

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

March 18, 2016

3:34 p.m.

MEMBERS PRESENT

Senator Cathy Giessel, Chair
Senator Mia Costello, Vice Chair
Senator John Coghill
Senator Peter Micciche
Senator Bill Stoltze

MEMBERS ABSENT

Senator Bert Stedman
Senator Bill Wielechowski

OTHER MEMBERS PRESENT

Representative David Talerico

COMMITTEE CALENDAR

UPDATE: BUREAU OF LAND MANAGEMENT LAND USE PLANNING

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BUD CRIBLEY, State Director
Bureau of Land Management (BLM)
U.S. Department of the Interior
Anchorage, Alaska

POSITION STATEMENT: Commented on current BLM planning efforts in Alaska.

JORJENA BARRINGER, Project Manager
Bering Sea-Western Interior Resource Management Plan (RMP)
Bureau of Land Management (BLM)
U.S. Department of the Interior
Anchorage, Alaska

POSITION STATEMENT: Provided presentation on BLM planning efforts in Alaska.

ACTION NARRATIVE

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CHAIR CATHY GIESSEL called the Senate Resources Standing Committee meeting to order at 3:34 p.m. Present at the call to order were Senators Costello, Coghill, Stoltze, and Chair Giessel. Representative Talerico, Co-Chair House Resources Committee, joined the committee. Senator Micciche soon thereafter.

Update: Bureau of Land Management Land Use Planning

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CHAIR GIESSEL announced the Bureau of Land Management Land Use Planning Update and welcomed Mr. Cribley and Ms. Barringer to give the BLM update on its planning efforts in Alaska.

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BUD CRIBLEY, State Director, Bureau of Land Management (BLM), U.S. Department of the Interior, Anchorage, Alaska, thanked the committee for the opportunity to present current BLM planning efforts in Alaska. He said he would also identify concerns the public wanted addressed in the Land Use Plans. He said Ms. Barringer is the planning lead for the Bering Sea-Western Interior Land Use Plan and gives the presentations at the public meetings and would provide most of the comments.

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JORJENA BARRINGER, Project Manager, Bering Sea-Western Interior Resource Management Plan (RMP), Bureau of Land Management (BLM), U.S. Department of the Interior, Anchorage, Alaska, introduced herself and began the presentation. She said she would also discuss how decisions in these plans will affect residents and other users that live in proximity to BLM land. They were asked [by the Resources Committee] to specifically cover hunters, fishermen, hikers, mushers, developers, and more. Additionally, they were asked to explain the role of public comment, how it is incorporated into the plans, and future opportunities for stakeholders to engage. Finally, she said, this presentation is a compilation of three to four individual presentations.

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Slide 2 was related to the request to cover the Land Use Planning process overview, stakeholder involvement, the three

ongoing RMPs in the state: Eastern Interior RMP, Central Yukon RMP, and Bering Sea-Western Interior.

She said the BLM's mission is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations (Slide 3). The 1976 Federal Land Policy Management Act requires the BLM to develop RMPs for public lands and they are similar to the Fish and Wildlife Service's Comprehensive Conservation Plans (CCP), the Park Service's General Management Plans (GMP), and what the Forest Service terms their Forest Plans.

MS. BARRINGER said BLM RMPs are a preliminary step in the overall process of managing public lands and are designed to guide and control future management actions for up to 20 years, with the intent of helping achievement of their mission.

The types of decisions they make in their RMPs are desired future resource conditions and include: management actions that are needed to achieve those desired conditions, allowable uses which describe how and where to manage uses and activities on the land, and where uses and activities should be excluded. Some key issues in all of BLM Alaska planning efforts include Alaska Native Claims Settlement Act (ANCSA) withdrawals, Alaska National Interest Lands Conservation Act (ANILCA) provisions, locatable and leasable minerals, travel management, subsistence use, fish and wildlife habitat management, wilderness characteristics, wild and scenic rivers, special management areas (such as areas of critical environmental concern), withdrawals, and land status.

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Even though land use plans are comprehensive planning documents, they do not address some actions (Slide 4).

