

01/24/13

OVERVIEW:

FEDERAL

OVERREACH - RS

2477 EASEMENTS

& DISPUTES OVER

SUBMERGED LANDS

AND NAVIGABLE

WATERS

<TARGET><BILL></BILL><SUBJECT>01-24-13 OVERVIEW
FEDERAL OVERREACH - RS 2477 EASEMENTS OVER FEDERAL LANDS
AND DISPUTES OVER SUBMERGED LANDS AND NAVIGABLE
WATERS</SUBJECT><COMM>SSTA28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Sen. Fred Dyson, Chair
Sen. Cathy Giessel, Vice Chair
Sen. John Coghill
Sen. Bert Stedman
Sen. Bill Wielechowski



State Capitol, Room 121
Juneau AK 99801-1182
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800-342-2199

Joint Senate State Affairs Committee & House State Affairs Committee

AGENDA

January 24, 2013
Beltz Room 211
9:00 a.m. – 10:30 a.m.

9:00 - Federal Overreach: Federal Overreach: Activities of Departments of Law and Natural Resources

Overview and presentations by department staff on State activities related to RS 2477 easements over federal lands and disputes over submerged lands and navigable waters:

Kent Sullivan, Assistant Attorney General, State of Alaska, Office of the Attorney General

Ed Fogels, Deputy Commissioner, Department of Natural Resources

Scott Ogan, Manager Navigability Project, Department of Natural Resources, Division of Mining, Land & Water

Overview of Citizens' Advisory Commission on Federal Areas, Department of Natural Resources

Earnest Prax, Legislative Aide, Representative Wes Keller (Chair, Citizen's Advisory Commission on Federal Areas)

FEDERAL OVERREACH *into* RESOURCE DEVELOPMENT *in* ALASKA

Senate State Affairs Committee

Thursday, January 24, 2013
Juneau, Alaska

Ed Fogels, Deputy Commissioner
Alaska Department of Natural Resources
www.dnr.alaska.gov





Alaska Statehood Act

- On July 7, 1958, President Dwight D. Eisenhower approved H.R.7999 to admit the State of Alaska into the Union.
- Under the Statehood Act, the federal government provided Alaska with a 103,350,000-acre land entitlement—an amount that was deemed to be sufficient for the newly formed state to become economically self supporting.
- The Statehood Act gave the state 25 years to select lands for entitlement. That original time period was amended through several pieces of legislation that lengthened the amount of time for the state to select lands.
- Additional entitlements to the original 103,350,000 acres were provided through the Mental Health Trust, ANCSA, ANILCA and other legislation. The state entitlement was finalized at 105.8 million acres and the state was given until January 3, 1994, to submit their final list of nominated lands to the U.S. Department of the Interior. The state provided its selection list in December of 1993.
- The State of Alaska has approximately 5.5 million acres remaining for its entitlement.

ANCSA

- Alaska Native Claims Settlement Act (ANCSA) was signed by President Richard M. Nixon on December 18, 1971
- ANCSA was the largest land claims settlement in U.S. history
- ANCSA entitled Alaska Natives to receive 43.7 million acres of land and monies totaling \$962.5 million in compensation for the extinguishment of any claims to additional lands based on aboriginal title
- ANCSA created 12 land-based regional corporations and 220 village corporations for Alaska Natives; each corporation was granted a land entitlement; a 13th corporation was later added





ANILCA

Overview

- Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) in 1980.
- The Act established more than 100 million acres of federal land in Alaska as new or expanded conservation system units (CSUs).
 - A CSU is any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or a National Forest Monument, including additions and expansions to these systems in the future
- ANILCA challenged federal land managers to balance the national interest in Alaska's scenic and wildlife resources with recognition of Alaska's fledgling economy and infrastructure, and its distinctive rural way of life.



ANILCA

State Coordination

- Over 100 specific provisions of ANILCA require some form of federal agency consultation with the State of Alaska; numerous other federal laws, regulations and policies require state consultation.
- ANILCA issues closely monitored by the State of Alaska include: continued public access for traditional activities; guaranteed access to inholdings; transportation and utility corridors; access for subsistence; recognition of state authorities concerning fish, wildlife, navigable waterways, tidelands, and submerged lands; and recreation and tourism planning
- Successful consultation with the State involves:
 - early communication when issues first arise
 - consultation and cooperation concerning identification of data needs, if any, and subsequent research methodology
 - consideration of state and other non-federal management tools if a management response appears to be necessary
 - internal state review of draft federal proposals that address or affect state management authorities and jurisdictions



OCSLA

- The Outer Continental Shelf Lands Act (OCSLA), created on August 7, 1953, defines the OCS as all submerged lands lying seaward of state coastal waters (3 miles offshore) and those lands are under U.S. jurisdiction.
- The OCSLA was precipitated by the U.S. Submerged Lands Act in 1953, which set the federal government's title and ownership of submerged lands at three miles from a state's coastline.
- Under the OCSLA, the Secretary of the Interior is responsible for the administration of mineral exploration and development of the OCS.
- The Act empowers the Secretary to grant leases to the highest qualified responsible bidder on the basis of sealed competitive bids and to formulate regulations as necessary to carry out the provisions of the Act.
- The Act, as amended, provides guidelines for implementing an OCS oil and gas exploration and development program.
- The Bureau of Ocean Energy Management (BOEM) implements an oil and gas exploration and development program under the Act



Building Alliances

- Interstate Mining Compact Commission (Senate Bill 2)
- CERCLA 108(b): EPA's initiative to assume control of bonding for hardrock mining.
- Office of Surface Mining: Enhanced Oversight directive
- Endangered Species Act issues



Wetlands Permitting

- Federal overreach coupled with decreasing resources for the U.S. Army Corps of Engineers is a serious concern to Alaska's economic health.
- Once upon a time, the federal agencies recognized that Alaska's wetland situation was unique in the nation, and agreed to handle permitting here with more flexibility (the Alaska Joint-Memorandum). It is not clear if the federal agencies have been implementing this Memorandum in recent years.
- The governor has introduced House Bill 78 and Senate Bill 27 that establishes the authority for the state to evaluate and seek primacy for wetlands permitting.



The President's Interagency Working Group

- The Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska (IAWG) was established by Executive Order 13580 on July 12, 2011.
- The IAWG consists of Deputy Secretary level staff from all relevant federal agencies.
- EO 13580: “To formalize and promote ongoing interagency coordination, this order establishes a high-level, interagency working group that will facilitate coordinated and efficient domestic energy development and permitting in Alaska while ensuring that all applicable standards are fully met.”
- The IAWG was asked to write a report for the President on an “integrated management approach to the Arctic.” The Governor submitted State comments on November 16, 2012.

R.S. 2477

What it is, Why it is Important to Alaska
& Recent Developments

Kent Sullivan, Dept. of Law, Natural Resources Section

What is R.S. 2477?

- Section 8, Mining Law of 1866
 - Later re-designated as Section 2477 of Revised Statutes of 1878, a/k/a R.S. 2477
- “The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”

How is an R.S. 2477 created?

- Grant is self-executing
- All right of ways existing on the date of repeal of R.S. 2477 in 1977 were expressly preserved
- Arises automatically when a public highway is established across public lands in accordance with the law of the State

Highways

- Historically, highways included foot trails, pack trails, sled dog trails, crudely built wagon roads and other corridors of transportation
- AS 19.45.001(9): includes a highway, road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility

Breadth of R.S. 2477

- Includes historic routes which exist not only on Federal lands (including present day B.L.M., Park Service and Forest Service lands), but also on former Federal lands which are now held by the State, or owned by private parties, including Native corporations

The R.S. 2477 Controversy

- The Federal Agency Perspective
- The Environmentalist Perspective
- Utah's Current Efforts on R.S. 2477

