



BLM-ALASKA

FRONTIERS

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Forty-one hearings, a thousand opinions

Subsistence — it's an issue that goes right to the heart of what living in Alaska is all about. While many solutions have been proposed, rural and urban hunters, fishers and trappers are still at odds about subsistence.

After more than a decade of court battles and failed legislation, the federal government took over subsistence management on public lands in 1990; the State of Alaska manages subsistence on state, Native corporation, and private lands and waters. Now, due to a ninth circuit court case known as the "Katie John" decision, the clock is ticking and a deadline looms. Unless a solution is found this year, beginning December 1, 1998, BLM and other federal agencies will have a new job managing subsistence fisheries in certain inland waters.

In the meantime, federal agencies held hearings throughout the state on proposed changes to federal subsistence fisheries regulations. The regulations would provide for federal jurisdiction of subsistence use of fisheries on federal reserved waters.



Danielle Allen

Elizabeth and Raphael Afcan were the first of twenty-three people to arrive at the fisheries subsistence open house and hearing in St. Mary's.

41 hearings gather public feelings about proposed regulations

Subsistence — everyone has questions, what are the answers?



Preparing to leave Holy Cross via a six-passenger Cessna are (l-r) Selena Hile, Danielle Allen, and Jeff Denton who conducted the subsistence fisheries hearing there. Two women (below) wait to testify at the subsistence hearing at the City Hall in St. Mary's.



Danielle Allen



Danielle Allen

Staying at the Holy Cross Lodge had its benefits — wildlife biologist Jeff Denton (r) and the lodge owner Luke Demientieff (l) were able to have lengthy discussions about resource management practices and subsistence lifestyles in the area.

By the time the Cessna banked for its final approach to Holy Cross, BLM wildlife biologist Jeff Denton had counted 50 moose browsing on the massive stand of birch trees which surround the Native village. A subsistence hunter's paradise? Maybe, but subsistence hunting wasn't on Denton's mind; subsistence fishing was.

Denton had come to Holy Cross to conduct a hearing on proposed changes to federal subsistence fishing regulations. After spending two days in Holy Cross, he found residents eager to talk about subsistence, but unsure how the proposed regulations would affect their subsistence lifestyle.

Some residents said the federal government did a better job of protecting their lifestyle than the state, and they preferred a local resident to enforce subsistence regulations. The proposed federal regulations may give more recognition to customary and traditional uses as they are practiced in rural Alaska.

In the 1990 *Katie John* decision, the Alaska Supreme Court ruled that the rural preference contained in the State of Alaska's subsistence statute violated the Alaska Constitution. This ruling put the state's subsistence program out of compliance with the Alaska National Interest Lands Conservation Act (ANILCA) and compelled the federal government to assume management of subsistence resources on federally-managed lands in Alaska.

Temporary subsistence management rules were put in place, but the *Katie John* decision challenged these rules, arguing that navigable waters should be included within the definition of public lands found

in ANILCA. The federal court said the definition of public lands under ANILCA extends to navigable waters in conservation system units such as national parks, national forests, wild and scenic rivers and refuge. These waters are currently managed by the State of Alaska.

If ANILCA requirements are not met by December 1, 1998, the proposed fisheries regulations will be implemented during the 1999 regulatory year. The proposed regulations would initially adopt most current state regulations, but input from the 41 hearings may result in some changes.

Attendance at the hearings has ranged from no one at the McGrath hearing to 65 in Cordova. Four people attended the Holy Cross meeting, with one person testifying.

"These hearings show how diverse the knowledge, interest and concerns of people for subsistence are in the Bush," says Denton. "I came across people who were real knowledgeable to people who were totally uninformed and unconcerned."

Although the hearings are concluded, written comments on the proposed regulations can be submitted until April 20, 1998. Send comments to:

Federal Subsistence Board c/o
USFWS Office of Subsistence Mgt.
Attn: Tom Boyd
1011 E. Tudor Road
Anchorage, Alaska, 99508.

A complete summary of public comments from the hearings will be compiled in April. Information or copies of the proposed regulations may be obtained from BLM's subsistence coordinator Curtis Wilson at (907) 271-5546.

—Danielle Allen

Different places, Different concerns

The following issues were expressed at hearings and open houses held in southeast Alaska.

Juneau

- recognition of customary and traditional use of certain fish: steelhead, halibut, bottom-fish
- prefers state management; extend extra-territorial powers
- valued subsistence lifestyle

Klawock

- support for federal takeover of fisheries subsistence management; marine waters should be included
- many believe the state has significantly mismanaged sea cucumber, urchins and abalone

Ketchikan

- repeatedly asked for clear definition of inland waters
- strongly opposed federal management
- many believed ANILCA should be challenged for violating the statehood compact

Cordova

- federal system needs to include local advisory committees
- wants tighter definitions for terms: *customary*, *trade*, *barter* and *rural*
- opposition to the sale of subsistence-taken resources

Questions about the proposed subsistence regulations

Why is the Federal Subsistence Management Board proposing these regulations?

Proposed amended regulations respond to the Ninth Circuit Court decision in the *Katie John* case which states that the Board should manage certain navigable waters.