Land Use Plans do not:

- Lift existing withdrawals (makes recommendations only to the Secretary of the Interior: whether to revoke, retain or modify existing withdrawals)
- Affect land conveyances
- Change hunting and fishing regulations
- Resolve R.S. 2477 rights-of-way
- Designate ANCSA 17(b) easements
- Increase or fund law enforcement efforts
- Affect predator control on BLM-managed lands
- Make site-specific project decisions:
- BSWI will not make decisions related to Donlin
- CY will not make decisions related to Ambler Road

- EI will not make decisions on Victoria Creek Road

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MS. BARRINGER explained that the current BLM planning process (Slide 5) is linear and complex. The BLM will take public comment at any point in time during the land use planning process, but there are three required stages where official comments are offered to encourage comment by a deadline so that it may be analyzed and organized in a helpful way for BLM reference. The first one is scoping, then the draft RMP, and then the final RMP that has a 30-day window.

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MS. BARRINGER said that BLM Alaska recently pilot-tested a new public involvement step that is not required by the National Environmental Policy Act (Slide 6). The BLM might require this future step through proposed changes to their planning regulations that the BLM refers to as the "Planning 2.0 Effort." The proposed rule to change the BLM's planning regulations was just published February 25 in the Federal Register with a 60-day comment period that closes on April 25.

She said that the BSWI RMP was the first to conduct preliminary alternative outreach nationwide last spring. The RMPs for Western Oregon held some public listening sessions following really severe planning criteria, but it did not involve preliminary alternatives. Eastern Colorado and Alaska's Central Yukon RMPs will incorporate this step next.

MS. BARRINGER said she recently shared their effort in lessons learned on a national call that included BLM planners nationwide. They felt it was an important step in getting stakeholder input on preliminary alternative concepts prior to creating a full range of alternatives for the draft RMP. This step also serves to break up the stretch of time between when they go to the public first for the scoping outreach period and then when they go to the public for the release of the draft RMP, which helps them keep their stakeholders informed.

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MS. BARRINGER said slide 7 was a map showing the three BLM land use planning efforts that are currently under way in Alaska that include Eastern Interior RMP with 6.5 million acres of BLM managed public lands, Central Yukon with 13 million acres, and Bering Sea-Western Interior with 13.4 million acres. The RMP decisions made for each of these planning areas will only apply to the BLM-managed lands within the planning area.

Slide 8 mapped the Eastern Interior RMP that began in 2008. The draft came out and revisions are being worked on. The proposed plan is anticipated in 2016. Within this planning area there are four subunits: the White Mountain subunit which contains the White Mountains National Recreation Area, Beaver Creek Wild and Scenic River, the Steese subunit which contains the Steese National Conservation Area (NCA), and the Birch Creek Wild and Scenic River. There is also the Upper Black River subunit and the 40-Mile Subunit.

MS. BARRINGER reported that the BLM is currently going through final BLM and cooperating agency document reviews of the proposed RMP and final Environmental Impact Statement (EIS). There will be one more opportunity to look at the plan before it is published. Additionally, the Governor's office will have a 60-day consistency review period prior to the record of decision. The BLM plans to meet one more time with the other agencies before publishing the proposed RMP final EIS. It held two subsistence hearings earlier on the draft EIS and supplement to the draft EIS during the planning process.

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Slide 9 focused on the Eastern Interior RMP. Historically, there have been few permitted guides in the planning area and due to that, this RMP made no hunting guide permit allocation decisions. Over the past five years, however, user demographics have changed, as has the increased interest from guides and outfitters of all types, Ms. Barringer reported. In the fall of 2015, this field office received numerous applications for commercial hunting guides.

So, the Eastern Interior field office now intends to begin a separate recreation focus on the National Environmental Policy Act (NEPA) analysis in 2016 to determine special recreation permit allocation numbers in high use areas during high use periods. Further steps for stakeholder engagement were also outlined on the slide.

Next Ms. Barringer covered the Central Yukon RMP and said the yellow land represents 13 million acres of BLM-managed public land and reminded them that RMP decisions only apply to the BLM land. The planning area includes the Dalton Highway, the TransAlaska Pipeline System (TAPS) and the designated utility corridor surrounding the highway and the pipeline. There are many other land ownerships within and adjacent to the planning area including the Park Service, the Fish and Wildlife Service,

the State of Alaska, Native Corporation lands, and military lands. Additionally, there are 24 remote communities in or near this planning area and 19 federally recognized tribes. It has two formal cooperating agencies: the Fish and Wildlife Service and the State of Alaska. Currently, no tribes are formal cooperators; however, BLM is required to consult with tribes.