Examples of R.S. 2477 Routes

Dalton Highway – Livengood to Prudhoe Bay



Farmers Loop Road - Fairbanks



DeBarr Road - Anchorage



Debarr Road / Muldoon Road



Exit Street View

Debarr Road

© 2012 Google

© 2012 Google

Google earth

Klutina Lake Road – Copper Center



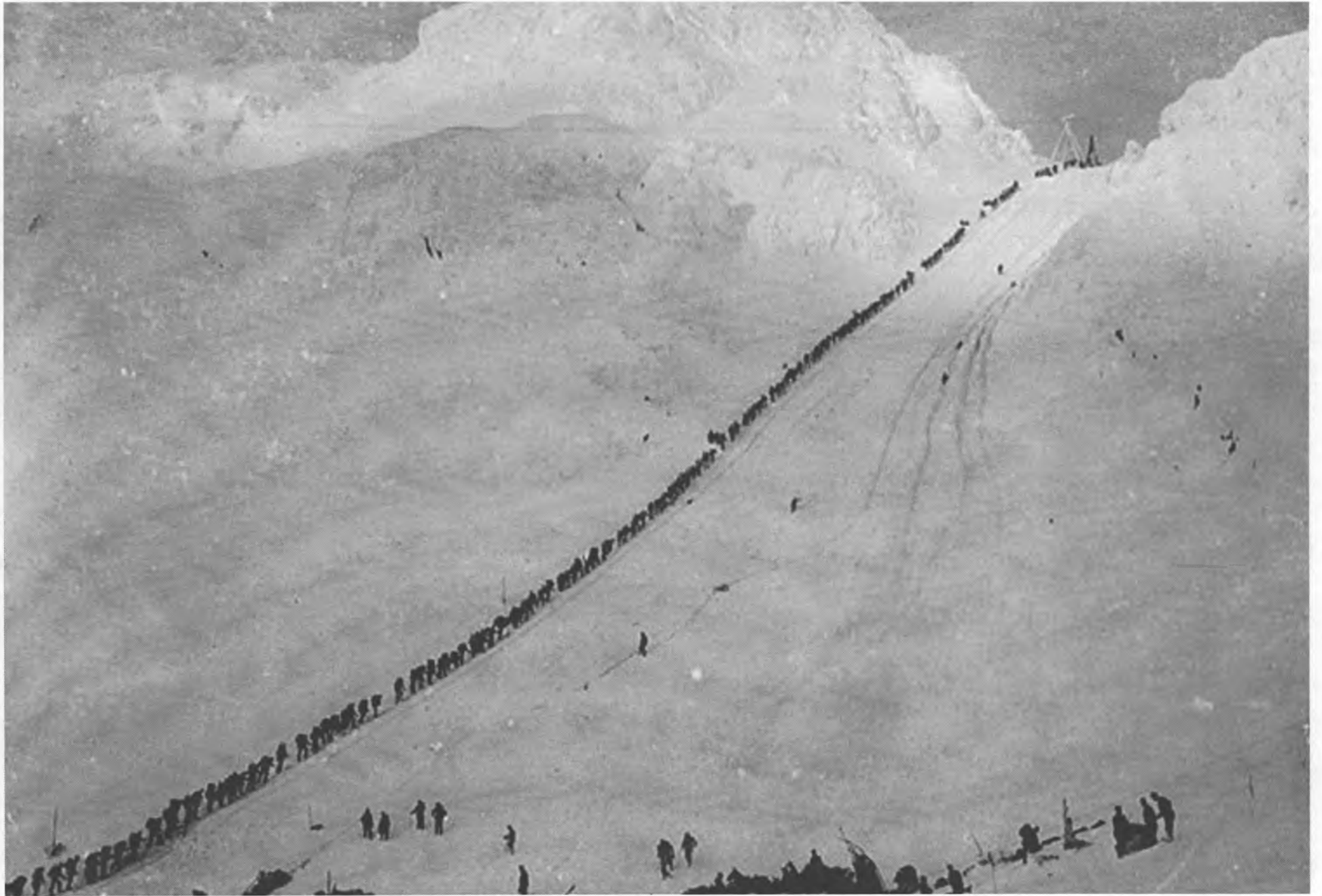
The Iditarod Trail – Interior Alaska



The Iditarod Trail – Interior Alaska



RST 592 Chilkoot Trail - Skagway



RST 592 Chilkoot Trail - Skagway



R.S. 2477s Vary

RST 10 Chicken to Franklin – Fortymile Region



RST 10 Chicken to Franklin – Fortymile Region



RST 410 Jack Wade to Steel Creek – Fortymile Region



**RST 1642 Franklin to Chicken/Lilliwig Creek – Fortymile
Region**



RST 379 Hutchinson Creek - Fortymile Region



RST 1974 Chitina Cemetery Road - Chitina



RST 421 Chicken Ridge - Fortymile Region

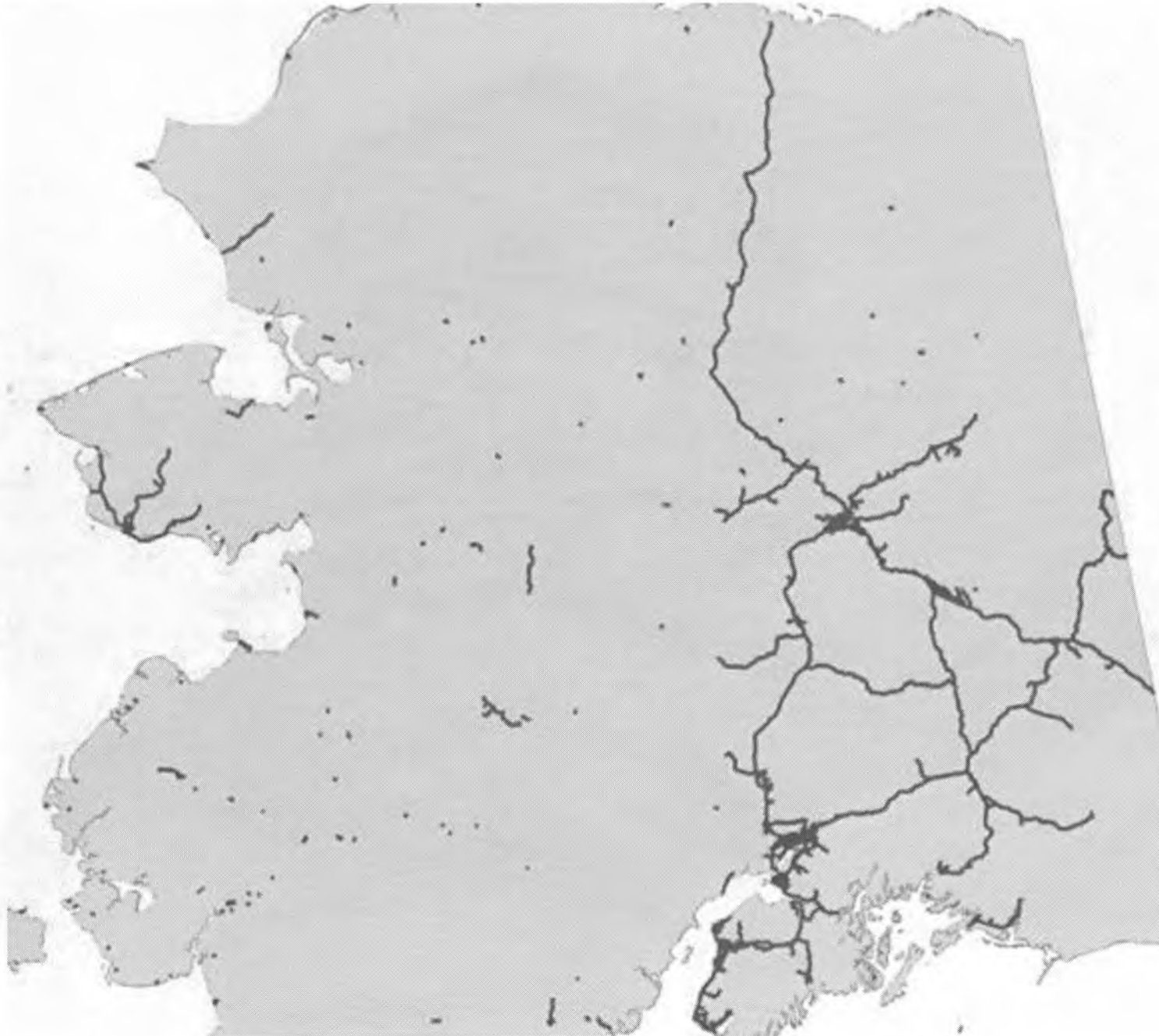


Why are R.S. 2477s important?

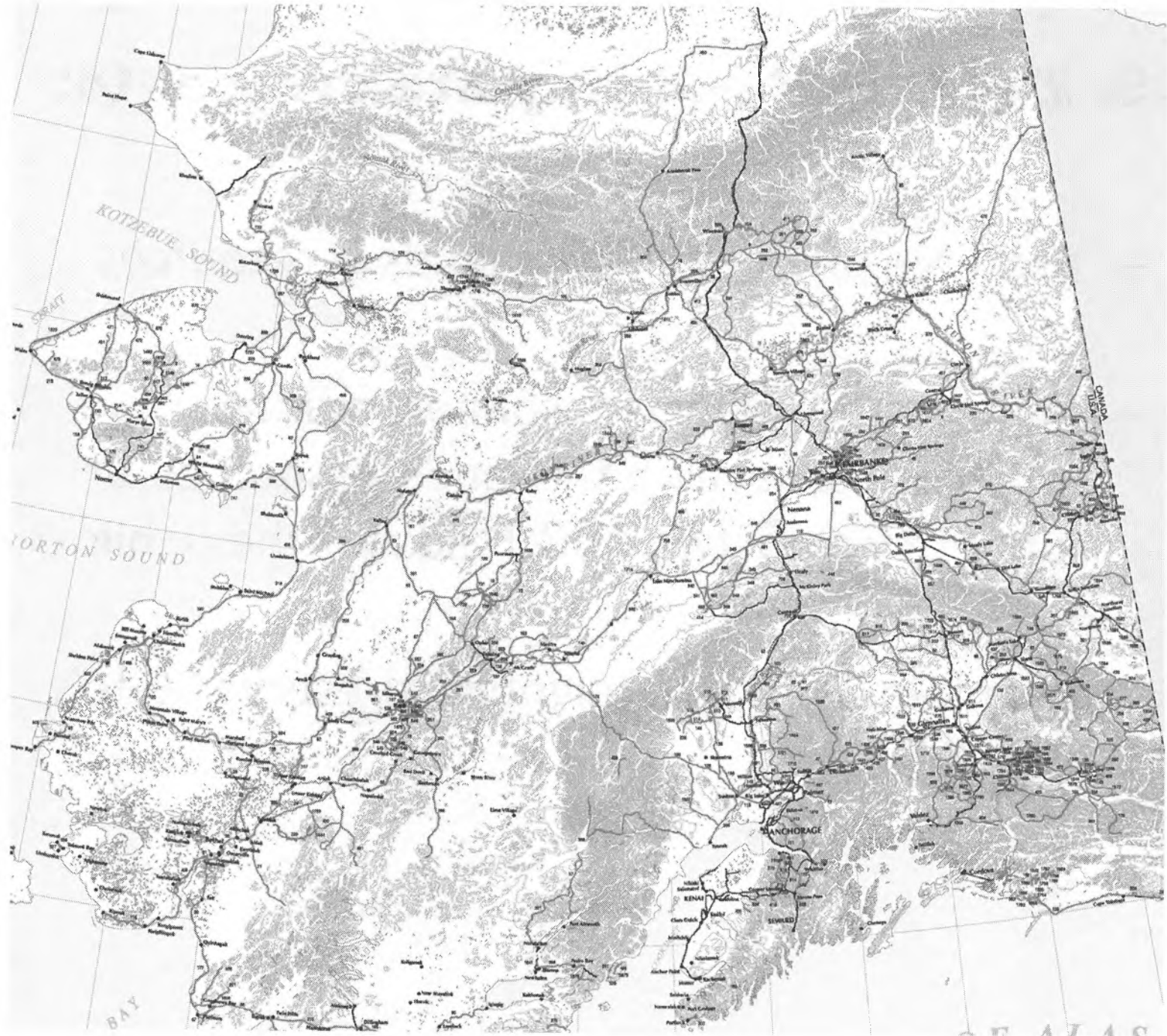
- Alaska – The largest state in the country, actually has fewer public roads than Connecticut, the third smallest state in the country
 - Alaska – 16,302 miles
 - Connecticut – 21,020 miles



State of Alaska Highway Syst. w/o R.S. 2477 (except Dalton Hwy.)



Alaska with R.S. 2477



R.S. 2477 rights-of-way are critical to:

- preserve public access to lands & resources
- enable the State to reasonably manage, maintain & develop the lands, resources & opportunities it owns & holds for the public
- maintain State sovereignty & preserve State's rights

Previous R.S. 2477 Research, Investigation & Legislative Codification

- Began early 1990s
- Intensive research effort by DNR to identify routes via:
 - Alaska Road Commission reports
 - USGS maps, field notes, etc.
 - Postal Service contracts & other records
- Effort culminated in Alaska's legislative codification & recognition of more than 600 routes as set forth in AS 19.30.400

Recent R.S. 2477 Developments

- In 2011, the Legislature authorized a \$599,000 increment to DNR for FY 2012 to clear clouds to State title related to R.S. 2477
- Utilizing that increment increase, among other things, DNR and Law have:
 - conducted extensive field work and historical research related to R.S. 2477 investigation;
 - recruited and hired an assistant attorney general dedicated almost exclusively to R.S. 2477 work;

- engaged in peer-to-peer meetings and exchange with Utah representatives; and
- further developed and refined Alaska’s R.S. 2477 prosecution strategy, including:
 - careful selection of initial claims to prosecute;
 - engaging in a multi-faceted approach to resolution of claims;
 - preparing detailed analysis of what is needed to take a R.S. 2477 case to trial;
 - recognizing the need to systematically revamp and supplement R.S. 2477 claim files to aid in assessment and prosecution of claims; and
 - identifying the need to preserve key witness testimony.

Recent Legal Developments

- *State v. Lonewolf*
 - Private landowner attempted to block R.S. 2477 right-of-way near Chickaloon
 - Blocked the right-of-way with vehicles and also by felling trees across the roadway
 - Hundreds of nails were also placed in the roadway



07/12/2012 10:29

- We succeeded in getting the Court to issue both a temporary restraining order and preliminary injunction preventing the landowner's continued interference with the roadway

- *Dickson v. State*

- Private landowner sued the State seeking to prevent use of a portion of the historic Iditarod Trail near Knik
- This matter continues to be actively litigated

- *Ahtna, Inc. v. State*

- Ahtna sued the State attempting to claim that the Klutina Lake Road near Copper Center is not a valid R.S. 2477 right-of-way
- Klutina Lake Road is a portion of the historic Valdez to Copper Center Trail, one of Alaska's most historically rich R.S. 2477 rights-of-way
- This case continues to be actively litigated

- *State v. United States*

- Law is in the process of finalizing a complaint which will likely be filed against the United States and others in the Fortymile Region
- Involves approximately seven separate R.S. 2477 routes near Chicken, Alaska
- These routes are located over a very large geographical area and are used extensively by miners, hunters, trappers and other recreationalists
- Among other things, this litigation will seek to limit federal overreach and regulation of these State owned rights-of-way

Assistance in the Effort

- We are losing living witnesses with pre – 1969 knowledge (relevant period to prove acceptance of R.S. 2477 grant)
- Need to locate and interview these witnesses
- Need to identify and inventory additional R.S. 2477 routes

Persons With Witness or R.S. 2477 Route Information May Contact

- <http://dnr.alaska.gov/mlw/trails/paad/index.cfm> for online submittal of information concerning your knowledge of a witness who DNR should contact or of a potential R.S. 2477 route

Questions?

Senate State Affairs

DNR Navigability Presentation 1/24/13



Public Access Assertion and Defense Unit (PAAD)



Scott Ogan NRM II
PAAD Unit Manager
Suite 1420 Atwood Building 269-5515

PAAD Mission Statement

- ◆ Protecting the Alaskan lifestyle through the assertion and defense of access to Alaska's Public Lands and Waters



Statewide Policy Issues

- ◆ Statehood entitlements
- ◆ Navigability
- ◆ RS 2477
- ◆ ANCSA Easements
- ◆ Day to Day Litigation Strategy



Defending Title to State Submerged Lands During the ANSCA Conveyance process



Interagency Navigability & Access Team



- ◆ Department of Natural Resources
- ◆ Department of Fish and Game
- ◆ Department of Law

Equal Footing Doctrine

- ◆ All states are admitted to the union on equal footing with the other states, including the 1953 Submerged Land Act, which granted the title to the submerged lands beneath Navigable waters



Case Law

- ◆ Daniel Ball
- ◆ Utah (Salt Lake)
- ◆ Kandik/Nation
- ◆ Gulkana
- ◆ PPL Montana (susceptibility confirmed)



Is it Navigable?

- ◆ Submerged lands
- ◆ Tidelands
- ◆ Shorelands
- ◆ Public Trust or title

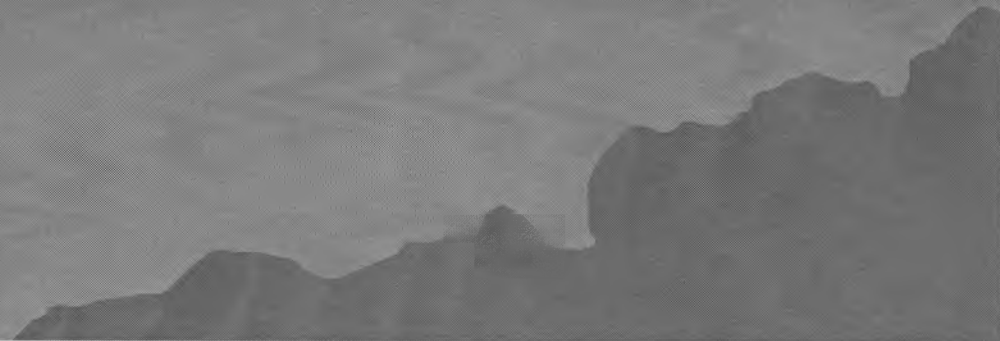


Whose land is it?



Title Navigability

- ◆ **AS 38.04.062.**
Identification of State Submerged Land.
- ◆ **(g)** In this section,
- ◆ **(1)** "navigable water" means water that, at the time the state achieved statehood, was used, or was susceptible of being used, in its ordinary condition as a highway for commerce over which trade and travel were or could have been conducted in the customary modes of trade and travel on water; the use or potential use does not need to have been without difficulty, extensive, or long and continuous;(Daniel Ball)



Public Trust Navigability

◆ Public Trust

Doctrine: providing that shorelands, submerged and submersible lands are preserved for public use, including but not limited to, navigation, fishing, and recreation; and the State of Alaska, as trustee for the people, bears responsibility of preserving and protecting the right of the public to the use of waters for those purposes.



