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Alaska State Legislature

REPRESENTATIVE
MARK BOYER

HOUSE FINANCE COMMITTEE



House of Representatives

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MEMORANDUM

TO: Representative Sam Cotten, Co-Chair
Representative Adelheid Herrmann, Co-Chair
Committee Members
House Resources Committee

FROM: Representative Mark Boyer *MB*

SUBJECT: HB 464, advisory commission on federal areas

DATE: March 1, 1988

HB 464 extends the termination date of the Citizen's Advisory Commission on Federal Areas for a period of ten years to June 30, 1998. The bill is companion legislation to SB 373, which has been introduced in the Senate by Senator Fahrenkamp. Attached is a memorandum on the commission by Senator Fahrenkamp and a short summary of its activities by Stan Leaphart, executive director of the Citizens' Advisory Commission on Federal Areas.

I would like to thank the committee for the prompt attention which has been given to HB 464.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, OIL AND GAS COMMITTEE
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MEMORANDUM

Senate

TO: Members of the Senate Resources Committee

FROM: Senator Bettye Fahrenkamp

DATE: February 22, 1988

RE: SB 373 An Act extending the termination date of the Citizens' Advisory Commission on Federal Areas

SB 373 would extend the termination date of CACFA for a period of ten years to June 30, 1998.

History of the Commission

The Citizens' Advisory Commission on Federal Areas was created as a temporary advisory agency of the executive branch of State government by the Alaska Legislature in 1981. Because CACFA is a temporary agency, it is not allocated to a department, although for budget purposes, it appears in the Department of Natural Resources, Office of the Commissioner component.

The Commission is scheduled to sunset on June 30, 1988. This sunset date was selected at the time of passage because it was believed that implementation of the Alaska National Interest Lands Conservation Act (ANILCA) would be essentially complete. However, federal agency planning schedules have resulted in delays in the implementation of several important provisions of the law.

What the Commission does

The Citizens' Advisory Commission is the only State agency that works directly with the public in reviewing federal agency planning and rulemaking activities. The statutory mandate to "consider, research, and hold hearings on the impact of federal regulations and federal management decisions on the people of the state" is a charge that the Commission has placed at the forefront of its activities. Other state agencies, through the Division of Governmental Coordination, review most of the same and plans and regulations that the Commission does, however their review is focused primarily on the effects that the federal management proposal will have on State management programs and policies and not how those proposals will affect the general public. The Commission provides an additional level of input for the individual citizen into the federal planning process and also serves as an important source of information about planning activities.

Why the Commission is still needed

The Commission has demonstrated itself to be an invaluable player whose mission should not be abandoned when ANILCA is fully implemented. Foremost among the provisions yet to be implemented is the Section 1317 Wilderness review and recommendation process of the National Park Service. The first draft environmental impact statements containing the agency's wilderness recommendations are scheduled for release in March, 1988, with the public review period extending beyond the June 30 sunset date for the Commission. The remaining draft documents will be released throughout the Spring and Summer of 1988, also with review periods extending well beyond the sunset date.

The National Park Service is also currently preparing environmental impact statements and mineral management plans for three Alaskan park units, scheduled for release in June, 1989. Other federal agency planning efforts underway include the Bureau of Land Management's cumulative environmental impact statements on the effects of placer mining within four river drainages and the National Forest Service's revision of the Tongass Land Management Plan.

In addition, both the National Park Service and the U.S. Fish and Wildlife Service will be preparing dozens of refuge and park specific resource management plans. These plans, accompanied by additional regulations, will direct the management of resources within the various parks and refuges and as a result will have a greater impact on the public use of these areas than did the general management plans which have been prepared.

Public participation

Opportunities for public participation in the federal planning process have been greatly enhanced through the Commission's activities. The Commission has worked with the federal agencies to help ensure that adequate public comment periods are provided when a document is released for review and to ensure that public meetings are held in conjunction with the public comment period. In Fall, 1987 the Commission helped to have a controversial furbearer management plan for the Kenai National Wildlife Refuge withdrawn until the affected public had a chance to work with the U.S. Fish and Wildlife Service to develop a more acceptable plan.