At the beginning of all RMP efforts, Ms. Barringer said the BLM notifies all tribes within the planning area about the process and holds meetings in many communities and continues to keep tribes informed with updates and newsletters. They are available to call into tribal council meetings or visit communities for additional consultation.

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Slide 11 was a timeline and a status update for the CY RMP, Ms. Barringer said. Currently, they are developing preliminary alternatives. Once those concepts are drafted, the CY field office will have a preliminary alternatives outreach period, likely this fall. They will hold public meetings in interested communities and government-to-government meetings with interested tribes. Preliminary alternatives will be available on the website and mailed out to communities.

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Slide 12 identifies the following planning issues that came up during the scoping process:

- Utility Corridor Withdrawal - Public Land Order 5150 (along the Dalton Highway)
- Access and Travel Management
- Invasive Species (along the Dalton Highway)
- Minerals Management and Withdrawals (old withdrawals from the 1970s that are still in place). There is both demand to remove these and to keep them.
- Sand and Gravel (high demand on the Dalton Highway)
- Recreation and Visitor Services on Dalton Highway
- Subsistence
- Management of Wildlife Habitat

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MS. BARRINGER went into more detail on the special recreation permit (SRP) issues. The CY field office has nine commercial hunting guides operating under SRPs (Slide 13). Five of these guides operate in or near the Dalton Highway corridor with sheep or brown bear hunting being their primary focus. Generally, SRP holders are small-scale operators taking less than five animals, frequently only one or two, on BLM lands.

The Dalton Highway corridor Dall sheep guide SRP holders are operating under a programmatic environmental analysis (EA) that was completed in 2012. It sought to address two issues: the conflict between the operators and improving hunt quality for guided conflicts and second, perceived conflicts between subsistence users and guides in the vicinity of Wiseman. She said the BLM tried to mitigate these issues by permitting guide operations in discreet areas and only authorizing sheep guiding on BLM lands east of the Dalton Highway as a means of distancing guided hunting activities from subsistence hunting. In partnering with commercial hunting guides who operate on BLM managed lands, the BLM monitors public land user experience, impacts to subsistence, the wildlife resource and wants to ensure that these authorized activities will not result in undue and unnecessary degradation of resources on public lands. They will continue to cooperate with the State of Alaska in development of this RMP.

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Slide 14 was about the utility corridor withdrawal, Public Land Order (PLO) 5150. This topic is one of the bigger issues for the CY RMP. The utility corridor withdrawal prohibits conveyance of these lands to the State of Alaska (SOA). The SOA has top-filed the lands within the corridor and wants BLM to modify PLO 5150 to allow conveyance of the lands in the corridor to the state. To do that this withdrawal would need to be modified so the state top-files can attach, and if the state prioritized their top-filings the BLM would convey to the state. If this were to occur, it would reduce federal public lands available for subsistence hunting and substantially reduce BLM presence along the Dalton Highway. BLM will be looking for additional input from stakeholders regarding this issue and will consider an alternative in the draft RMP that allows for conveyance of these lands to the state.

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Slide 15 related to the Bering Sea-Western Interior RMP and its mission statement, which is: "The Anchorage Field Office vision for the Bering Sea-Western Interior (BSWI) planning area is to sustain the diverse and intact ecosystems that support traditional subsistence lifestyles while recognizing the importance of BLM lands to rural economies."

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MS. BARRINGER said the gold colored lands on slide 16 depict the BLM-managed lands of the BSWI region where RMP decisions will

apply. The light blue color is also BLM managed land, but it has been selected by the state. The brown color represents Native Corporation-owned lands, the blue colored lands are owned by the SOA, and the green colored lands are with the Fish and Wildlife Service. She said the planning area includes many communities located close to BLM land along the middle and upper Kuskokwim and the lower Yukon. There are 69 federally recognized tribes, and the BLM continues to provide updates and notifications to all of them. The tribes located close to BLM land tend to engage a bit more she added.