Art VIII Sec 14 Access to Nav Waters



- ◆ Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

Ordinary High Water Mark



- ◆ The ordinary high water mark (OHWM) is the boundary between **non-tidal waters** and adjoining uplands.

Quiet Title Actions

- ◆ “Quiet” other claims to our title
- ◆ Expensive
- ◆ Time consuming
- ◆ Uncertain outcome
- ◆ Necessary when no other option exists



Recordable Disclaimers of Interest

- ◆ Cost effective (\$50K) alternative to filing a quiet title action (QTA cost upwards of \$1 mil.)
- ◆ Alaska has the only successful RDI process in the US
- ◆ 20 Recorded RDIs
- ◆ May be an alternative solution for RS 2477 litigation, if BLM sufficiently funds program



Current Issues/Litigation

- ◆ Mosquito Fork
- ◆ Kotsina River
- ◆ Fog Lake/Dream Creek
- ◆ Lemon Creek
- ◆ Skagway
- ◆ Sturgeon/Nation River



Mosquito Fork

- ◆ State Mining Claim
- ◆ Wild and Scenic (Fed)
- ◆ Non Nav by Feds
- ◆ Filed Complaint
- ◆ BLM Denied
- ◆ Discovery Phase
- ◆ Floated, Hydro



Kotsina River

- ◆ In the case of braided streams and delta areas where there can be several stream channels or the channels frequently shift naturally, the stream bed is defined as lying between the outer OHWM of the most distant channels.



Fog Lake/Dream Creek

- ◆ Public Trust, and title navigability
- ◆ Lodge owner leasing “private” river, lake
- ◆ Violates PTD and Art VIII Sec 14



Lemon Creek

- ◆ Tidelands held in trust for future state
- ◆ Pre-statehood patents issued.
- ◆ Conflicts over gravel ownership



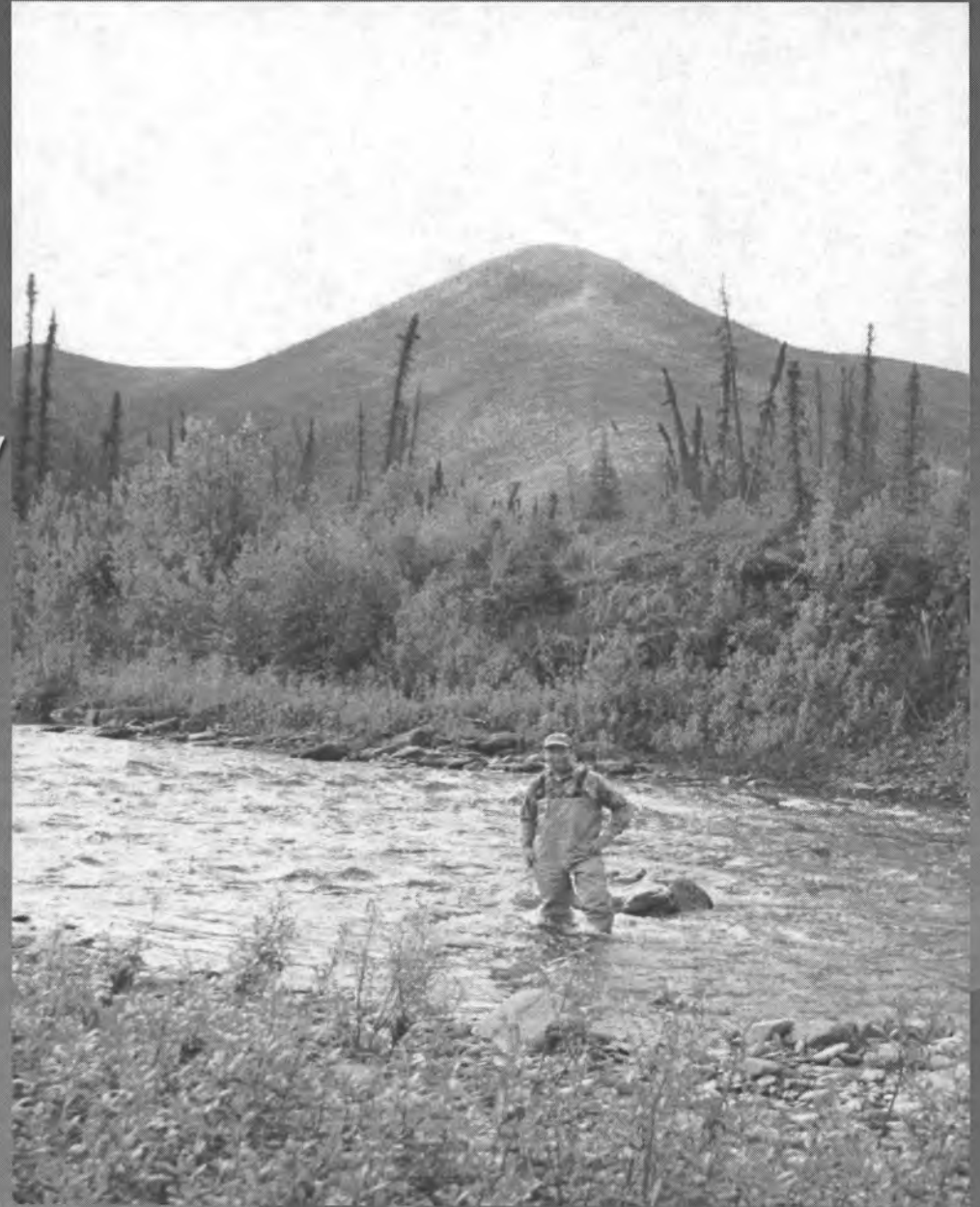
Skagway

- ◆ Mining gravel in State navigable river bed
- ◆ Filling riverbed behind flood dykes
- ◆ Settled and recorded
- ◆ 20+ year conflict settled



Sturgeon/Nation River

- ◆ Adjudicated
- ◆ Smallest
- ◆ Excellent History
- ◆ Reserved Water Rights Doctrine
- ◆ ANILCA did not include state lands



What Kind of Boat Before Statehood?

- ◆ Historic skin boats, pre-statehood subsistence
- ◆ Gulkana Raft capable of carrying 1000 lbs
- ◆ Poling boats
- ◆ Freight canoes (Kandik, Nation)



Historic Poling Boat



Crude Oar Lock

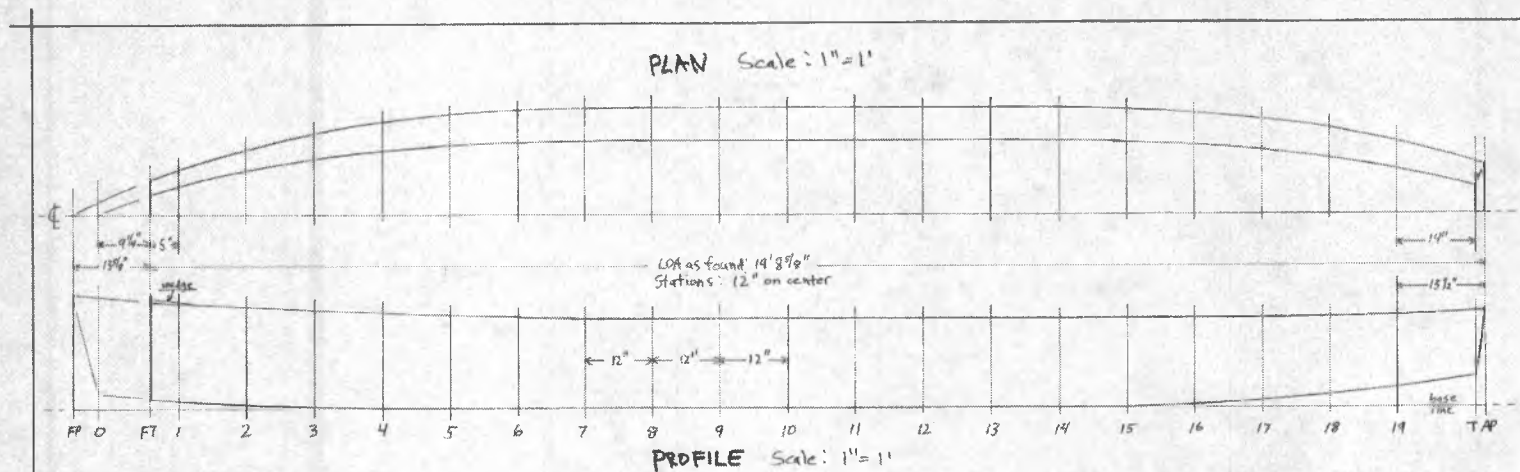


OHA Archeological Team

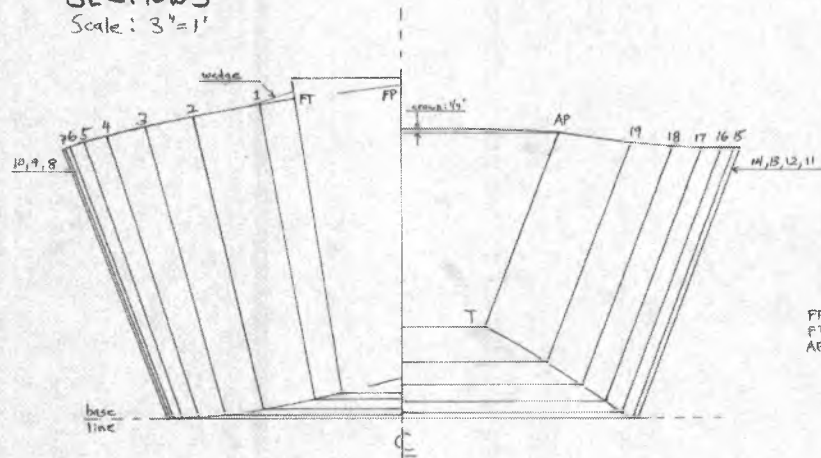
- ◆ Office of History Archeology is a key partner supporting our litigation with history and archeological research



Historic Poling Boat



SECTIONS
Scale: 3"=1'



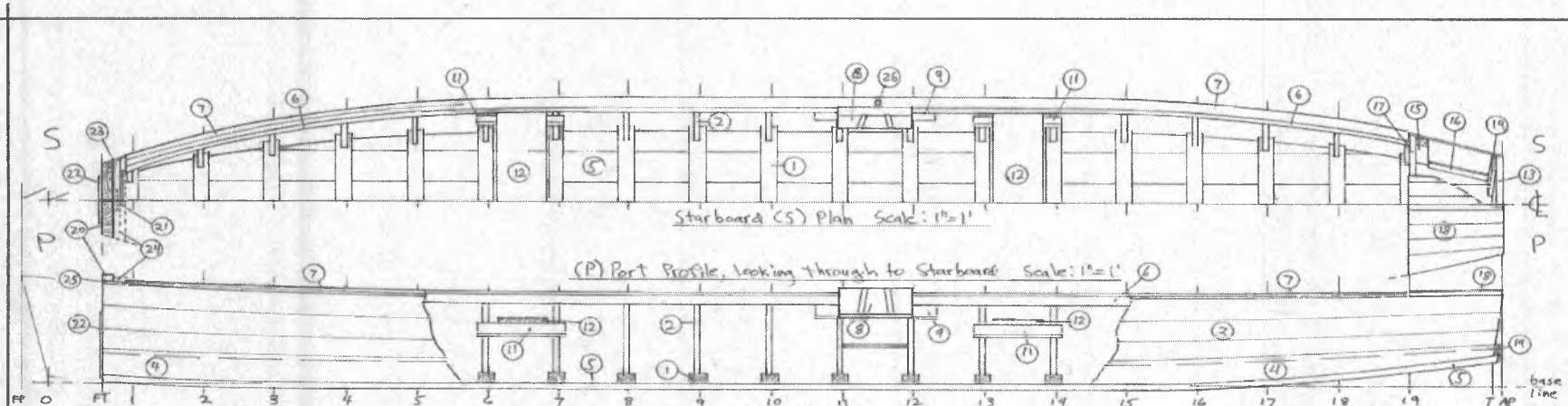
FP: forward perpendicular
FT: forward transom
AP: aft perpendicular

TABLE OF OFFSETS

Sta. #	heights		hull breadths	
	chine	sheer	chine	sheer
FP		1-8-6		0
0	0-2-4		0	
FT	0-1-5	1-2-7	0-3-5	0-6-2(0)
1	0-1-2	1-7-4	0-5-2	0-8-3
2	0-0-5	1-6-6	0-8-2	1-0-2
3	0-0-2	1-6-2(0)	0-10-1	1-1-1
4	0	1-5-5	1-0-0	1-5-3
5	0	1-5-2	1-1-0	1-4-6
6	0	1-5-0(0)	1-1-4	1-7-5
7	0	1-4-6	1-1-6	1-7-7
8	0	1-4-6	1-1-7	1-9-0
9	0	1-4-6	1-1-7	1-8-0
10	0	1-4-6	1-1-7	1-8-0
11	0	1-4-6	1-1-7	1-8-0
12	0	1-4-6	1-1-7	1-8-0
13	0	1-4-6	1-1-7	1-8-0
14	0	1-4-6	1-1-7	1-8-0
15	0	1-4-6	1-1-5	1-7-5
16	0-0-3	1-4-6	1-1-0	1-6-7
17	0-1-1	1-4-6	1-0-0	1-5-6
18	0-2-0(4)	1-4-7(0)	0-10-5	1-4-0
19	0-3-5	1-5-1	0-8-3	1-1-5
T	0-5-6		0-4-7	
AP		1-5-6		0-9-0

