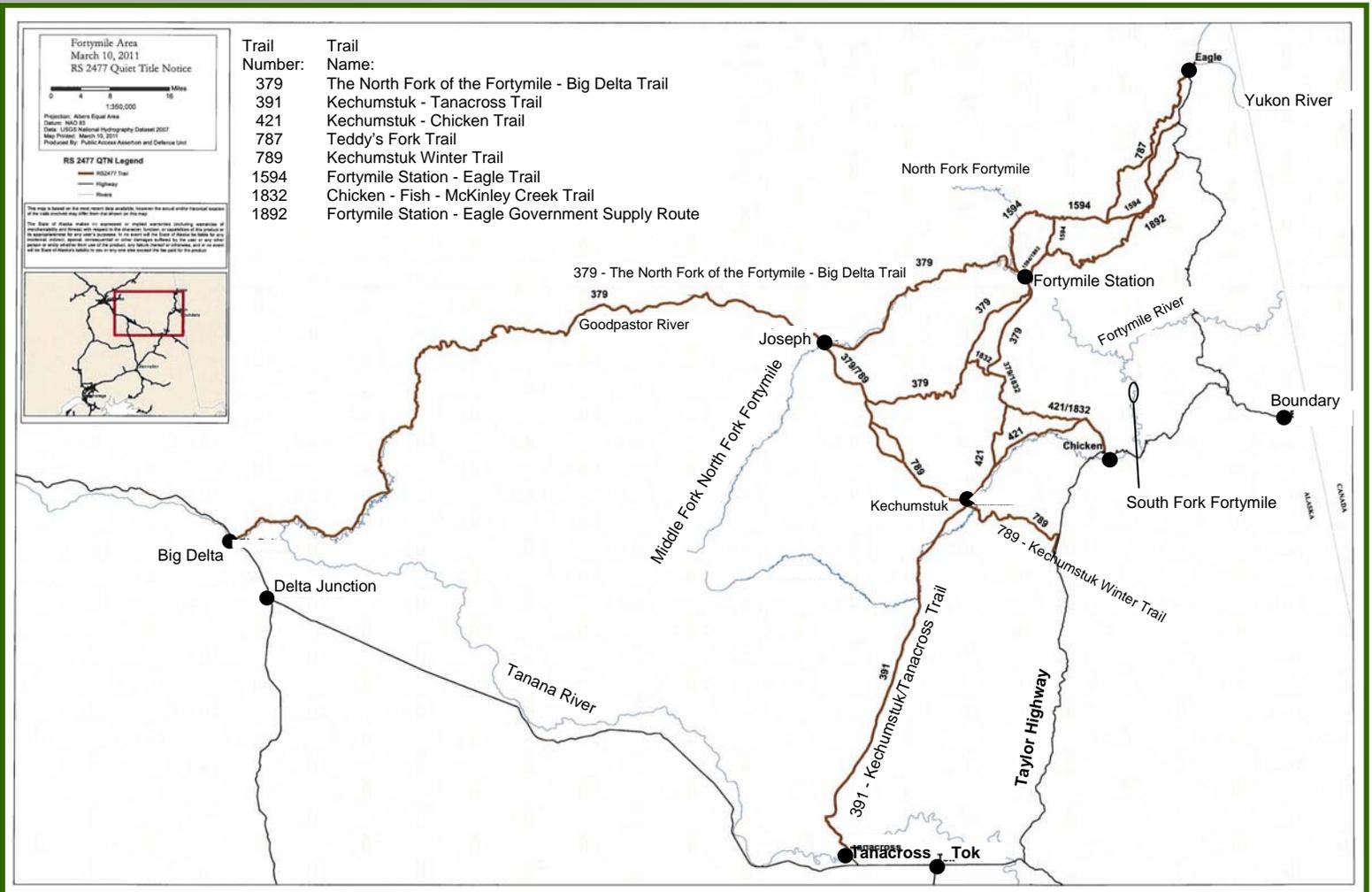
is required by federal law before initiating any action. The Fortymile area of Alaska is well known for its mining history and some of these historic routes have been used for over 100 years. The Federal Mining Act of 1866 had a one-sentence reference to access which stated "The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted."; this was the beginning of RS 2477 rights of way. RS 2477 was repealed in 1976 with the Federal Land Policy and Management Act (FLPMA) but valid existing rights were grandfathered in.

