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**From:** itrap2@gci.net  
**Sent:** Monday, May 01, 2023 9:18 AM  
**To:** House Finance; Senate Finance Committee  
**Subject:** HB 83 ^ SB 34 - CACFA reauthorization  
**Attachments:** 02-07-22 BLM Response to ATA Trapping Cabin.pdf

Alaska Trappers Association (ATA) asks 'What can we do to help move the reauthorization of CACFA out of the Finance Committees and on to passage by the Legislature?'

Every day, Alaskans experience situations where they need this organization more. We need help so we can continue our traditional activities on federal lands that were promised in the Alaska National Interest Lands Conservation Act (ANILCA). Increasingly, federal land managers make decisions, perhaps unintentionally, inconsistent with the unique provisions in ANILCA that are needed in order to continue the Alaskan way of life. Congress directed that public activities that do not damage the land or resources would be allowed, like state-regulated hunting, fishing, and trapping and related activities.

Today the Bureau of Land Management (BLM) put out a News Release for its May meeting of the Alaska Resource Advisory Council (RAC). Numerous requests by ATA and the RAC members to address BLM's management of cabins, which conflicts with ANILCA's directions, was again left off the agenda. Numerous former BLM State Directors promised to have dialogue with the RAC on this issue. But this yo-yoing of what is allowed and not allowed has discouraged residents from traditional activities on BLM lands for 40+ years. Please see our attached letter to the current BLM State Director explaining the issues.

If CACFA were in place, the Executive Director would understand what is allowed by law under ANILCA, how it is managed under the four federal agencies' regulations, and help us reach resolution with the land managers. Without CACFA, Alaskans are slowly losing their ability to continue their lifestyle because they individually can't wade through the rules. Trappers' inability to trap in remote areas of Alaska impacts individuals, communities, and the cultural fabric of Alaskans lives. The costs to reauthorize CACFA are more than offset by the economic and social benefits for Alaskans all across the state, but especially in rural Alaska.

Please advise how we can help move HB 83 and SB 34 forward.

Attachment



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
[www.blm.gov/alaska](http://www.blm.gov/alaska)

In Reply Refer To:  
2929, 3000 (AK-940)

February 7, 2022

Randall Zarnke, President  
Alaska Trappers Association  
P.O. Box 82177  
Fairbanks, AK 99708

Sent via email: [itrap2@gci.net](mailto:itrap2@gci.net)

Dear Mr. Zarnke:

Thank you for your letter of January 6, 2022, regarding the Bureau of Land Management's administration of the traditional activity of trapping on BLM-managed public lands in Alaska.

The BLM issues land use authorizations, including cabin permits, under the authorities of Federal Land Policy and Management Act (FLPMA), Alaska National Interest Lands Conservation Act (ANILCA), and the National Petroleum Reserves Production Act. The authority under which the BLM issues a land use authorization is dependent upon the specific land status involved. If there is more than one applicable authority, the dominate statute is cited first, but it is still subject to other applicable law unless specifically superseded.

Most BLM-managed public lands in Alaska are managed under FLPMA. We have very few units established by or administered under ANILCA. Section 1303(b) of ANILCA addresses the use of cabins and other sites of occupancy on National Wild and Scenic River System Units, National Conservation Areas, National Recreation Areas and National Trails System established or expanded by the Act, and applies only to those lands within the following BLM-administered units:

1. Unakaleet National Wild River
2. Beaver Creek National Wild River
3. Birch Creek National Wild River
4. Forty Mile National Wild, Scenic and Recreational River
5. Gulkana National Wild River
6. Delta National Wild, Scenic and Recreational River
7. Steese National Conservation Area
8. White Mountains National Recreation Area

Sec. 1303(b) further reads in part [emphasis added]:

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(2) Traditional and customary uses of existing cabins and related structures on Federal lands within a unit or area may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Secretary. Such special use permit shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the unit or area was established. No special use permits shall be issued to authorize the use of an existing cabin constructed for private recreational use.

Under the provisions of Sec 906(k) of ANILCA, the Secretary of the Interior is authorized to make contracts and grant leases, licenses, and permits under existing law and regulation on State selected lands, provided the State concurs in such action. If the State does not concur, the application must be rejected.

Under the provision of the Alaska Native Claims Settlement Act (ANCSA), the Secretary of the Interior is authorized to make contracts and grant leases, licenses, and permits under existing law and regulations on Native selected lands, provided the Native Corporation is afforded an opportunity to comment on the proposed action. If the Native Corporation objects to the proposed action, only the State Director can grant the authorization upon a determination that it is in the public's best interest.

Currently, there are no specific regulations to implement Sec. 1303(b) of ANILCA. Therefore, all permits and leases for cabins under the authority of FLPMA, or ANILCA must be processed in accordance with the regulation issued under 43 CFR 2920, BLM Manual 2920, and the Alaska State Office Supplement unless a specific section is superseded by legislation. All permits or leases issued under 43 CFR 2920 require the payment of rental fees based on market value and are subject to cost recovery. There is no other authority to exempt or waive rental fees, cost recovery fees, or monitoring fees under 43 CFR 2920, and ANILCA does not specifically provide for the waiver of any rental or other fees.

The BLM has been working to reduce the cost associated with processing an application for a trapping cabin permit or lease, and details include:

- In 2012, the BLM issued an instruction memorandum amending BLM Manual 2920 to eliminate the 25% income requirement mentioned in your letter. The BLM continues to follow the guidance and requirements of this instruction.

- The BLM implemented a minimum rental schedule for land use authorizations in Alaska in 2014, and it was updated and renewed in 2020. The establishment of a minimum rental schedule eliminates the need to conduct an individual appraisal to determine the fair market value required for the use of the public lands, and significantly reduced the time and costs to process an application.
- In early 2020, the BLM established a subcommittee of the Alaska Resource Advisory Council (RAC) to explore potential changes for processing applications for trapping cabins. There were many new members appointed in 2020 and meetings were postponed due to pandemic restrictions. The RAC recently appointed enough members to have a quorum and this topic will be included in future RAC meetings.

The BLM will continue to work with all our stakeholders, including individual applicants, the RAC and representatives of the Alaska Trappers Association, to reduce the cost of processing applications for trapping cabins, and is committed to reviewing and updating existing cabin policy and potentially issuing regulations to implement Sec. 1303(b) of ANLCA, if appropriate.

Sincerely,

Thomas Heinlein  
Acting State Director

cc: Lisa Murkowski, United States Senator  
Sent via email to Steve Wackowski, State Director  
[steve\\_wackowski@murkowski.senate.gov](mailto:steve_wackowski@murkowski.senate.gov)

Dan Sullivan, United States Senator  
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