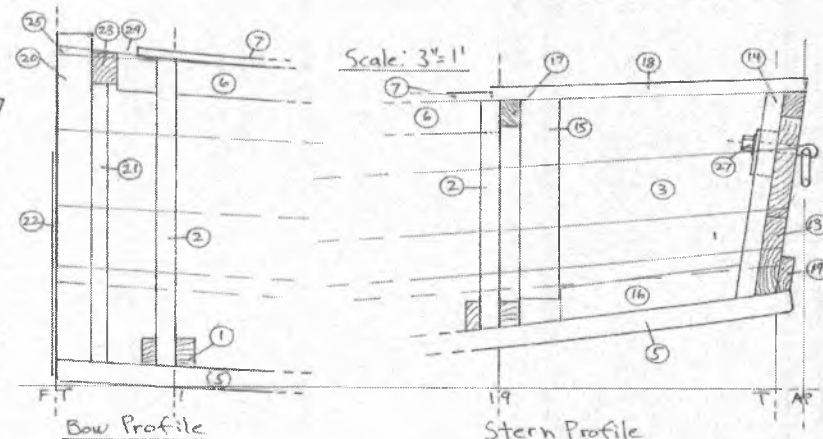
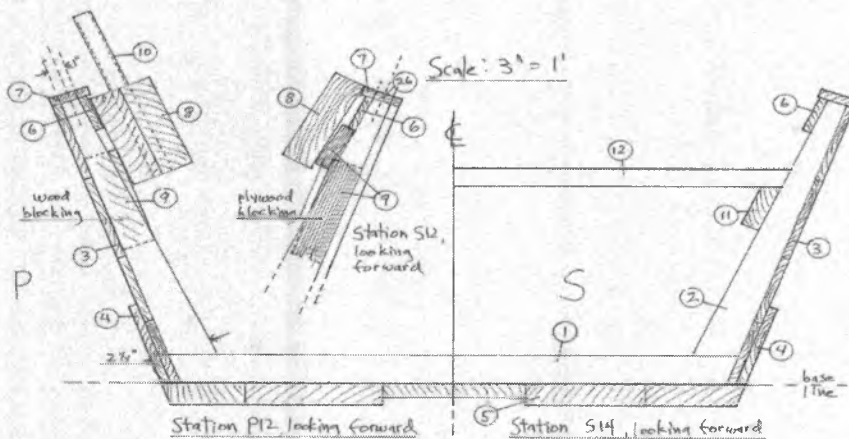
Measured in feet, inches, eights
to inside of plank and outside of
transoms

Historic Poling Boat



SCANTLINGS

- | | | | |
|---|--|--|---|
| 1. floor timbers: $1\frac{1}{4}'' \times 2\frac{1}{4}''$ | 8. warlock blocks (4): $1\frac{1}{2}'' \times 5\frac{1}{2}'' \times 12\frac{1}{2}''$ | 15. vertical caddy frame: $2'' \times 1\frac{1}{2}''$ | 22. fwd transom cleat (exterior): $\frac{1}{4}''$ (chingle?) |
| 2. frames: 1 | 9. blocking: port: wood, starb: plywood | 16. chine caddy frame: $2'' \times 3\frac{1}{8}''$ | 23. fwd transom transverse ledger: $1\frac{1}{2}'' \times 2''$ |
| 3. side planks: $\frac{7}{16}''$, rotary planed | 10. warlock pipes: $1'' \text{OD steel pipe}$ | 17. caddy keel frame: $1'' \times 2''$ | 24. fwd transom chafe: assume: $\frac{1}{2}'' \times 2''$ |
| 4. exterior longitudinal member: $\frac{7}{16}''$ | 11. seat risers: $2\frac{3}{4}'' \times 1'' \times 15''$ | 18. caddy decking: $1\frac{1}{2}'' \times 2''$ | 25. plank fairing wedge: $\frac{1}{2}'' \text{ at bow, } 7'' \text{ long}$ |
| 5. bottom planks: center: $\frac{1}{2}''$, outer: $1\frac{1}{4}''$ | 12. seat stack: $1'' \times 8''$ | 19. exterior transom member: $\frac{3}{8}'' \times 2''$ | 26. original warlock holes: $1'' \text{ dia.}$ |
| 6. inwale: $\frac{7}{16}'' \times 2\frac{1}{4}''$ | 13. stern transom: $1\frac{1}{2}''$, rotary planed | 20. forward transom: $1\frac{1}{4}''$, roughcut | 27. transom ring, forged: $\frac{1}{2}'' \text{ shaft, } 2\frac{1}{2}'' \text{ dia ring}$ |
| 7. cap: $\frac{1}{2}'' \times 2''$, split 58" back from bow P+S | 14. stern transom vertical frame: $\frac{1}{2}'' \times 3\frac{1}{2}''$ | 21. fwd transom vertical cleat: $1\frac{1}{2}'' \times 3\frac{3}{8}''$ | 28. nails: red cut boat nails in sides, steel wire nails otherwise |



Construction

Chicken Poling Boat EAG-772

Dec 2012 (DHW) PB/8

FEDERAL REGISTER

Vol. 76, No. 136

Presidential Documents

PRESIDENT OF THE UNITED STATES

Executive Order 13580 of July 12, 2011

Title 3--

The President

Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska

Part V

76 FR 41989

DATE: Friday, July 15, 2011

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish an interagency working group to coordinate the efforts of Federal agencies responsible for overseeing the safe and responsible development of onshore and offshore energy resources and associated infrastructure in Alaska and to help reduce our dependence on foreign oil, it is hereby ordered as follows:

Section 1. Policy. Interagency coordination is important for the safe, responsible, and efficient development of oil and natural gas resources in Alaska, both onshore and on the Alaska Outer Continental Shelf (OCS), while protecting human health and the environment, as well as indigenous populations. A number of executive departments and agencies (agencies) are charged with ensuring that resource development projects in Alaska comply with health, safety, and environmental protection standards. To formalize and promote ongoing interagency coordination, this order establishes a high-level, interagency working group that will facilitate coordinated and efficient domestic energy development and permitting in Alaska while ensuring that all applicable standards are fully met.

Sec. 2. Establishment. There is established an Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska (Working Group), led by the Department of the Interior.

Sec. 3. Membership. (a) The Deputy Secretary of the Interior shall serve as Chair of the Working Group and coordinate its work. The Working Group shall also include deputy-level representatives or officials at the equivalent level, designated by the head of the respective agency, from:

- (i) the Department of Defense;
- (ii) the Department of Commerce;
- (iii) the Department of Agriculture;
- (iv) the Department of Energy;
- (v) the Department of Homeland Security;

(vi) the Environmental Protection Agency; and

(vii) the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) The Domestic Policy Council shall work closely with the Chair of the Working Group and assist in the inter-agency coordination functions described in section 4 of this order. To maximize coordination with National Security Policy Directive-66 (NSPD-66), "Arctic Region Policy;" Executive Order 13547 of July 19, 2010 ("Stewardship of the Ocean, Our Coasts, and the Great Lakes"); the National Response Framework; the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan); and other relevant Federal policy initiatives, the Working Group shall also include deputy-level representatives or officials at the equivalent level, designated by the head of the respective agency or office, from:

(i) the Council on Environmental Quality;

(ii) the Office of Science and Technology Policy;

(iii) the Office of Management and Budget; and [*41990]

(iv) the National Security Staff.

(c) The Working Group shall consult with other agencies and offices, as appropriate, in order to facilitate the sharing of information and best practices.

(d) Members of the Working Group shall meet periodically and on a schedule coordinated with significant milestones in the various permitting cycles. Staff from the participating agencies shall meet as appropriate to facilitate the functions of the Working Group.

Sec. 4. Functions. Consistent with the authorities and responsibilities of participating agencies, the Working Group shall perform the following functions:

(a) facilitate orderly and efficient decisionmaking regarding the issuance of permits and conduct of environmental reviews for onshore and offshore energy development projects in Alaska;

(b) ensure that the schedules and progress of agency regulatory and permitting activities are coordinated appropriately, that they operate efficiently and effectively, and that agencies assist one another, as appropriate;

(c) facilitate the sharing of application and project information among agencies, including information regarding anticipated timelines and milestones;

(d) ensure the sharing and integrity of scientific and environmental information and cultural and traditional knowledge among agencies to support the permit evaluation process of onshore and offshore energy development projects in Alaska;

(e) engage in longterm planning and ensure coordination with the appropriate Federal entities related to such issues as oil spill prevention, preparedness and response, and the development of necessary infrastructure to adequately support energy development in Alaska;

(f) coordinate Federal engagement with States, localities, and tribal governments, as it relates to energy development and permitting issues in Alaska, including:

(i) designating a primary point of contact to facilitate coordination with the State of Alaska;

(ii) designating a primary point of contact to facilitate coordination with local communities, governments, tribes, co-management organizations, and similar Alaska Native organizations;

(g) collaborate on stakeholder outreach; and

(h) promote interagency dialogue with respect to communications with industry regarding Alaska offshore and onshore energy development and permitting issues.

Sec. 5. General Provisions. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) The Department of the Interior shall provide administrative support for the Working Group to the extent permitted by law.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. [*41991]

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

/S/ Barack Obama

THE WHITE HOUSE,

July 12, 2011.

[FR Doc. 2011-18065 Filed 7-14-11; 11:15 am]



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Office of the Commissioner
550 West 7th Avenue, Suite 1400
Anchorage, Alaska, 99501-3650
Phone: 907.269.8431
Fax: 907.269.8918

November 16, 2012

Mr. David J. Hayes
Deputy Secretary
United States Department of the Interior
1849 C Street, NW
Washington DC 20240

Dear Deputy Secretary Hayes,

Thank you for your letter of October 18, 2012 asking for State of Alaska input to the report you are preparing for President Obama on an integrated management approach for the Arctic. We believe that such an approach must be founded on a collaborative federal-State relationship. With an improved relationship, the existing statutory and regulatory management structure will be adequate to ensure protection of the Arctic environment, while allowing for economic opportunity for Alaskans and the nation. Adding new layers onto the existing management structure would only burden the process while adding little benefit. Your interagency working group was created by Executive Order to facilitate coordinated and efficient domestic energy development in Alaska and the Arctic. We expect your new "integrated Arctic management" initiative to be consistent with these same goals.

Alaska's Unique Framework

As we proceed on a path to strengthen our collaborative relationships in managing the Arctic, it would be wise to remind ourselves of the unique frameworks that have already been established in Alaska. These frameworks were intended to balance the nation's need for protecting important Arctic lands, while allowing the people of the Arctic a means for generating an economy. All future discussions about Arctic management must be undertaken within the context of these frameworks.

- **Alaska Statehood Act** The Alaska Statehood Act of 1958 granted the State approximately 104 million acres of land, which was intended to help Alaska develop an economic base. Alaska was also granted ownership of State submerged lands of navigable waterways and submerged lands up to three miles offshore, and was given the primary authority to manage fish and wildlife on all lands and waters.
- **ANCSA**: In 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA), which settled Alaska Native land claims with a land grant of 44 million acres and

payment of \$1 billion. Similar to the State land grant, the grant was provided in part to help provide a long-term economic base for village and regional corporations.

- **ANILCA:** After nine years of lengthy reviews and deliberations stemming from withdrawal processes initiated by ANCSA, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, establishing more than 100 million acres of federal land in Alaska as new or expanded conservation system units. The overarching intent in ANILCA is described in Section 101(d), which states:

This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby. [Emphasis added]

This language, in addition to ANILCA's numerous provisions that protect access for traditional activities and to resources that are the bedrock of Alaska's economy, clearly illustrates that Congress understood the importance of balancing conservation objectives with Alaska's developing economy and infrastructure, and distinctive rural way of life. ANILCA embodies many hard-fought compromises, and its passage served to bring finality to the conservation issue in Alaska. Congress also recognized ongoing implementation would be challenging and therefore ensured consultation between the federal government and the State by including both Title XII of ANILCA, which was devoted entirely to federal-State cooperation, and numerous additional provisions that require some form of federal agency consultation with the State of Alaska.

The groundwork for a cooperative relationship already exists with ANILCA, but successful implementation takes effort and requires both an understanding and respect for the history behind the Act as well as the mandates that are unique to Alaska.

Alaska's Interests

Before discussing the specifics of our regulatory and policy recommendations for the integrated management approach that flow from the unique framework described above, Alaska's general interests should be clearly stated and explained.

