

Differences between State ANILCA Program and CACFA
prepared by CACFA members March 2019, updated February 2021

A bipartisan Congress adopted the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 after nine years of intense negotiations involving Alaska's Governor and delegation: ANILCA moved 104+ million acres of BLM and Forest Service general public lands into national interest conservation units, e.g., parks, refuges, wilderness. Congress balanced those large set-asides with many unique provisions to continue all Alaskans' way-of-life, accommodate the State's and ANCSA corporations' economic reliance on resource development, and improve the under-developed infrastructure. Those provisions include opportunities for the State, its communities, and rural populations to access and develop inholdings and adjacent lands; construct transportation and utility systems; manage and use State lands and waterways; retain State management of fish and wildlife; and provide for access and necessary facilities on federal lands.

The Governor and Legislature established two programs in 1981 to monitor ANILCA's implementation to assure ANILCA's unique provisions for the State and public are upheld:

1. State ANILCA Implementation Program—A network of staff in State agencies review federal policies, management plans, and regulations to protect State interests. The State ANILCA Coordinator consolidates involvement of the State agencies and Governor's Office in ANILCA's complex issues, represents the State in engaging the four federal land management agencies, and assures the State speaks with a unified, effective voice. *STATUS: Governor Murkowski relocated the Coordinator from the Governor's Office to Department of Natural Resources while retaining its responsibility to coordinate all State agencies. Reduced funding in 2015 caused loss of the assistant who shared the extensive workload with the Coordinator, who is past eligible to retire. Continuing budget concerns impede hiring, jeopardizing the Program's sustainability.*
2. Citizens' Advisory Commission on Federal Areas (CACFA)—A Commission (the Governor and Legislature each appoint 6 members) represents a diversity of federal public land users and uses. The Executive Director provides assistance to individual Alaskans in navigating federal agency permitting and protecting their rights under ANILCA for access, facilities, commercial services, guiding, and other traditional and economic uses of federal lands. *STATUS: In 2014 the Legislature reauthorized CACFA through June 2021 (AS.37.160-.260). Commissioners remain but CACFA is in hiatus since staff laid off due to total \$285k budget cut in 2015.*

NOTE: While the State's ANILCA Program and CACFA both monitor federal actions, the State cannot represent individuals/businesses and CACFA cannot defend State agencies' authorities.

The ANILCA Program and CACFA work in tandem to protect the State's economic and social future: These two programs for three decades involved: two FTEs in the ANILCA Program (a coordinator and assistant), and one FTE for CACFA. The investment pales in comparison to protections provided for mining, oil and gas; transportation and utilities; development of nonfederal lands; other commercial, cultural, traditional, and recreational activities; and early intervention that helps avoid expensive litigation.

ANILCA is complex legislation, affecting most Alaskans and most of Alaska. As the institutional memory and expertise is lost, federal agencies have little incentive to uphold Congress's promises to Alaskans. Vigilant State and CACFA advocacy reduces impacts of DC-driven directives and erosion of ANILCA protections by uninformed federal managers and politicians. Examples include: recent Fish and Wildlife Service and National Park Service regulations proposed to eliminate the Alaska exception that allows oil and gas exploration on inholdings; federal managers' attempts to apply Wilderness limits on commercial transportation services on non-Wilderness lands; and restrictions inconsistent with ANILCA on access necessary for hunting.