This plan has three cooperating agencies: the State of Alaska, the Fish and Wildlife Service, and the Native Village of Chuathbaluk. They attended many meetings and were present while the BLM drafted preliminary alternative in 2014 and 2015. They will also be present as they begin to refine a full range of alternatives for the draft RMP.

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Slide 17 outlined the planning process stages and public participation windows, she said. Steps two and three are not required, but they followed the lead of other offices who held a similar area of critical environmental concern focused comment period. Step two was included for two reasons: one reason is because they did not receive enough helpful input during the scoping period and the other reason is to ideally prevent getting input very late in the process that has resulted in significant delays in other efforts.

Step three is the new proposed land use planning regulation changes referred to as "Planning 2.0." It calls for a new preliminary alternatives outreach public involvement phase prior to working on the draft RMP.

In order to increase their ability to catch mistakes and make clarifications before writing the draft and decrease the likelihood of a supplement to keep these phases distinctly separate she has used the following terminology:

- Preliminary alternatives development: in-house RMP team's first attempt to draft preliminary alternatives, which began in 2014/15.

- Preliminary alternative concepts: term used when referencing conceptual ideas for alternatives at this stage.

- Alternatives refinement will be the second in-house RMP team effort to revise those preliminary alternatives with the benefit of stakeholder input

from last spring's outreach period. This is what they will actually begin next month in developing their full range of alternatives for the draft RMP.

MS. BARRINGER called the committee's attention to the on-line open houses under public participation. Those are held simultaneously on the RMP websites where the same maps, presentations, and materials are offered as at the community meetings.

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Slide 18 contains a brief overview of public or stakeholder involvement steps, she said. The BLM began scoping in 2013 and extended it to 2014 due to the government shut down. They held 10 community meetings, offered about 12 presentations to groups who requested it, and released the scoping comment summary report in May 2014. The areas of critical environmental concern comment and nomination period was over a 120-day period. The ACEC report on relevance and importance criteria was released in April 2015.

MS. BARRINGER said the preliminary alternatives concepts were developed based on the issues identified during the scoping process. Then they held a public outreach period last February through June, 2015; they had 14 community meetings, government-to-government meetings and offered about three presentations. In addition to requesting input on the preliminary alternative concepts, the BLM asked stakeholders for input on the next steps for each of the five reports listed on the slide. Those next steps are:

- to determine visual resource management classes across BLM lands,
- to determine lands to propose for protection of wilderness characteristics,
- to determine riparian conservation areas and restoration watersheds, to determine suitable river segments,
- to determine whether special management is required to protect relevant and important ACEC resource values.

She said their preliminary alternatives comment summary report was release in August, 2015. It nicely summarizes and sorts public comment into 33 issues and presents the issues organized by community as well as issues.

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Slide 19 demonstrates the amount of comments the BLM receives by visiting communities such as the one in Aniak. When they hold community meetings Ms. Barringer said she has found what works best is to summarize the issues and concerns raised during the meeting and organize them by resource topics: fisheries, forestry, wildlife, and so on. Those summaries are sent back to communities for review, and eventually they get posted to their website as community comment summaries. These become very helpful references as they continue their dialogue with communities, and would be great references for legislators, as well, to understand the views of their constituents.

MS. BARRINGER said she likes to begin community meetings by reviewing the summary of what they shared with them the last time they visited.

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The other category and the graph on slide 20 refers to comments received outside of community meetings: those submitted via email, comment letters, phone calls, and other means. They received 32 submissions and each one consisted of numerous individual comments. All comments together yielded 893 total substantive comments for the preliminary alternatives outreach period last spring. Slide 22 listed the 33 most frequent issue categories in descending order.

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MS. BARRINGER said BLM uses special recreation permits to authorize and manage activities of state-approved commercial hunting guide operators on BLM managed public land. There are 13 big game hunting permit holders in the BSWI planning area. These guides had 120 visits in 2013. Currently, there is no maximum number of permits for hunting guides who operate on BLM-managed lands within guide use areas. The recreation staff who manage these permits have received guide-on-guide conflict complaints for a number of years. These complaints tend to be in certain hot spot areas.