As State of Alaska officials, we have a constitutional duty to responsibly develop and utilize Alaska's abundant natural resources for the benefit of our citizens, and to safeguard our world-class fish, wildlife, and natural environment. We take these obligations extremely seriously. That is why Alaska

has some of the world's most stringent standards on environmental protection and responsible resource development, and employs hundreds of some of the world's most accomplished scientists and technical specialists, including Arctic experts, to evaluate economic development projects. We pride ourselves on the exceptional record of responsible resource development and environmental protection we have achieved in over 50 years of statehood. We have been fulfilling our fundamental responsibilities, and will continue to do so for the benefit of our citizens.

The State also has a responsibility to confront the challenging socioeconomic issues that many of our citizens face. We see a strong nexus between economic and social issues, which drives our need for responsible development. Alaskan resource development projects provide opportunity and hope to many of our people, and support the foundation of healthy communities. We must continue to consider such social benefits as we evaluate the ramifications of responsible resource development.

One of the State's biggest frustrations over the last four years has been the fact that the federal government has not consulted with the State when making decisions of enormous impact on Alaska's people (e.g., the wild lands rule, the polar bear Endangered Species Act critical habitat designation, the Arctic exploration moratorium, and most recently the National Petroleum Reserve-Alaska decision). The State of Alaska was allowed little to no input, despite the fact that State officials possess technical expertise, historical experience, and first-hand knowledge of local needs that often exceeds that of federal officials. Such decisions have been opposed by a vast majority of Alaskans, but often the State was not even aware they were being considered until they were announced. We are hopeful that our comments below will be thoroughly considered during the preparation of your report, and look forward to seeing a meaningful change with regard to the issue of State involvement on federal decisions affecting Alaska as we move forward.

Arctic Opportunities and Needs

Alaska, the American Arctic, is still very much the frontier region of the United States. We have very little infrastructure. As we strive to adapt to the changing environmental conditions in our state, as new opportunities arise, and as both domestic and international Arctic activity increases, the State and federal governments must collaborate to address critical needs.

On a broad scale, it is not hard to envision a future Arctic including:

- Increased domestic and international shipping and tourism activity resulting from decreased sea ice.
- Offshore oil and gas development in the Chukchi and Beaufort seas.
- Increased fishing interest in Arctic waters
- Increased onshore oil and gas activity.
- Increased mining in the Ambler District and on Native Corporation lands in Northwest Alaska.
- Increasing populations and associated infrastructure in Arctic communities.
- Increased coastal erosion that threatens a number of coastal villages.

In addition to these Alaska-specific opportunities and challenges, broader opportunities will develop across the circumpolar Arctic. Other Arctic nations, as well as the global community as a whole, will look to the Arctic as an emerging frontier for development. We already see China and other non-Arctic nations establishing footprints in the Arctic. It is imperative to develop a plan to guide such activities to ensure rational and reasoned development occurs.

These opportunities will require fulfilling critical needs including:

- ***Infrastructure for access.*** Developing deep water port facilities in the Alaskan Arctic is a key infrastructure priority. We also need new road access for community benefit and resource development. Infrastructure connections to the Ambler Mining District and to northwestern Alaska for oil and gas development are a priority. Improved aviation facilities will be necessary.
- ***Infrastructure to support shipping, towing, and search and rescue capability.*** International shipping of cargo, crude oil, refined products, and potentially hazardous cargoes through the Bering Strait is growing, as are scientific exploration and marine tourism. Our Arctic neighbors are leaps and bounds ahead of the United States in investments in ice breakers, a critical resource to support escort and rescue efforts in areas with seasonal ice coverage. Navigation aids, forward basing for United States Coast Guard and Alaska Air National Guard, and ports are needed.
- ***Infrastructure for oil spill response.*** A tightly coordinated Arctic spill response system is critical. This requires improved communication systems across the Arctic in addition to the above.
- ***Infrastructure for energy.*** The Alaskan Arctic holds a high proportion of the world's cumulative Arctic resource potential. Combined benefits of resource development – satisfying needs for energy and promoting robust economic opportunity – will be key to long-term investment in critical infrastructure, ensuring long-term well-being for both Arctic peoples and our environment as well as meeting our nation's energy demands and reducing our dependency on foreign resources. This requires a stable and predictable leasing and permitting system and infrastructure such as pipeline corridors and production facilities.
- ***Infrastructure for health.*** While there have been great improvements in the overall health of our Arctic peoples, there is much still to do. Our Native cultures are still adapting to the integration with western culture, and we will need to devote more resources to address health issues and food security as the Arctic changes. Many Alaska coastal communities are threatened by coastal erosion, storm effects, sea ice retreat, and permafrost melt. Assistance to these communities must be provided.
- ***Infrastructure for the environment.*** With increasing Arctic activity comes a need for environmental regulatory oversight and response. Alaska's marine and coastal Arctic

resources and their uses are already tightly regulated by a vast and diverse array of federal, State, and local authorities. This existing oversight has a proven track record and is fully capable of ensuring the long-term health and viability our marine and coastal Alaska resources. We do not support an additional layer of bureaucracy for zoning or coastal and marine spatial planning purposes. Instead, we support more focus on existing permitting and enforcement aimed at a more efficient, timely, and effective permitting process.

- ***Infrastructure for science.*** Collection and analysis of data and traditional knowledge are needed to better understand and monitor Arctic resources. We must support development of an Arctic monitoring plan as envisioned by the North Slope Science Initiative to assess the environmental baseline, its variability and temporal and spatial changes. We must invest in science to understand the effects of ocean acidification and effects of climate change on marine resources and the Arctic food web.
- ***Infrastructure for fisheries.*** The North Pacific fishing industry has made significant investments in sustainably managed fisheries. As ocean conditions change and fish stocks move, surveys and stock assessments necessary to open fishing opportunities in the United States Arctic Exclusive Economic Zones will be critical. Fisheries are a vital component of Alaska's economy and are the backbone of much of the infrastructure along Alaska's coastline; active fishing fleets also serve a lifesaving first responder role throughout their range.
- ***Complete mapping.*** The planet Mars has been mapped more accurately than the American Arctic. Through an initiative led by the State of Alaska, and with significant federal assistance, this has been changing. But much still needs to be done – a digital elevation model for our uplands needs to be completed. As shipping increases, new bathymetry must also be acquired.
- ***Streamlined permitting.*** General and streamlined permits to clear pathways to opportunity are needed. We must focus on collection of real, practical information, not the creation of new layers of authority based solely on precautionary principles.
- ***Efficient permitting.*** We must also use the extensive and detailed amount of information we *already* have about projects and permits in Alaska to assist the examination of future projects. When appropriate, we need to use previous permitting work as a foundation for similar or co-located projects, so we can expedite their authorization and development.
- ***International agreements to cooperate on infrastructure, safety, access, and enforcement.*** Due to shared maritime boundaries with Canada and Russia and increasing global investment in the Arctic, Alaskans have a particular interest in international coordination to leverage limited infrastructure in the region and to ensure marine resources off Alaska are not compromised by the activities of other nations.

- ***Outer Continental Shelf (OCS) revenue sharing.*** The Gulf of Mexico has a revenue sharing plan in place that ensures benefits of offshore oil and gas development are shared with adjacent states and communities. This has worked well and should serve as a model for Alaska's OCS. Revenue sharing will improve Alaska's ability to support our Arctic communities' infrastructure needs and be a partner in the investments noted above that are vital to meet economic, environmental, and cultural needs.

The Path Forward

The path forward to a future Arctic is clear to Alaska. The federal government and the State of Alaska must develop a strong partnership to invest in our Arctic future. This partnership includes ensuring that the State is an equal and sovereign partner. It also ensures that all Alaskans, including rural Alaskans and Alaska Natives, have a seat at the table, and that there is a mutual respect for each other's resource management needs. This partnership does not need large overarching federal plans, nor does it need additional layers of federal regulation. The mechanisms for protecting the Arctic's environment while allowing for responsible resource development already exist. All that is needed is a more effective and dedicated collaborative relationship between the federal government and the State of Alaska.

We believe the key to improvement here is to strengthen the State-federal relationship. The State and federal permitting processes currently in place provide the ability for decision makers to make responsible decisions on projects while taking into account broader concerns. The typical environmental impact statement looks at impacts far beyond just the specific project, with significant effort on analyzing cumulative impacts, health impacts, and socioeconomic and subsistence impacts. The National Environmental Policy Act, USACOE 404 permitting system, Magnuson-Stevens Act, Clean Water Act, Clean Air Act, Marine Mammal Protection Act, and Endangered Species Act make up the system that was established by Congress and must be followed unless it is changed by statute, not presidential executive orders or administrative actions.

The State of Alaska has developed an integrated and coordinated approach to resource development permitting for major projects. The Alaska Department of Natural Resources hosts a special office, the Office of Project Management and Permitting, that coordinates communications and activities between all of the relevant State agencies as major projects go through permitting and development. This group has developed an excellent reputation for efficiency with local and federal agency staff, the public, and industry officials. Additionally, they have formed a cooperative group with the North Slope Borough through a memorandum of understanding that allows the State and local governments to share information and work together on permitting challenges. This approach is unique to the nation and has proven to be successful on numerous projects for more than 15 years. While the success of responsible and efficient permitting is also dependent on many different federal agencies, there is no comparable coordination office for our teams to work with. We believe that the federal government must create a coordination process similar to the one developed by Alaska, or better yet, become true partners and utilize the best practices already put in place by the State.

We believe that improved federal permitting coordination will lead to a more optimal approach. Federal-State permitting coordination should include:

- early communication when issues first arise;
- genuine consultation and cooperation concerning identification of data needs, if any, and subsequent research methodology;
- consideration of State and other non-federal management tools if a management response appears to be necessary; and
- internal State review of draft federal proposals that address or affect State management authorities and jurisdictions.

A more effective and sophisticated State-federal relationship would also help the federal agencies better understand the State's management goals and needs, and encourage development of collaborative solutions instead of forcing solutions that do not fit. For example, the United States Environmental Protection Agency has overextended its authority to assert management jurisdiction over eight million acres of Alaska's statehood land entitlement in the Bristol Bay watershed. If this effort continues, the State will have no choice but to vigorously defend its statutory right to develop its resources on State lands as part of its statehood compact with the federal government. This would be unfortunate and unnecessary, as the State and federal governments have the same goals in this situation – to allow Alaska to sustain its economy consistent with the statehood compact and to conserve the fishery and other environmental resources of Bristol Bay.

Another area where there is an alignment of State and federal interests, and where application of these effective cooperation principles will be extremely important, is the potential development of a large diameter gasline to commercialize North Slope gas. Such a line would supply urgently needed energy supplies to Alaskans throughout the state, and provide thousands of good jobs for the Alaskan economy. These benefits will also accrue to the nation as a whole, improve our trade balance, strengthen our national and energy security, and support the build out of critical infrastructure in the Arctic. The State has made significant progress in the last year on aligning all of the parties involved with this important (and long-standing) project. The next step will require the cooperation of federal permitting agencies, and the efficiency discussed above will be critical. The investments required for this undertaking are significant, and depend on clear and timely permits. Fortunately, we do not have to start at zero on this project. An impressive amount of information for similar gasline projects has already been gathered, including environmental impact statements, liquid natural gas export license applications, and Federal Energy Regulatory Commission approvals. This knowledge should provide a foundation for evaluating this project so that the permitting process can be expedited. There is no reason to duplicate all of this existing information, especially when delays threaten to derail such a strategic project and its associated benefits.

I think we all agree that the strength of a good permitting process stems from good data going into the process. Much work has already been done on establishing systems for better coordination of Arctic research and data gathering, and we recommend taking full advantage of these prior efforts. Several entities have excelled at coordinating and disseminating Arctic data and research: the United States Arctic Research Commission, the North Slope Science Initiative, the Alaska Ocean Observing System, and the North Pacific Research Board. Additionally, the Administration has adopted

Mr. David J. Hayes
November 16, 2012
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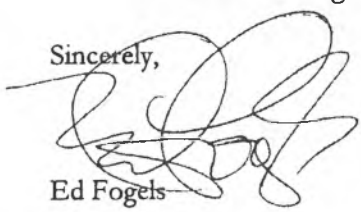
existing policies on Arctic security, such as NSPD-66. There is no need to duplicate such efforts. The State of Alaska has repeatedly voiced concerns about federal initiatives such as Landscape Conservation Cooperatives and National Ocean Policy, and now perhaps Integrated Arctic Management, which appear to demand creation of duplicative new systems of coordination under executive order. As budgets tighten, we feel there is a greater need to focus limited federal resources on maintaining programs that advance foundational science, increasing the effectiveness of existing processes rather than creating new bodies to govern in Alaska, and investing in Arctic infrastructure.

As I have discussed above, Alaska has a unique framework of federal laws that require different management approaches than federal lands in the Lower 48. The State and federal agencies have long agreed that staff must be well-educated on these differences. The Department of Interior recently closed its training office in Alaska, which means federal agencies are at risk of losing this important and unique knowledge, especially as more federal staff with institutional knowledge of ANILCA retire and are replaced with new staff with little or no understanding of this important law. This loss presents us with both a challenge and a partnership opportunity to find resources to support this critical educational need.

In conclusion, Alaska sees changing conditions in the Arctic as an opportunity to provide economic and social opportunity for both Alaskans and the United States. The State of Alaska looks forward to working with you towards ensuring orderly development of these opportunities in manner that respects our mutual sovereign authorities and roles. We urge you to be deliberative in the planning process and establish greater cooperation and interaction with Alaska so that a meaningful partnership can develop. We also urge you to allow us more consistent and direct participation in your Interagency Working Group.