DEFINITIONS

Quiet Title – Is a legal action that is filed in court to establish ownership of real property. Generally, the plaintiff has the burden of proving ownership.

Revised Statute (R.S.) 2477 - adopted by Congress in 1866 and granted a right-of-way for the construction of highways across public land not reserved for public uses. In the Federal Land Policy and Management Act (FLPMA), enacted in 1976, Congress repealed R.S. 2477, but did not terminate valid rights-of-way existing on the date of FLPMA's enactment.

In 1992, Congress directed the Department of the Interior to study the history, impacts, status and alternatives to R.S. 2477 rights-of-way and to make recommendations for assessing claims. As an essential element of the Department's study, officials sought input from and consulted with affected interests from the public land states, including public hearings conducted in Alaska, California, Idaho, Oregon, Montana, Nevada and Utah. © 2003 NPL news



Announcements

The State of Alaska's Navigability and Access Team
 in cooperation with the

 are hosting the 30th annual



International Submerged Lands Management Conference

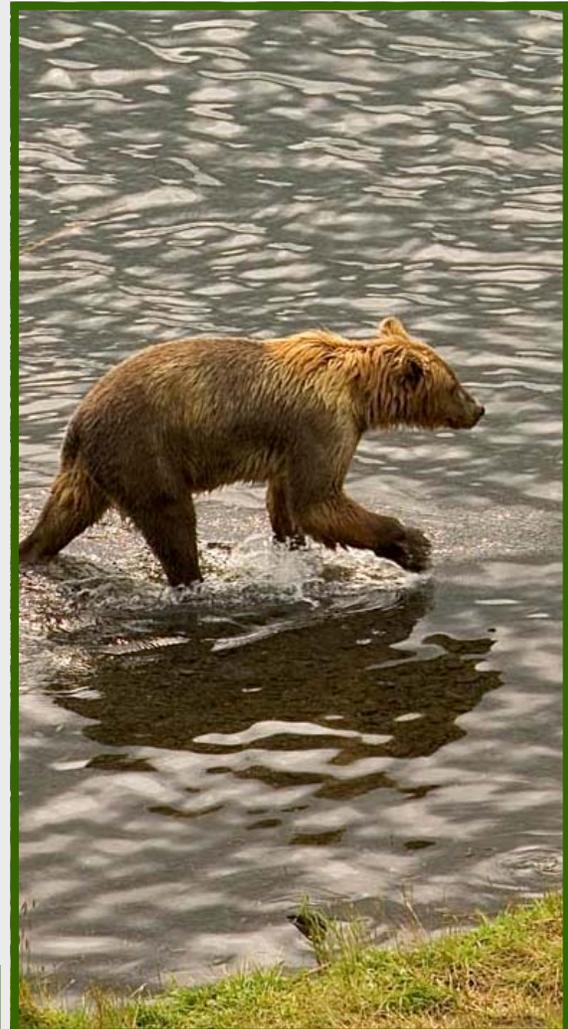
May 10 - 13, 2011 at Alyeska Resort Hotel, Girdwood, Alaska

For more information please visit

www.submergedlandsconference.com

or contact

Mr. David Schade at 907-269-6008,
 email david.w.schade@alaska.gov



The National Parks Service has released its 2011 park compendiums for the National Parks, Preserves and Monuments within the Alaska Region. Follow the link below for more information.

Current 2011 Compendiums



The next CACFA Meeting will be held in

FAIRBANKS

May 18 and 19, 2011

call or email the CACFA staff time and location

The anticipated release of the U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement has been delayed until late May or early June, 2011.

The following link is the Services primary source for information on the plan; use it to check on the new timeline and other updates.

<http://alaska.fws.gov/nwr/arctic/ccp.htm>



Agency Websites:

National Park Service - Alaska
<http://www.nps.gov/state/ak/index.htm>

U.S. Fish & Wildlife Service - Alaska Region
<http://alaska.fws.gov/>

U.S. Forest Service - Region 10, Alaska
<http://www.fs.fed.us/r10/>

Bureau of Land Management - Alaska
<http://www.blm.gov/ak/st/en.html>

Department of the Interior
<http://www.doi.gov/>

National Marine Fisheries Service
<http://www.nmfs.noaa.gov/>