In partnering with hunting guide outfitters, she said the BLM cares about the public land users' experience, impacts to subsistence, the condition of wildlife habitat, the quality of recreation opportunities available, and perceived conflict with other users. The BLM's land use planning process is their time to make allocation decisions or, what they attempted to do in this case, propose a maximum number of commercial hunting special recreation permits on BLM managed public lands per guide use area.

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The 2015 alternative concepts on slide 24 related to BLM-authorized commercial hunting opportunities on public lands and included two goals and objectives to address both public input received during the scoping and some internal BLM input regarding the guide conflicts.

They proposed a maximum number of hunting permits by guide use area. The permit numbers considered the 10-year average number of permits and the proposed permit numbers are higher than the existing number of permits within each guide-use area. In order to address the stakeholder input from scoping, they propose to not issue commercial hunting SRPs on BLM lands within a 25-mile radius of communities.

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Three alternative concepts address different ways to handle transporters (Slide 25), that are defined as someone who moves people and gear onto BLM managed land, be it plane, boat, pack animal, etc. Currently, the only transporters under permit are those who are also state-licensed guides that provide guiding services.

MS. BARRINGER explained that when they went through their preliminary alternative concept development with the RMP team, they didn't come up with the traditional full range of alternatives that one would see in the eventual draft resource management plans. She tried to structure the document that went out to stakeholders in communities in a way that would be easy for them to provide helpful feedback and had three columns; alternative one had an example and possible management decisions, alternative three had an example decision that differed from alternative one, and alternative two was left blank. The idea was for communities to tell them what they liked about alternative one, if anything, and what they liked about alternative three, if anything. Then plug those likes into alternative two and make it what they would like to see. If you don't like anything the BLM proposed, tell them what you like and imagine that is alternative two.

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Slide 26 depicted alternative one for the proposed number of SRPs per guide use area (GUA). So, within one year of approving the plan the concept is to establish the following allocation limits for big game guide operators operating within each GUA of the BSWI area:

18-02 (1), 18-03 (1), 19-01 (1), 19-02 (1), 19-03 (1),
19-04 (1), 19-05 (1), 19-06 (1), 19-07 (2), 19-08 (2),
19-09 (2), 19-11 (1), 19-12 (5), 19-13 (1), 20-02 (1),
21-01 (4), 21-02 (1), 21-03 (1), 22-07 (4), 23-05 (1).

She explained that "18-02" is the GUA number and "(1)" is the number of commercial hunting guide SRP permits for that area and that:

- Maximum of 33 G-Os within the planning area (allocated by GUA identified above)
- G-Os may not operate in more than 2 GUAs on **BLM land** within the planning area
- No SRPs authorized within 25-mile radius of established community
- Continue to evaluate G-Os and transporter activities on a case-by-case basis
- For new SRP holders, permits would be issued for one year and may be extended for up to 10-years total, with annual validation requirements

Alternatives two and three were outlined on slide 27 as follows:

Hunting Guide-Outfitters

Alternative #2: YOU suggest feedback and submit written comment (Spring 2015)

Alternative #3:

- Special Recreation Permits for G-Os may be authorized near established communities in the planning area
- Maximum of 40 G-Os within planning area (allocated by GUA)
- Each G-O may operate in up to 3 GUAs
- New SRP holders may be given an initial multi-year permit for a period up to 10-years, with annual validation requirements.
- Allocation limits on G-Os would be established on a case-by-case basis at the time of permit granting or renewal. These allocation limits would be determined, in part, based on observed conflict with other uses.

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MS. BARRINGER updated the committee on the most recent RMP for the BSWI area (slide 28) as follows:

UPDATE DEC 2015: BLM presented agency updates

- Big Game Commercial Services Board
- Alaska Professional Hunters Association Annual Meetings

RESULTED IN

- Multiple inquiries and questions

- Field Office - targeted outreach to APHA and all hunting permittees in the BSWI RMP planning area (18)
 1. Provided information
 2. Requested comments
 3. Participated on conference call to answer questions

PUBLIC COMMENT

- 4 comments received and will be considered as the BLM develops a full range of alternatives for the Draft RMP

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MS. BARRINGER offered to demonstrate how the reports and maps could be accessed on their website.

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CHAIR GIESSEL thanked Ms. Barringer and asked for committee questions.