I look forward to hearing from you and to more fully engaging in your interagency working group.

Sincerely,



Ed Fogels
Deputy Commissioner

Cc: Stefanie Moreland, Office of the Governor
Kip Knudson, Office of the Governor
Larry Hartig, Commissioner, Alaska Department of Environmental Conservation
Cora Campbell, Commissioner, Alaska Department of Fish and Game

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Governor Sean Parnell
STATE OF ALASKA

November 16, 2012

The Honorable Ken Salazar
Secretary
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary,

I write regarding the report Deputy Secretary Hayes is preparing for President Obama on an integrated management approach for the Arctic. The Deputy Secretary has invited our liaison, Department of Natural Resources Deputy Commissioner Ed Fogels, to his Arctic Interagency Permitting Working Group to submit the State of Alaska's input. While I have substantial concerns about federal agencies compiling such a report on an extremely short timeline, we think it is important to advance our thoughts and perspectives regarding the Arctic and its future.

I offer recommendations, expanded on in the attached letter from Deputy Commissioner Fogels, with hope that the federal government will work collaboratively with the State of Alaska as a sovereign and equal partner in addressing Arctic issues.

Alaska is America's Arctic. While changes in the Arctic may create some uncertainties and challenges, they also present important opportunities. It is not an option to stand idle or resist change. We have much to lose by failing to position Alaska and the nation to maximize opportunities as they emerge in the Arctic. We must begin to share a common outlook based on opportunity rather than one based on assumed threat and overly precautionary management.

Promoting economic opportunity for all Alaskans is a key objective of my administration. In the Arctic, many residents rely on a combination of traditional activities and cash employment. Sustainable, healthy communities which incorporate traditional knowledge are supported by regimes for responsible sustained economic development. Local communities urgently need affordable energy, modern sanitation, advanced technology such as high-speed broadband, and revenue sources. High unemployment rates and high fuel and food prices in remote communities negatively affect the social fabric and generational culture within these communities.

As the United States is an Arctic nation, the federal government must recognize that Alaska is in a global race to attract investment focused on capitalizing on new opportunities in the Arctic. Private investment in the range of billions of dollars per year is necessary to bring new resources to market.

We need to encourage strategic investment and streamlined permitting to take advantage of the important assets in the Alaskan Arctic. Examples of projects competing now for investment include:

- Natural gas pipeline – potential \$45-65 billion investment; workforce of up to 15,000;
- Outer Continental Shelf oil development – anticipated \$72 billion in direct monetary investment in Alaska's economy over 50 years (Shell has already invested more than \$5 billion) and an estimated 2,800 full-time jobs from the Beaufort Sea and 2,500 jobs from the Chukchi Sea in a 50 year period;
- Viscous oil and heavy oil – \$30 billion each in project costs with 3,500 jobs per year for the first ten years for viscous oil production plus an additional 3,500 per year for the first ten years of heavy oil production; and
- Donlin Gold – \$6.7 billion in project costs; 3,000 jobs in construction; and approximately 1,000 jobs in operation.

Seizing upon even a quarter of potential emerging opportunities would spike job creation and exports. Significant national revenue streams would also be established, reducing trade deficits. Given the nation's current fiscal struggles, America should be poised to help foster these Arctic opportunities whenever possible, not stymie them.

The United States does not do enough to encourage investment in these or other opportunities. Instead, we thwart investment with uncoordinated and glacially-paced permitting, litigation risk, unwarranted and vast critical habitat designation, taxation, and lack of key infrastructure. Federal investment in science, support for infrastructure, and improved coordination across federal permitting authorities are critical to provide greater certainty and attract the private investments that are necessary to bring resources to market.

Alaskans live in the Arctic and have the proven experience to manage its future. We are dependent on the Arctic for our livelihoods, our subsistence, our energy, and our health and well-being. From scientists to Native elders, we understand the nuances of change in the Arctic better than anyone. We understand both the opportunities and challenges a changing Arctic presents. The State of Alaska has 50 years of experience in the Arctic researching and managing common property resources and adapting management strategies to environmental changes.

The path forward in the Arctic is clear to the State of Alaska. The federal government and the State must develop a strong partnership to manage the nation's Arctic future. This partnership includes ensuring that the State is an equal and sovereign partner. It also ensures that all Alaskans, including rural Alaskans and Alaska Natives, have a seat at the table, and that there is a mutual respect for each other's resource management needs. This partnership does not need large overarching federal plans, nor does it need additional layers of federal regulation. The mechanisms for conserving the Arctic environment while allowing for responsible resource development can be achieved by streamlining existing processes and developing a more effective and sophisticated collaborative relationship between the federal government and the State of Alaska.

I support the request Senator Murkowski and Senator Begich made in their July 11, 2012 letter for a "comprehensive Arctic strategy" that describes "future Arctic needs and priority areas, and specific

The Honorable Ken Salazar

November 16, 2012

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implementation goals and objectives.” We ask that you use the preparation of your report as an opportunity to begin formulating such a strategy, including the identification of key research and infrastructure needs in the Arctic, rather than using it to justify the addition of new layers to the existing statutory and regulatory management that will stifle activities in the region. I do not believe the latter approach would be productive or responsive to the request of our senators.

In the haste to develop this management approach, I also request that you allow adequate time for meaningful dialogue with us and other key Arctic stakeholders, including Alaska Native peoples and businesses. Failure to allow such dialogue to occur diminishes the value and ultimate acceptance of the final report.

I look forward to working with you towards capitalizing on the opportunities presenting themselves to Alaska and our nation. Our main point of contact and coordinator for this initiative is Stefanie Moreland, my Senior Advisor for Arctic issues. She can be reached at 907-465-3500 or by email at stefanie.moreland@alaska.gov. Deputy Commissioner Fogels will continue to be our liaison to the Interagency Permitting Workgroup, and I ask that you provide opportunity for the State to engage in workgroup meetings.

Best regards,

A handwritten signature in black ink that reads "Sean Parnell". The signature is written in a cursive, flowing style.

Sean Parnell
Governor

Enclosure

cc: David Hayes, Deputy Secretary, United States Department of the Interior
Ed Fogels, Deputy Commissioner, Alaska Department of Natural Resources
Stefanie Moreland, Special Assistant, Office of the Governor

Alaska Lands Update

Photo Credit: Alaska Photo Library, Glacier Bay

monthly updates on Federal management actions

Citizens' Advisory Commission on Federal Areas, Department of Natural Resources, State of Alaska
3700 Airport Way Fairbanks, AK 99709

BLM-AK Issues NPR-A Final IAP/EIS 30-day Waiting Period Before Record of Decision

The Bureau of Land Management (BLM), Alaska State Office, has issued the National Petroleum Reserve in Alaska (NPR-A) Final Integrated Activity Plan/Environmental Impact Statement (IAP/EIS); it is available to the public. After 30 days, the BLM will issue a Record of Decision (ROD) accepting the plan that will supersede the Northwest NPR-A IAP ROD (signed January 22, 2004) and the Northeast NPR-A Supplemental IAP ROD (signed July 16, 2008) and may amend the Colville River Special Area Management Plan (signed July 18, 2008).

The Final IAP/EIS offers five alternatives for future management of the nearly 23-million-acre NPR-A. Unlike the Draft IAP/EIS published March 30, 2012, the Final IAP/EIS includes a Preferred Alternative. The Preferred Alternative, designated Alternative B-2, most closely resembles Alternative B in the Draft IAP/EIS, particularly the decisions to open public lands for oil and gas leasing and to expand Special Areas. The Preferred Alternative, however, differs from the Draft IAP/EIS's Alternative B by expanding the areas in



which the BLM could approve an application for pipelines and other infrastructure in support of offshore oil and gas development, and by not recommending congressional Wild and Scenic River designation, among other revisions.

Requests for information regarding the Final IAP/EIS, or for copies of the document in either CD or paper format, may be sent to Jim Ducker (907-271-3130) or Serena Sweet (907-271-4543), Bureau of Land Management, Alaska State Office (AK931), 222 West 7th Avenue 13, Anchorage, AK 99513-7599. The Final IAP/EIS is available on the BLM-Alaska Web site at <http://www.blm.gov/ak>. ♦

Timber Stand Improvement on the Tongass

The Forest Service is seeking your involvement regarding a proposal to pre-commercially thin overstocked second-growth forest within the Juneau and Ketchikan-Misty Fiords Ranger Districts. These Timber Stand Improvement Projects are intended to reduce the number of trees per acre in overstocked young-growth stands to improve tree diameter growth and vigor, enhance wildlife values, and promote greater structural diversity.

Forest Service intends to prepare a Categorical Exclusion and issue a Decision Memo. The rationale for Categorically Excluding this project from documentation in an Environmental Impact Statement or Environmental Assessment is that this activity falls within a category of actions established by the Chief of the Forest Service that normally do not individu-

ally or cumulatively have a significant effect on the quality of the human environment.

The proposed projects are located on the Juneau Ranger District and the Ketchikan-Misty Fiords Ranger District, each has released scoping packets specific to the district. The purpose of scoping is to identify any potential issues, concerns, and opportunities associated with the proposed projects. It is important that your comments identify specific issues to be considered, places within the project areas that are important, or suggestions to improve or change the project.

In order to be most useful to the respective planning teams please note the following deadlines and contact information:

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Kenai National Wildlife Refuge, Soldotna, AK;
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Juneau Ranger District Project contact is Chris Budke, phone 907-945-1218, comments specific to this District should be received by Monday, January 14, 2013;

More information specific to the **Ketchikan-Misty Fiords Ranger District Project** may be obtained at <http://www.fs.fed.us/r10/tongass/projects/projects.shtml>, comments should be received by Friday, January 18, 2013 and may be sent by to: comments-alaska-tongass-ketchikan-mistyfiord@fs.fed.us, include "2013 TSI" in the subject line. ♦

Comment Deadline Reminders

- BLM Alaska has also released the **Final Integrated Activity Plan/Environmental Impact Statement for the National Petroleum Reserve-Alaska**. The project website is: <http://www.blm.gov/ak>;
- USF&WS is accepting comments on its **Surrogate Species** and draft technical guidance for **Strategic Habitat Conservation** framework until January 31, 2013. The project website is: <http://www.fws.gov/landscape-conservation/draft-guidance.html>;
- Comment period for USF&WS Proposed Rule on the **Impact Analysis of Critical Habitat** has been reopened. The new deadline for comments is February 6, 2013. You may submit comments and view project information at the Federal eRulemaking Portal: <http://www.regulations.gov>; search for FWS-R9-ES-2011-0073, which is the docket number for this rulemaking.
- Katmai NPP **Fire Management Plan**: comment deadline February 1, 2013. Project website is: <http://parkplanning.nps.gov/document.cfm?parkID=13&projectID=39260&documentID=50741>;

Documents expected out soon:

- BLM Alaska **Eastern Interior Resource Management Plan** supplemental documents on hard rock mining are expected to be released on January 11, 2013. This will start a 90-day comment period for both the Draft RMP/EIS and the Supplement. The project can be found at: <http://www.blm.gov/ak>;
- **Izembek Land Exchange/Road Final Environmental Impact Statement and Public Interest Determination** from the US Fish and Wildlife Service is not expected until February 2013;

Agency Websites:

National Park Service

<http://www.nps.gov/state/ak/index.htm>

U.S. Fish & Wildlife Service

<http://alaska.fws.gov/>

U.S. Forest Service - Region 10, AK

<http://www.fs.fed.us/r10/>

Bureau of Land Management

<http://www.blm.gov/ak/st/en.html>

Department of the Interior

<http://www.doi.gov/>

National Marine Fisheries Service

<http://www.nmfs.noaa.gov/>

BLM Releases Kuskokwim River Fish Tissue Study Results

The Bureau of Land Management (BLM) is releasing an interim research report, "Mercury, Arsenic and Antimony in Aquatic Biota from the Middle Kuskokwim River Region, Alaska, 2010-2011." The report evaluates mercury, arsenic and antimony concentrations in fish tissue samples collected during 2010 and 2011 in the Kuskokwim River and 17 tributaries.

The purpose of this study is for a better understanding of the concentrations of metals in fish that live in the Kuskokwim watershed year round. According to the BLM, study results indicate that many natural mercury deposits and historic mine sites are contributing to mercury and arsenic levels in the Kuskokwim watershed.

The study encompasses the Kuskokwim River from McGrath to Aniak and numerous tributaries. It reflects the efforts of multiple agencies. The BLM and the Alaska Department of Fish and Game collected water, sediment and fish tissue data, assisted by Kuskokwim residents who provided local knowledge on where and when

to collect pike and burbot samples for this study. The U.S. Fish and Wildlife Service analyzed the contaminants data and prepared the interim report for the BLM.

The natural geology of the region includes numerous mineralized areas that contain over two-thirds of all

known mercury deposits in Alaska. Those same mineral deposits also contain other metals, including arsenic and antimony.

The study found the highest concentrations of mercury were in adult pike from the George and Holitna rivers, two major tributaries of the Kuskokwim River. Smaller fish sampled from Cinnabar Creek on the Holitna and Red Devil Creek on the Kuskokwim had elevated con-

centrations of mercury and arsenic compared to small fish from tributaries where no mining occurred.