Authority of the commission and its public role

AUTHORITY TO RECOMMEND LAWSUITS

The Commission, under its enabling legislation, has the authority to recommend that the State file suit against a federal agency if it is determined that the agency is acting in violation of an act of Congress, congressional intent or the best interest of the State of Alaska. In April, 1987, at the Commission's request, Governor

Cowper authorized the filing of a lawsuit against the National Park Service. At issue are regulations for the use and construction of cabins and other structures within Alaskan national park units. This lawsuit represents the first time that the State has brought suit over any aspect of the implementation of ANILCA and clearly signals a desire to protect the rights of Alaskan citizens' who own and use cabins within the national park system in Alaska.

THE ROLE OF OMBUDSMAN

Another role which the Commission fulfills is that of ombudsman for those citizens who may have a problem or complaint against a federal agency. The Commission can act as an intermediary between a citizen and a federal agency or manager and has, in many instances, been able to help resolve problems. The Commission has also helped agencies to avoid future problems by identifying inconsistencies and potential conflicts during the preparation of management plans.

Membership

The commission is composed of sixteen members, eight appointed by the Governor, four by the President of the Senate, and four by the Speaker of the House. Senators Fahrenkamp and Halford and Representatives Wallis and Goll serve on the commission.

Conclusion

Reauthorization of the Commission will continue to provide the citizens of Alaska with a strong advocate for their right to continue their customary and traditional uses of the federal lands in Alaska and with a "watchdog" agency to guard against erosion of those rights.

A fiscal note of \$156.0 for FY 89 is attached. The commission employs two fulltime employees.

State of Alaska
CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS
515 Seventh Avenue, Suite 310
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TO: Representative Mark Boyer
FROM: Stan Leaphart, Executive Director
DATE: March 1, 1988
RE: Commission Activities

Since beginning operations in 1982, the Commission has reviewed the following documents or proposed regulations:

A. Statements for Management and draft and final General Management Plans for the following National Park units:

Aniakchak National Monument
Bering Land Bridge National Preserve
Cape Krusenstern National Monument
Denali National Park and Preserve
 Gates of the Arctic National Park and Preserve
Glacier Bay National Park and Preserve
Katmai National Park
Kenai Fjords National Park
Kobuk Valley National Park
Lake Clark National Park and Preserve
Noatak National Preserve
Wrangell-Saint Elias National Park and Preserve
Yukon-Charley Rivers National Preserve

B. Draft Comprehensive Conservation Plans for the following National Wildlife Refuges:

Alaska Peninsula NWR
Becharof NWR
Innoko NWR
Izembek NWR
Kanuti NWR
Kenai NWR
Kodiak NWR
Koyukuk NWR
Nowitna NWR
Selawik NWR
Tetlin NWR
Togiak NWR
Yukon Flats NWR

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C. Currently reviewing Draft CCP's for:

Alaska Maritime NWR
Arctic NWR

D. Management Plans for the following National Wild and Scenic Rivers:

Dirch Creek WSR
Beaver Creek WSR
Delta WSR
Fortymile WSR
Gulkana WSR
Unalakleet WSR

E. Management Plans for the following BLM areas:

Steese National Conservation Area
White Mountains National Recreation Area
Central Yukon Planning Area
Utility Corridor and Central Arctic Management Area

F. Management Plans and Environmental Impact Statements for the following U.S. Forest Service Areas:

Chugach National Forest
Mist Fjords National Monument
Admiralty Island National Monument
Quartz Hill-U.S Borax Molybdenum Project EIS
Green's Creek Mining Project EIS
Coronation, Warren and Maurelle Islands Wilderness
West Chichagof Yakobi Wilderness
Russel Fjord Wilderness
South Prince of Wales Wilderness
Tebenkof Wilderness

In Addition the Commission has been involved in or commented on the following issues:

National Marine Sanctuary Proposals for Alaska
U.S Forest Service Resource Planning Act EIS
ANILCA 706(B) Report: Status of Management on Tongass N.F.
ANILCA Title VIII Subsistence Report
Kantishna Hills- Dunkle Mine Study Report
Oil and Gas Exploration Regulations in the Arctic NWR
ANILCA Title XI Regulations: Access into Conservation System Units
Bristol Bay Cooperative Management Plan
Denali Scenic Highway Study
Coastal Barrier Resource System Proposals
National Park Service Cabin Regulations 36 CFR Part 13
National Park Service Regulations- Mining Activities 36 CFR Part 9

Issues that the Commission has worked on with respect to complaints brought by citizens include the following:

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Commercial fishing in Glacier Bay NP&P wilderness
On-shore commercial fishing facilities in Kodiak and Izembek NWR
Hunting guide permitting problems in Izembek and Kodiak NWR
Trapping and Furbearer Management in the Kenai NWR
Cabin Use in Yukon-Charley Rivers NP, Gates of the Arctic NP&P,
Wrangell-St. Elias NP&P, Glacier Bay NP&P, Kodiak NWR, Nowitna NWR,
Chugach NF, Tongass NF and Kobuk Valley NP.
Access problems in Wrangell-St. Elias NP&P and Denali NP&P
Native allotments review by the National Park Service
Private Inholdings in Kenai NWR
Mining claims in several National Park units

Many of these same or similar issues have been investigated in other conservation system units throughout the state. Some were resolved favorably, others have gone beyond administrative remedies and would require legal action on the part of the individual against the federal agency in question.

One of the major accomplishments of the Commission has been its work on the National Park Service cabin regulations. The draft regs were released in 1984 after the Commission requested the development of more comprehensive and uniform regulations. The Commission held public meetings in Glennallen, Eagle, Coldfoot and Kotzebue to gather public input on the regs. The agency issued final regs in September, 1986. These regs were actually more restrictive than the original cabin guidelines and, as a result, seriously threatened not only those people who utilize the cabins as their primary place of residence, but contained unnecessary restrictions on guides and outfitters, subsistence users and the general public.

At the request of the Commission and State agencies, Governor Shoffield petitioned the Secretary of the Interior to revise the regulations. When the petition still had not been responded to after six months, the Commission asked Governor Cowper to file a lawsuit against the national Park Service in an effort to overturn the regs. The lawsuit is still awaiting action by the Courts, although a preliminary ruling recognizing the State's standing to bring the suit has been made. The Commission is working closely with the Department of Law and the Division of Governmental Coordination in preparing the case.

Another issue that the Commission began working on in 1983 came to fruition in mid-1986. This issue involved on-shore facilities for commercial fishing activities in Kodiak NWR. The Commission, working with fishing groups on Kodiak and the State was able to convince the Fish and Wildlife Service to allow approximately 12 set-net operators to convert their tent camps to permanent structures to support their fishing activities.

The Commission continues to investigate complaints received from the public. Currently we are involved in trying to resolve permitting problems for two big game hunting guides operating on two national wildlife refuges. We are also providing assistance to several individuals attempting to secure permits to use their cabins on other conservation system units.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SB 373/AB 464
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: 2/4/88 Agency Affected: Natural Resources
 Title: An Act Extending the Termination of BRU: Commissions
 Date of the Citizens' Advisory Comm.: _____
 Sponsor: Sen. Fabrenkamp Components: Citizens' Advisory
 Requestor: _____ Commission on Federal Areas

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	113.0	117.0	121.0	125.5	130.0	134.5
TRAVEL	20.0	22.0	23.5	25.0	26.5	28.0
CONTRACTUAL	2.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	150.0	156.0	161.5	167.5	173.5	179.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	150.0	156.0	161.5	167.5	173.5	179.5
FEDERAL FUNDS						
OTHER						
TOTAL	150.0	156.0	161.5	167.5	173.5	179.5

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) Personal Services figures represent an average annual increase of 3.5%. This is expected to cover annual step and/or merit increases. The figures for travel assume an average increase in travel costs of approximately 5%. Costs for contractual services and supplies are expected to remain constant.

Prepared by: Stan Leaphart - Executive Director Phone: 456-2012
 Division: CACFA Date: 2/4/88

Approved by Commissioner: _____ Date: _____
 Agency: _____

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