SENATOR COGHILL said they are trying to figure out how to manage game better, in particular, but needed some context for her comment about "high use periods." Did she mean specific hunting seasons or people usage, commercial uses, or hunting mostly?

MS. BARRINGER responded that high use periods was in reference to the Eastern Interior RMP that has some pretty popular recreation areas: the White Mountains National Recreation area, Beaver Creek Wild and Scenic River, the Steese National Conservation Area, Birch Creek Wild and Scenic River, and the Forty-Mile Wild and Scenic River. Use is really high at certain times of the year and their goal is to limit the amount of conflict that occurs in those areas and provide a quality recreation experience. They look beyond just hunting and guide special recreation permits to people who are running river trips and that sort of thing.

SENATOR COGHILL asked her to explain how resource management planning is done. Is it done in cycles or "is it once in a life time deal?"

MS. BARRINGER replied that generally it's a 20-year cycle; the RMPs are supposed to last 20 years.

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CHAIR GIESSEL asked if they were truly going to implement a 25-mile radius around an established community (page 26), because that seems pretty large.

MS. BARRINGER replied that it is still under discussion. It's a conceptual idea to address issues raised during scoping from communities along the Kuskokwim in the Lower Yukon about conflicts between subsistence and recreational hunters or guided hunters.

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SENATOR COSTELLO asked the role of the State of Alaska, because Ms. Barringer had mentioned that certain tribes are "formal cooperators" and also used the term "stakeholder." She also asked how they would use the state's expertise in developing the plans.

MS. BARRINGER replied that the state is a formal cooperator for the BSWI, CY and the EI. That means the state has cooperating agency status. Many times the state is engaged in internal discussions and meetings; the OPUMP office with Samantha Carlisle is the point of contact. The ADF&G representative is also very engaged internally at a lot of their meetings.

SENATOR COSTELLO said she used the phrase "protection of wilderness characteristics" and asked if there are new terms for new characteristics that weren't used 20 years ago when the current plan was created.

MS. BARRINGER replied yes; "lands with wilderness characteristics" is a new direction their planning process is following now. The plans in place for the area that she manages, the BSWI, are actually management framework plans which preceded resource management plans. A portion of the BSWI planning area is under the 1986 CY RMP. However, the BSWI RMP will replace both of those plans. The management framework plan for the BSWI is called the Southwest Management Framework Plan, 1981. A lot of terminology exists now that didn't then.

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SENATOR COSTELLO asked where the BLM gets its authority for preparing management plans on federal lands in Alaska.

MS. BARRINGER answered their authority comes from land use planning regulations as well as the 1976 forest Land Policy Management Act (FLIPMA), Title 43 and U.S. Code.

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CHAIR GIESSEL referred to the map on page 16 (BSWI) and asked if the yellow patches are BLM land.

MS. BARRINGER said yes.

CHAIR GIESSEL noted that it was very fragmented and that the BLM is considering 25-mile radiuses with hunter-concession type provisions. This creates quite a bit of discord with the state which doesn't have a guide concession program. She said, "We should sure like to work more collaboratively on that just so that there is more continuity of regulations and land management for hunting."

MS. BARRINGER responded that the state uses the term "concession program" and selecting guides for that program is a lengthy process. The BLM uses the term "allocation" and they propose two different things. A guide use area has a maximum number of permits that is higher than the number of permits that exist in the GUAs. The BLM wasn't proposing a process by which to choose one guide over another, just a maximum number of permits per GUA. Where those hot spots are in the future, the recreation staff had in mind that those areas would get more attention, similar to what is going on with the Squirrel River area now, where a process would actually be developed for how to choose amongst multiple guides that want to operate in the same area.

The 25-mile zone is a separate issue. The BLM proposed no authorization of commercial hunting SRPs on BLM lands if there are any BLM lands within the 25-mile radius around a community, and a lot of communities tend to be surrounded by Native corporation-owned lands. What they were looking for in the more recent round of feedback is if another radius might make more sense to address the conflict between subsistence and recreational hunting or if no radius is better, and they did get feedback on that.

CHAIR GIESSEL said in terms of the "allocation areas," if BLM were to implement that, it would be quite confusing since the state doesn't have a guide concession program now. And the state has a goal of more continuity between BLM and state management.