For more information on the fish tissue study, visit the project website at http://www.blm.gov/ak/fisheries/rdm_fish.html. The BLM will present its results at the 2013 Alaska Forum on the Environment, February 5, 2013. ♦



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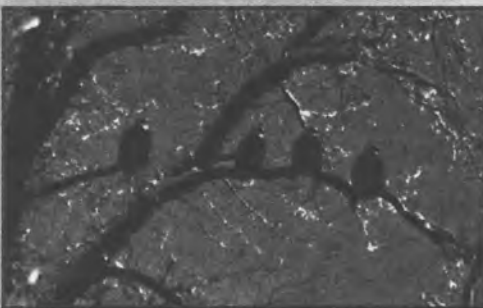
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www.dnr.alaska.gov/commis/cacfa

AS 41.37.160 The Citizens' Advisory Commission on Federal Management Areas in Alaska is established in the department [Natural Resources]. In the exercise of its responsibilities, the commission shall consider the views of citizens of the state and officials of the state.

Statement (DEIS) for the Haines Planning Area on December 14, 2012, initiating a 90-day public review and comment period. The Draft document evaluates whether to retain the Special Recreation Management Area designation in the Planning Area, and whether any part of the Planning Area meets the criteria for designation as an Area of Critical Environmental Concern (ACEC).



BLM Washington plans Environmental Impact Statement To Evaluate the Use of Three New Herbicides on Public Lands in 17 Western States

The BLM, Washington, DC, released a Notice of Intent to prepare an EIS to evaluate the use of aminopyralid, fluroxypyr, and rimsulfuron herbicides as part of its vegetation treatment programs on public lands in 17 Western States. This notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

This is a national programmatic EIS which proposes to add aminopyralid, fluroxypyr, and rimsulfuron to the BLM's approved list of herbicides for (1) Controlling noxious weeds and other invasive species; and (2) Conserving and restoring native vegetation, watersheds, and fish and wildlife habitat. The EIS will evaluate the use of the three new herbicides as part of the BLM's vegetation treatment programs on public lands in 17 Western States. The analysis area will include all surface estate public lands administered by the BLM in the following Western States: Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, North and South Dakota, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. The purpose of the proposed action is to expand the BLM's vegetation treatment program to allow herbicide treatments with aminopyralid, fluroxypyr, and rimsulfuron. This action would increase the number of active ingredients approved for use, and would give the BLM increased flexibility and options when designing herbicide treatments. The BLM has initially identified the following issues for analysis in this programmatic EIS: Effects of herbicides and inert ingredients used in herbicide formulations on human, vegetation, fish and wildlife, livestock, and wild horse and burro health; water quality; Native American resources and resource use; and the cumulative use of these

and other herbicides by the BLM and other landowners in the Western U.S.

Comments on issues may be submitted in writing until February 19, 2013. For inclusion in the Draft EIS, all comments must be received prior to the close of the scoping period, or 15 days after the last public meeting, whichever is later. The BLM will hold three public scoping meetings: On January 7, 2013, in Worland, Wyoming; January 9, 2013, in Reno, Nevada; and January 10, 2013, in Albuquerque, New Mexico.

You may submit scoping comments related to the EIS for the use of aminopyralid, fluroxypyr, and rimsulfuron on BLM Public Lands in 17 Western States by any of the following methods:

- Web site: <http://blm.gov/3vkd>.
- Email: VegEIS@blm.gov.
- Fax: 206-623-3793.
- Mail: AECOM, Attn. Stuart Paulus, 710 Second Avenue, Suite 1000, Seattle, WA 98104.

For further information and/or to have your name added to our mailing list, contact Gina Ramos, Senior Weeds Specialist, telephone 202-912-7226 or Stuart Paulus, Project Manager, telephone 206-403-4287.



BLM AK Releases an amendment to the Ring of Fire RMP for the Haines Planning Area

The BLM Anchorage Field Office has released the Ring of Fire Draft Resource Management Plan (RMP) Amendment and Draft Environmental Im-

The Planning Area is located in Southeast Alaska. Approximately 320,000 acres of BLM-managed public lands are located in two main blocks or parcels: the north block is located northwest of Skagway along the United States-Canada border and the south block is located southwest of the City of Haines along the boundary of Glacier Bay National Park. The planning area encompasses the cities of Haines and Skagway.

The Draft RMP Amendment / DEIS considers four management alternatives, which are designed to address resource concerns and issues in varying ways.

The public is invited to review and comment on the Draft RMP Amendment / DEIS. Public comments will be most helpful if they relate to specific concerns or conflicts that are within the legal responsibilities of the BLM and can be resolved in this planning process. Comments will be accepted through Thursday, March 14, 2013.

Copies of the Draft Ring of Fire RMP - Haines Planning Area Amendment and DEIS are available at the Anchorage Field Office or on the Anchorage Field Office's planning website: <http://www.blm.gov/ak/st/en/prog/planning.html>. ♦

New Denali NP Superintendent Named

The National Park Service has named Don Striker as Denali National Park and Preserve's new superintendent. Striker has been the superintendent at New River Gorge National River, West Virginia, for the past five years, and brings a strong background in both business and resource management to his new position. He has been instrumental in improving relationships with state government and local partners, building a large cadre of volunteers, and managing significant construction projects. Prior to working in West Virginia, Striker served as a special assistant to the Comptroller of the National Park Service, as superintendent of Mount Rushmore National Memorial (South Dakota), as superintendent of Fort Clatsop National Memorial (Oregon), and comptroller at Yellowstone National Park.

"I am deeply humbled to have been asked to serve as the chief steward of one of our country's most spectacular and iconic parks," Striker said. "My wife, Gretchen, and I are excited to be moving to Alaska, a goal we've long held. We are really looking forward to becoming productive partners in our new community." Striker will move to Alaska in January.

NPS Alaska Regional Director Sue Masica said that Striker's accomplishments over more than 15 years with the Service position him well for the Denali job. "Denali is a complex park, with many major business and resource decisions coming up.



Over the next couple of years, the park will be looking at implementing its new road management plan, re-bidding the main concession contract and continuing to work on a variety of wildlife issues with the State of Alaska and others. Don brings the talents we need to lead the Service on these issues." ♦



NPS to Hold Hearings on Trail Closure in Wrangell-St. Elias

The National Park Service will hold public hearings on January 8 in Slana and Tok on a proposed trail closure in Wrangell-St. Elias National Preserve. The National Park Service re-routed the Soda Lake Trail, accessed at Lost Creek at mile 30.8 of the Nabesna Road. The proposed closure would prohibit off-road vehicle use on the damaged section of trail and redirect off-road vehicle users to a newly constructed route.

Public hearings will be held on January 8 in Slana at 4:00 p.m. at the Community Building and in Tok at 7:00 p.m. at the Tok school. A map showing the area is available www.nps.gov/wrst.

Calling Young Artists!

The National Endangered Species Day Youth Art Contest is going on right now. The contest is organized by the U.S. Fish and Wildlife Service, the Endangered Species Coalition, the Association of Zoos and Aquariums, and the International Child Art Foundation. It offers a chance for young artists to learn about endangered species and express their knowledge and support through artwork. The deadline for submission is March 15, 2013. The contest began in 2010 and the Grand Prize winner that first year was 2nd grader Carter Schroeder, from Anchorage, Alaska! More information about the contest and endangered species is available at <http://www.stopextinction.org/esd/194-esd-art.html>. ♦

Kenai National Wildlife Refuge Completes Draft EIS for the Shadura Natural Gas Development Project

The U.S. Fish and Wildlife Service (Service) announces the Draft Environmental Impact Statement (EIS) for the Shadura Natural Gas Development Project is available for public review and comment. It describes five alternatives for accessing the subsurface natural gas estate owned by Cook Inlet Region, Inc. (CIRI), and provides analysis of the effects of those alternatives. The Service does not have a preferred alternative.

The EIS is in response to an application received for a proposed right-of way within the Refuge, draft EIS has been prepared. The right-of-way would be in compliance with the Alaska National Interests Lands

Conservation Act (ANILCA) Section 1110(b) regarding access to inholdings, for the construction and operation of facilities associated with the exploration and production of natural gas from the subsurface estate within the Refuge. The United States owns the surface estate which is managed by the Service as part of the Kenai Refuge, and Cook Inlet Region, Inc. (CIRI), owns the subsurface estate of coal, oil, and gas in the project area. The Project would be in the northwestern portion of the Kenai Peninsula, approximately 4 miles southeast of the end of the road in Captain Cook State Recreation Area. The application is being made by NordAq Energy, Inc., the holder of the lease from CIRI

acres within the Refuge as part of its ANCSA entitlement. The State of Alaska also owns lands adjacent to the Refuge (Captain Cook State Recreation Area). ANILCA Section 1110(b) requires that the Service provide adequate and feasible access to the CIRI-owned subsurface estate. CIRI has previously leased other portions of its subsurface estate within the Refuge. Oil and gas are currently being produced from other production units within the Refuge.

The EIS and information pertaining to the right-of-way application for the project are available for viewing and downloading at <http://alaska.fws.gov/nwr/planning/nepa.htm>. DATES: Please provide any written comments or information on the EIS by February 19, 2013. Additional information concerning the Project can be found at <http://alaska.fws.gov/nwr/planning/nepa.htm>. Additional information concerning the Refuge may be found at <http://www.fws.gov/refuges/profiles/index.cfm?id=74525>.

Dear Friend of the Chugach National Forest

Do you enjoy the outstanding natural resources and opportunities provided by your National Forest? Would you like to advise the Forest Service on projects that will sustain forest resources and enhance existing infrastructure? If so, please consider applying for a Chugach National Forest Resource Advisory Committee (RAC)!

The Chugach National Forest has two RACs: one spanning Prince William Sound, and another encompassing the communities along the road system that connect the Kenai Peninsula with Anchorage. The RACs work collaboratively to advise the Forest Service on projects funded by federal dollars provided by the Secure Rural Schools and Community Self-Determination Act (Public Law 110-343).

RAC Member applications will be accepted through January 31, 2013. The application form and additional information on RAC membership requirements are available by contacting April Sanders, Kenai Peninsula-Anchorage Borough RAC Coordinator, at (907) 754-2313, amsanders@fs.fed.us or Nancy O'Brien, Prince William Sound RAC Coordinator, at (907) 424-4722, nobrien@fs.fed.us.

Thank you for considering this opportunity to engage in the stewardship of your National Forest

for the area. The EIS describes and evaluates a range of reasonable alternatives and the anticipated impacts of each.

While the United States owns the land surface within the Refuge, portions of the subsurface estate are owned by CIRI. CIRI is an Alaska Native regional corporation established under the Alaska Native Claims Settlement Act of 1971 (ANCSA; 43 U.S.C. 1601 *et seq.*). CIRI received the subsurface oil, gas, and coal estate to nearly 200,000

Send your comments or requests for information by any one of the following methods:

- Email: fw7_kenai_planning@fws.gov;
- Fax: Attn: Peter Wikoff, (907) 786-3976;
- U.S. Mail: Peter Wikoff, Natural Resource Planner, U.S. Fish and Wildlife Service, 1011 East Tudor Rd., MS-231, Anchorage, AK 99503. ♦

Alaska Lands Update

monthly updates on Federal management
actions for the people of Alaska

Arctic National Wildlife Refuge
Photo Credit: USFWS

Citizens' Advisory Commission on Federal Areas, Department of Natural Resources, State of Alaska
3700 Airport Way Fairbanks, AK 99709

State Asserts Ownership to the Mosquito Fork of the Fortymile River

On June 1, 2012, the State of Alaska filed suit against the United States government to assert ownership of the land underlying the Mosquito Fork of the Fortymile River. This case is an important step toward addressing jurisdictional difficulties facing owners of mining claims within the bed of the river.

Under the U.S. Constitution as well as

federal Bureau of Land Management (BLM) has rejected evidence presented by the state that the Mosquito Fork is navigable. It has instead labeled the river "non-navigable" and denied the state's ownership of the land underlying that river.

Through a recent agreement between the state and BLM, Alaska enjoys the only successful program in the nation which can administratively clear up disputes over the state's ownership of riverbeds. This program has been successful for other waterways.

"Despite our best efforts, BLM has been unwilling to reconsider its determination that the Mosquito Fork and other rivers in the Fortymile area are non-navigable," State Attorney

federal law, the State of Alaska gained ownership to the beds of navigable or tidally-influenced water on the date of statehood. The only exceptions are waters expressly withdrawn by the federal government prior to statehood or waters determined to be "non-navigable." The

General Geraghty said. "BLM's failure to reconsider the status of these rivers has forced us to resort to litigation to protect these important constitutional rights." For more information on the case, please contact Assistant Attorney General Jessie Alloway at 907-269-5100.



IN THIS ISSUE:

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Comment Deadline Reminders

- BLM Alaska **Eastern Interior Resource Management Plan** comment deadline July 23, website <http://www.blm.gov/ak>;
- **National Petroleum Reserve-Alaska Integrated Activity Plan/ Environmental Impact Statement** extended comment deadline to June 15, 2012, website: www.blm.gov/ak;
- **Special Rule for the Polar Bear and Draft Environmental Assessment**, comment deadline June 18, 2012 website - <http://alaska.fws.gov/>.
- **Joint Pacific Alaska Range Complex Modernization and Enhancement Draft Environmental Impact Statement** comment period has been extended to July 9, 2012, website - www.iparceis.com.

