

# STATE OF ALASKA

## *CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS*

*SARAH PALIN, Governor*

*3700 AIRPORT WAY  
FAIRBANKS, ALASKA 99709  
PHONE: (907) 373-3737  
FAX: (907) 451-2751*

August 8, 2008

Senator Ted Stevens  
United States Senate  
522 Hart Senate Office Building  
Washington, DC 20510

Senator Lisa Murkowski  
United States Senate  
709 Hart Senate Building  
Washington, DC 20510

Congressman Don Young  
U.S. House of Representatives  
2111 Rayburn HOB  
Washington, DC 20515

Dear Senator Stevens, Senator Murkowski and Congressman Young:

The Citizens' Advisory Commission on Federal Areas was re-established by the State of Alaska in 2007 and resumed formal operations this year. The commission's enabling legislation directs it to "consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state."

In keeping with our legislative mandate, we have examined S. 3213, the "Omnibus Public Land Management Act of 2008" which proposes, among other things, to establish in statute the current administrative structure of the Bureau of Land Management's National Landscape Conservation System (NLCS). We have also reviewed H.R. 2016 and S. 1139, which also propose to establish the NLCS. The Commission has serious concerns with these proposals to grant statutory recognition to a duplicative and unnecessary program.

Creation of the NLCS in 2000 did not grow out of the absence of statutory and regulatory tools available to the BLM to protect and manage the areas for which it is responsible. Rather, the system was created primarily to give the agency greater public recognition and a more visible

management presence. The intent was to create a high profile program that would represent a new BLM, that, in order to avoid becoming a relic or historical artifact, “must have at its core a system of specially protected and managed conservation units”.<sup>1</sup> The NLCS began as primarily a public relations effort designed to bolster the agency’s image.

The stated purpose of the NLCS (S. 3213, Section 202) is to “conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological and scientific values.” The existing NLCS currently includes national monuments, national conservation areas, a national recreation area, wilderness study areas, scenic or historic trails designated as part of the National Trails System, components of the Wild and Scenic River System, components of the National Wilderness Preservation System and any area designated by Congress to be administered for conservation purposes. Advocates of the NLCS conveniently ignore the fact that each of the areas is already adequately managed and protected under one or more statutes and their implementing regulations such as the Wilderness Act, the Wild and Scenic Rivers Act, the Federal Land Policy Management Act, the Antiquities Act, the National Trails System Act and the Alaska National Interest Lands Conservation Act (ANILCA).

Advocates of the NLCS also maintain that inclusion of an area in the system will not change management. This Commission is unconvinced. In Alaska, the administratively created NLCS includes the Steese National Conservation Area, the White Mountains National Recreation Area, 6 designated wild and scenic rivers, 418 miles of the Iditarod Trail and a 784,000 acre wilderness study area. The Steese NCA and the White Mountains NRA, and the six wild and scenic rivers were designated by ANILCA. ANILCA contains specific purposes and management direction for each of these areas. Not only did ANILCA designate these areas, it incorporated and amended relevant provisions of the above referenced statutes. By creating another layer of purposes, policies and guidelines for management, NLCS designation will create conflicts between the ANILCA mandates and those of the NLCS.

H.R. 2016, the “National Landscape Conservation Act,” which passed the House of Representatives on April 9, 2008, at least attempts to minimize potential management conflicts between the NLCS program and existing laws and uses. Section 4 states that nothing in the act would “enhance, diminish or modify any law or proclamation” under which a component of the system was established or managed. More importantly, it states that nothing in the act creates a federal cause of action based on inclusion of an area in the NLCS. Finally, it clarifies that nothing in the act is intended to additionally restrict energy development within the system, affect current grazing rights or operations or affect a State’s authority, jurisdiction or responsibility to manage fish and wildlife under state law or regulation. S. 3213 contains no similar clarifying language, only a general statement that the NLCS will be managed in accordance with applicable law.

The Commission has serious concerns regarding the effect of NLCS designation on upcoming revisions to the Resource Management Plans for the Steese National Conservation Area and the White Mountains National Recreation Area. Consistent with ANILCA, the existing plans for

---

<sup>1</sup> Remarks by Secretary Bruce Babbitt, BLM Interactive Town Hall Meeting, 3/24/2000, Phoenix, Arizona.

both areas allow a wide range of multiple use, including hunting, fishing, motorized and non-motorized recreation and access. The plans also allow limited mineral entry and leasing and oil and gas leasing. When implemented, the stated purposes of the NLCS are highly unlikely to support a multiple use approach to management of these and other areas. Consequently, designation of these area will significantly affect the planning process and will further restrict or eliminate many of the currently allowed uses.

The present NLCS budget is approximately \$50 million a year. The Congressional Budget Office (CBO) prepared cost estimates for H.R. 2016 and S. 1139, the Senate version of the National Landscape Conservation Act. The CBO estimated that neither bill would have an effect on the BLM budget because BLM already has permanent authority to manage lands in the system, subject to annual appropriations. However, at a February 27, 2008 hearing on the agency's FY 2009 budget, BLM Deputy Director Henri Bisson told the House Natural Resources Subcommittee on National Parks, Forests and Public Lands, that approximately \$19.3 million in base funding would be permanently redirected from other programs that currently fund the NLCS units. It is not clear if the \$19 million is in addition to the \$50 million the agency is already spending on this program or a shift in existing funds. Regardless, these funds could better be spent for local management of BLM areas, rather than wasting agency resources on an office of policy makers in Washington, D.C.

The Citizens' Advisory Commission on Federal Areas respectfully requests your help in ensuring that the National Landscape Conservation System is not established in statute. This program will contribute nothing to the effective management of BLM lands in Alaska. It will however, make it more difficult for the Alaskan public to continue to engage in a wide range of uses on these federal public lands in our state, create additional conflicts and remove funds and agency resources from where they are needed most.

We appreciate your consideration of our concerns. If we can provide additional information please contact our Commission staff in Fairbanks.

With Regards,



Rick Schikora, Chairman  
Citizens' Advisory Commission  
On Federal Areas

CC: President George Bush  
Gov. Sarah Palin  
Secretary of the Interior Dirk Kempthorne  
Director, BLM, Jim Caswell