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SENATOR STOLTZE asked how they approach a situation where there is a large state area that has a multiple use designation (for instance) and there is a contiguous federal area. Do they try to keep compatible uses together and how much cooperation is there between the state and the federal government? How much does an existing use area and its management philosophy influence how BLM determines it should be managed?

MS. BARRINGER answered the state has "area plans" and the Fish and Wildlife Service have CCPs. Those are the two other plans the BLM is required to be consistent with to the extent possible. Since the Fish and Wildlife Service and the State of Alaska are cooperators on this plan and attend the meetings when ideas are being discussed for how to address issues, they do a really good job of being consistent with their neighbors. There are plenty of opportunities along the way for reviews that occur. As a cooperating agency, the state would get to review documents before they go public; it is something Samantha would coordinate with all the departments.

REPRESENTATIVE TALERICO asked if BLM looks at the utility corridor withdrawal within Central Yukon plan as favorable.

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MR. CRIBLEY answered that the BLM is neutral on that issue. The state requested lifting that withdrawal to allow that selection to fall into place so that the lands can be conveyed to the state. They are not able to lift that withdrawal without going through a land use planning process. That is one of the principle drivers of the need for the CY RMP. Their intent is to allow the land use planning process to drive that by providing the opportunities for public input.

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SENATOR COSTELLO said as a cooperator the state has the ability to review plans before they go public and asked if the state is looking for consistency with comments or can it say it doesn't agree with the direction this plan is taking.

MS. BARRINGER replied a little bit of all the above.

CHAIR GIESSEL noted that page 19 shows the number of community comment and asked how she decides if a comment is "substantive."

MS. BARRINGER replied substantive comments suggest specific changes in a BLM inventory report or alternative concept, or clearly identify where an issue or an error is located, or why someone believes there is an error in something the BLM has proposed or done, or offers alternative ideas about how to address issues or errors. A substantive comment would be one that provides constructive solutions with documentation, resources or research to support the recommendations or the comment that is being brought forth.

A substantive comment is not a vague statement or concern that lacks suggested changes or doesn't give any direction in which to act. It's not a vote for or against a proposed decision or alternative. The BLM must rely on supporting information, not the number of comments received. Numerous comments expressing the same concern or issue are considered to be just one comment. An example of that is form letters from an interest group.

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SENATOR COGHILL asked if those who are available to comment get the BLM criteria for substantive comments.

MS. BARRINGER replied that she goes over that with the communities she visits. Comments come in many forms including over the phone. When she has the opportunity to explain such as in the form of a community meeting, she tries to describe what is helpful to them. She has a BLM staff take detailed notes at these community meetings; this is where they get the best feedback.

MS. BARRINGER said the process she has found most helpful is to take whatever comments people have written and organize them by category. Then she types it up at her Anchorage office and mails it back to the community asking them if their comments were reflected correctly. That gets posted on their website.

In addition to the scoping summary report where all the comments are organized in an appendices, she also prepares summaries of community comments for both the scoping and preliminary alternatives.

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SENATOR COGHILL said the reason he brought that up is because the state has tried to stay up with BLM's management planning. He explained that they first look at state law, and in dealing with the BLM they look through the Alaska National Interest Lands Conservation Act (ANILCA), Alaska Native Claims Settlement Act (ANCSA), and the Statehood Compact. The BLM has to look through the Federal Land Policy Management Act (FLPMA) and ANCSA for what the state is doing, and sometimes they miss each other and have "to wrangle over some very, very, different opinions."

MS. BARRINGER agreed that that was an accurate presentation of the situation.

SENATOR MICCICHE asked how the BLM attributes the huge quantity of comments coming from Anchorage that aren't directly related to the community where the planning is taking place.

MS. BARRINGER answered the way they hold meetings in some of the Native communities they use more of a discussion style. Within those communities the Elders speak up first and maybe on behalf of some of the others who might not speak up and share quite as much, or SLM staff might not capture everything at the meeting. In the urban meetings in Anchorage, pretty much everyone is not shy about commenting.

SENATOR MICCICHE asked if there is a cultural difference where perhaps the urban comments may carry the day, because they are more used to a formal communication style. How do they adjust for the difference in cultural communication that is more subtle in rural communities?