National Forest System Land Management Planning Rule Federal Advisory Commission

The Secretary of Agriculture announced 21 members to serve on the Federal Advisory Committee Act (FACA) committee for implementation of the National Forest System Land Management Planning Rule. This committee will advise and give recommendations to the Secretary of Agriculture and the Chief of the U.S. Forest Service on implementation of the new planning rule.

Over 220 people from 34 states applied to serve on the committee; there are no members from Alaska on the committee. Members selected represent diverse

backgrounds, the full range of public interests in management of the National Forest System lands, and geographically diverse locations and communities.

As the Forest Service moves forward with rule implementation there will be multiple opportunities to stay engaged. The Planning Rule website at <http://www.fs.usda.gov/planningrule> has more information on the FACA committee and upcoming meetings. The committee will begin meeting sometime this summer and all meetings will be open to the public.

Serpentine Hot Springs Area Master Plan

Serpentine Hot Springs is located about thirty miles from the end of the Nome-Kougarok road. It is the most visited area of the preserve. It is a remote destination that is prized for its recreational, scenic, cultural, and spiritual qualities. The facilities at Serpentine are minimal and consist of an enclosed bath house; a bunkhouse with wood/oil heat; a connecting board walk; and a short dirt 1,100 foot airstrip. Current means of access to the area include fixed wing aircraft, snow mobile, dog sled, and foot.

As visitation increases through media exposure and word of mouth, impacts are likely to the natural and cultural resources at Serpentine Hot Springs. The NPS must create and implement an area management plan to proactively manage the situation. A Master Plan will update the long-range vision for facilities, as well as provide direction and framework for managing the Serpentine Hot Springs area regarding resources and providing positive experiences for visitors. The goal of this part of the planning process is to generate and test ideas to help inform the alternatives that will be developed as part of the Master Plan/EA. After this round of public involvement, the NPS will draft a set of alternatives and share them with the public before writing the Master Plan/EA.

A newsletter and workbook are available at the Park Service Planning website <http://parkplanning.nps.gov/projectHome.cfm?projectID=36603>.

Comments should be received before June 30th, 2012

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Vice Chairman - (G)
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Executive Committee
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- Senator Linda Menard**, Wasilla (S)
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- Colleen Richards**, Anchorage (G)
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Military Extends JPARC Comment Deadline to July 9

Alaska Command, as the Department of Defense's regional joint headquarters in Alaska, has coordinated with the Services to develop a joint strategy to identify joint training opportunities in Alaska, maximize the use of training resources, and improve joint training. The *Environmental Impact Statement for the Modernization and Enhancement of Ranges, Airspace, and Training Areas in the Joint Pacific Alaska Range Complex in Alaska (JPARC Modernization and Enhancement EIS)* will evaluate the elements of this strategy which are reasonably foreseeable.

At present, the JPARC consists of all land, air, and sea training areas used by the Army, Navy, and Air Force in Alaska. The military uses the JPARC to conduct testing, unit level training, and to support various joint exercises and mission rehearsals. The JPARC was originally developed to support cold war weapons, tactics, and techniques. Its current configuration cannot fully meet the training requirement for forces and exercises located in Alaska. The proposed JPARC enhancements would enable realistic joint training and testing to support emerging technologies, respond to recent battlefield experiences, and train with tactics and new weapon systems to meet combat and national security needs. JPARC enhancements would enable the Services to train realistically and jointly so military personnel could succeed in their mutually supportive combat roles when exposed to situations faced in actual combat.

More information can be found at the project website at www.iparceis.com.

Designation of 54 New National Recreation Trails

Secretary of the Interior Ken Salazar and Director of the National Park Service Jonathan B. Jarvis have announced the designation of 54 trails as national recreation trails, adding almost 1,400 miles of trails to the National Trails System. Spanning 23 states, the land and water trails provide opportunities for communities to connect to the great outdoors.

"From Alabama to Alaska, these national recreation trails provide a gateway to outdoor recreation in both urban and rural areas," said Secretary Salazar. "I am proud to partner with communities across the nation to expand this extraordinary network of trails, allowing more Americans to enjoy the great outdoors."

National recreation trail designation recognizes existing trails and trail systems that link communities to recreational opportunities on public lands and in local parks across the nation. Each of the new national recreation trails will receive a certificate of designation, a letter of congratulations from Secretary Salazar, and a set of trail markers.

The national recreation trail program is jointly administered by the National Park Service and the USDA Forest Service in conjunction with a number of other federal and nonprofit partners, notably American Trails, which hosts the national recreation trails website at <http://www.americantrails.org/nationalrecreationtrails>.

Of the 54 trails that have been designated as national recreation trails, two are located in Alaska; those are the Beaver Creek Water Trail and the Kanatak Trail in the Becharof National Wildlife Refuge.

Arctic National Wildlife Refuge Draft CCP Comment Analysis

The Arctic National Wildlife Refuge has announced that an analysis of public comments on the Draft Revised Comprehensive Conservation Plan (CCP) and Draft Environmental Impact Statement (EIS) have been posted to the Refuge's website at <http://arctic.fws.gov/ccp.htm>. Over 612,000 communications were received during the public comment period, and every communication was read, reviewed, and evaluated to determine if it addressed specific elements of the Draft CCP/EIS.

The comment analysis includes summary statistics about all the comments received, including the number of communications, the number of form letter campaigns, and the number of communications by geographic location. Of the 612,000 comments, 1,303 comments were considered to be substantive, and they will require a written response from the U.S. Fish and Wildlife Service. The Service's responses to these 1,303 comments will be published in the Final CCP/EIS later this year.



Kenai National Wildlife Refuge announces Scoping for the Shadura Natural Gas Development Project Environmental Impact Statement



The U.S. Fish and Wildlife Service (Service), has received an application for a proposed right-of-way within the Kenai National Wildlife Refuge (Refuge) from Nordaq Energy, Inc. for the Shadura Natural Gas Development Project (Project), which would involve construction and operation of facilities associated with the exploration and production of natural gas from the subsurface estate within the Refuge. The right-of-way would be in compliance with Section 1110(b) of ANILCA, regarding access to in-holdings, for the construction and operation of facilities associated with the exploration and production of natural gas from the subsurface estate within the Refuge. The Service owns the surface estate, and Cook Inlet Region, Inc. (CIRI)

owns the subsurface estate of coal, oil, and gas in the project area. The Project would be in the northwestern portion of the Kenai Peninsula, approximately 4 miles southeast of the end of the road in Captain Cook State Recreation Area.

The Service intends to gather information necessary to prepare an environmental impact statement (EIS). Comments will be accepted on the scope of issues to be addressed in the EIS by June 18, 2012. Additional information on the Project can be found at: <http://kenai.fws.gov/current.htm>; <http://alaska.fws.gov/nwr/planning/nepa.htm>; and by contacting Peter Wikoff, Natural Resource Planner, U.S. Fish and Wildlife Service, at (907)786-3357.

Notice To Terminate the Wilderness Study and EIS on a Lake Clark National Park General Management Plan Amendment

The National Park Service is terminating the wilderness study and environmental impact statement on a general management plan amendment for Lake Clark National Park and Preserve. Public comments, received during scoping in 2011, focused on issues related to opportunities for visitor use, recreation and access, and pursuing a wilderness study in this plan did not emerge as an important issue therefore the NPS has decided this plan should focus on providing for visitor use while protecting park resources and values. The plan will be evaluated in an environmental assessment because the management alternatives are not expected to result in significant impacts to the human environment. For additional information contact Lee Fink, Acting Superintendent, Lake Clark National Park and Preserve, 240 West 5th Avenue, Suite 236, Anchorage, AK 99501. Telephone: (907) 644-3626.

White Sulphur Spring Bathhouse Project Decision Notice and Finding of No Significant Impact

June 1, 2012, the Sitka Ranger District of the Tongass National Forest has released a Decision Notice and a Finding of No Significant Impact for the White Sulphur Spring Bathhouse Project. Currently, the building is closed because of its poor structural condition which making it unsafe for use. The document discusses the implementation of decisions made by the Forest Supervisor and the selected alternative which is to replace the existing bathhouse including the concrete soaking pool and holding tank.

After seeking further interpretation of ANILCA, the Forest Supervisor had a better understanding of how this law guides wilderness management in Alaska. This interpretation is also described in the decision. There is an appeal period for this decision which closes 45- days after publication of the legal notice in the Ketchikan Daily News newspaper. For more information on this project visit the project website at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=19743 or contact the Sitka Ranger District at (907)747-6671.

Agency Websites:

National Park Service

<http://www.nps.gov/state/ak/index.htm>

U.S. Fish & Wildlife Service

<http://alaska.fws.gov/>

U.S. Forest Service - Region 10, AK

<http://www.fs.fed.us/r10/>

Bureau of Land Management

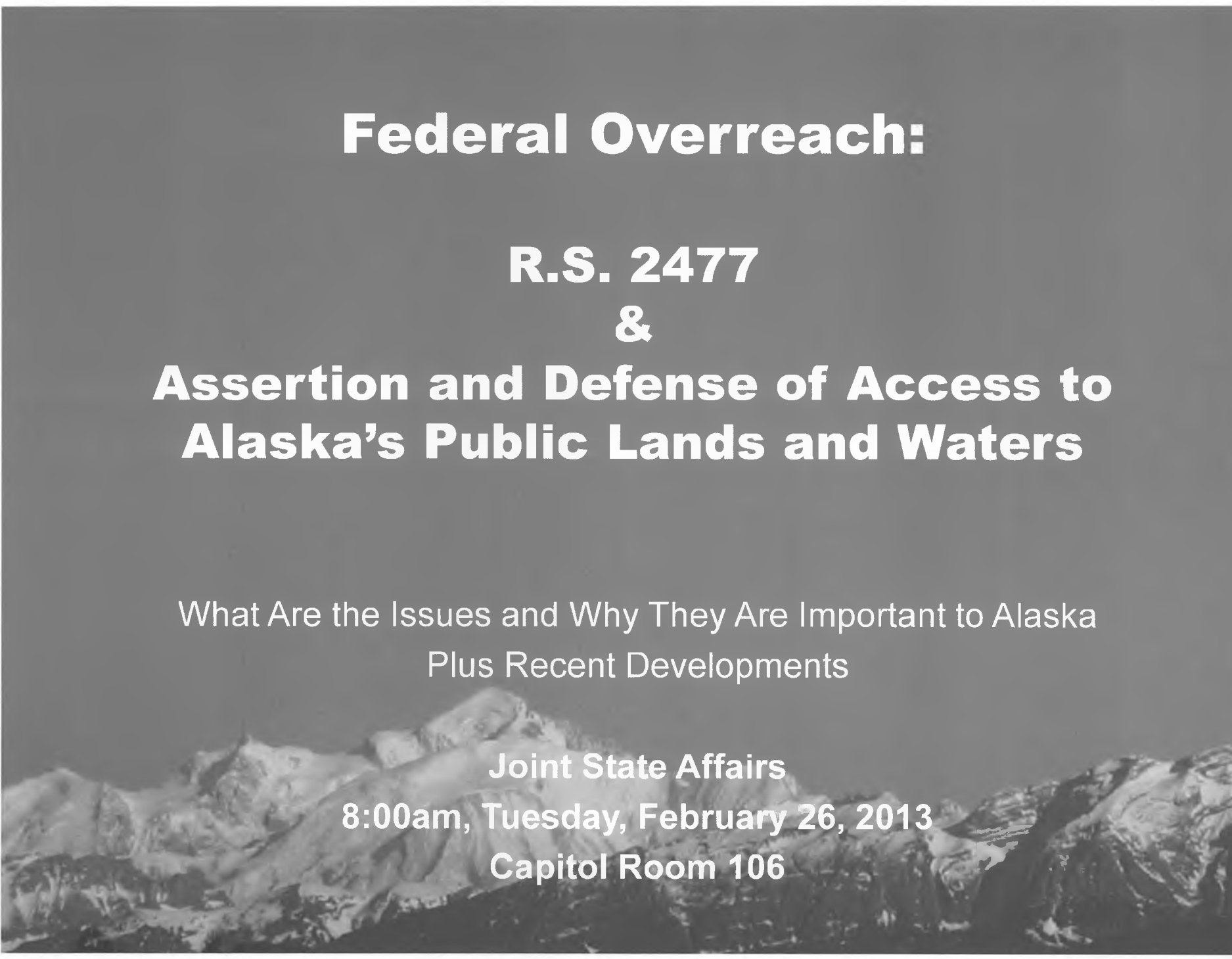
<http://www.blm.gov/ak/st/en.html>

Department of the Interior

<http://www.doi.gov/>

National Marine Fisheries Service

<http://www.nmfs.noaa.gov/>



Federal Overreach:

R.S. 2477

&

**Assertion and Defense of Access to
Alaska's Public Lands and Waters**

What Are the Issues and Why They Are Important to Alaska
Plus Recent Developments

Joint State Affairs
8:00am, Tuesday, February 26, 2013
Capitol Room 106