MS. BARRINGER answered that when substantive comments are received, they don't count them as "votes." Whoever looks at the comments determines the issue that was raised and tries to capture it. The 33 issues in the preliminary alternatives outreach were the ones that were parsed out of everything that they heard. The number of times an issue is raised isn't a factor.

SENATOR MICCICHE commented that it seems like, particularly in land use areas they are describing, the rural communities are more likely to intimately know the land and he would think that more of the urban comments would be philosophical versus hands-on experience or cultural.

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MR. CRIBLEY added that he had been working in Alaska for 5.5 years and that issue has become "very evident and very important to the BLM." They are going through a process on the North Slope working with the Native communities developing a regional mitigation strategy to implement the use of mitigation funds. They hear those types of concerns from the standpoint of outside influence overwhelming the voice of the local communities. That is why they do such extensive outreach going to the specific villages and figure out ways to pull that information out and make folks comfortable sharing it. They try to make it very clear that the playing field is level and transparent. Their comment periods are 120-days; typically the BLM conducts 60-90 day comment periods in the Lower 48. The reason they are much longer here is they are trying to facilitate enough time to fly

to all of the villages and schedule meetings when people are actually in the villages and not out doing subsistence fishing or hunting.

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SENATOR MICCICHE said that Alaskans worry that federal folks arrive in Alaska with assumptions about wilderness opportunities because they have likely been assigned to other areas that don't have the same expansive land and wilderness opportunity characteristics, and some federal employees have become "conditioned" about the importance of those few remaining wilderness areas in the Lower 48. How do they make that adjustment as a federal employee in Alaska?

MR. CRIBLEY answered that anybody coming from the Lower 48 and the BLM who hasn't worked in Alaska can't hit the ground running. They must get educated about Alaska, because it is so much different in a lot of different ways. A lot of it has to do with the additional laws they manage for under ANCSA and ANILCA and the fact that so much of Alaska's lands are undeveloped.

He said they have a difficult time communicating with the specialists in their Washington, D.C., office in reviewing the plans and trying to explain to them, especially about lands with wilderness characteristics. In the western states that is a very sensitive issue from the standpoint of properly identifying them. They have to remind everybody that in most cases, 95 percent of Alaska lands that BLM manages (sometimes 99 percent like the National Petroleum Resource Alaska NPR-A) are lands with wilderness characteristics. So they need a different perspective on those. But they also have opportunities in Alaska from the standpoint that the lands are still undisturbed and making sure that they don't make the same mistakes they made in the western states down south. Their objective is not to lock up lands, but to best manage them to meet all of their objectives of development and conservation. It takes time for their people to become reoriented, but all new people go through an orientation process.

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CHAIR GIESSEL said she appreciated his reference to development of some resources. She saw that most of the commenters were Alaskans, except for the Center for Water Advocacy, the Pugh Charitable Trusts, and other interest groups. These are groups that typically are not Alaskans and often have a very different view from Alaskans in wanting to make our state into a park. She asked if they give more credibility to the commenters who are

Alaskans or do the interest groups carry the same weight in their comments.

MR. CRIBLEY replied that all comments carry the same weight, but it is also a matter of their perspective and how it fits into what their objectives are. It must be put in the context of their legal mandates, which are multiple use and sustained yield. Many peoples' lifestyles and their very lives are affected by BLM decisions. Some whole communities' economies are based on subsistence activities, and they have to have a say in what the BLM is doing. He said in some instances the communities - in Fairbanks on regional mitigation strategy for the NPR-A - have the loud voice and the conservation groups were actually not participating just because of that.

CHAIR GIESSEL expressed appreciation for remediation of the legacy wells.

SENATOR COGHILL thanked the BLM for the significant role it has played in fire suppression. He also remarked that this committee would encourage the state to participate in whatever level it can to figure out a better way of doing guide concession areas and management of land use planning.

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MR. CRIBLEY said he fully agrees and added that he doesn't think it would be successful unless the state and BLM work together on managing guide outfitter and transporter use on BLM and state lands. Otherwise they will play a shell game of pushing people from one land base to another, particularly if BLM goes into a more restrictive use of its public lands, which doesn't benefit the public as a whole.

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CHAIR GIESSEL adjourned the Senate Resource Committee at 4:54 p.m.