What do the proposed regulations include?

Descriptions of the navigable waters where the regulations apply; open subsistence fishing seasons; harvest limits; restrictions on how fish can be taken; customary and traditional use determinations; and a modified definition of public lands to include selected, but not conveyed, lands within conservation units.

Where would the new regulations apply?

Currently, the federal government manages subsistence harvests on federal public lands, including non-navigable waters and certain navigable waters reserved before Statehood. To comply with the *Katie John* decision, the government will manage navigable waters on or near these lands. These waters make up approximately half of the inland waters of the state and don't include most marine areas.

Why has Congress delayed the expansion of federal subsistence fishery management?

Congress denied the use of federal

funds to implement the *Katie John* decision until after December 1, 1998, giving the Governor of Alaska and the Alaska Legislature time to consider changes to resolve the subsistence impasse.

Will customary trade be authorized for fish taken for subsistence use?

Yes. A limited exchange of subsistence-taken fish for cash is allowed under long-standing customary trade practices. These exchanges can't be for significant commercial enterprise.

Can anything be done to return to unified state subsistence management in Alaska?

Yes, the Governor, the Alaska Congressional delegation and the Alaska Legislature are working to resolve this issue. Congress recently passed amendments to ANILCA which would take effect on December 1, 1998, if the Legislature adopts amendments to state law, and Alaskans vote to amend the Alaska Constitution to allow for the rural priority. The goal is to meet ANILCA requirements.

What happens next?

After public comment is taken on the proposed regulations, the Federal Subsistence Board will not take any action before December 1, 1998. If efforts to meet ANILCA requirements are not met by that date, the regulations will be published and implemented in 1999.



Danielle Allen

This frozen landscape somewhere between Holy Cross and Aniak changes dramatically in the summer. The weather at Holy Cross was quite cold with strong winds and temperatures dipping to -20F.

Take a bow!

Scout's efforts help BLM finish amphitheater



Donna Gross

Eagle Scout candidate Michael Gross helps install benches at the new amphitheater on the grounds of the Campbell Creek Science Center.

Three years ago, Michael Gross and his sixth-grade class visited the Campbell Tract to participate in a yearly environmental education event called Outdoor Week. They learned about shrubs and wildflowers native to the Tract, spawning fish, archaeology, and other topics at a series of learning stations staffed by resource specialists from federal and state agencies. So when Gross decided to pursue his Eagle Scout Rank, the highest level in the scouting program, he contacted the BLM about coordinating a project at the Campbell Tract. Gross is now a freshman at Service High School and an Eagle Scout candidate with the Boy Scouts of America, Troop 267, in Anchorage.

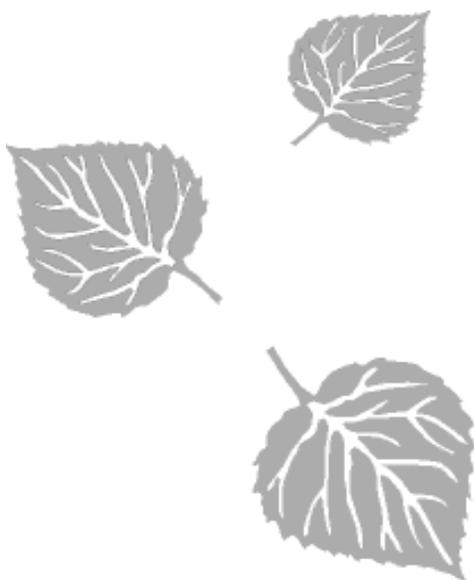
BLM staff met with Gross to talk about the need for an amphitheater at the Campbell Creek Science Center (CCSC). The amphitheater was part of the original CCSC project, but was scheduled to be built at a later date when more funding became available.

Former BLM recreation planner Janelle Eklund helped Gross develop his project idea — building benches into the existing mound. “Michael decided this was perfect for his Eagle Scout project,” says BLM training specialist Jeff Brune.

Gross wrote a proposal to finish the amphitheater according to BLM’s earlier plans, and submitted it to the scout council for their approval. Next, he enlisted a host of volunteers, secured donations or discounts from local businesses for the materials and equipment, and worked closely with BLM resource specialists and engineers throughout the project.

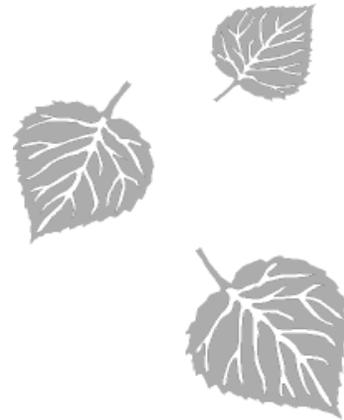
The result is an amphitheater where up to 100 people can gather for fireside chats, astronomy lectures, and other interpretive programs. The amphitheater was completed in October 1997, just before the first heavy snowfall of the season.

Gross and his team of scouts, scout leaders and parent volunteers put in more than 300 hours constructing the amphitheater. BLM engineers estimate the volunteer project saved the government more than \$24,000. The total cost of the project would have been close to \$30,000, but the actual cost to BLM was \$5,700, thanks to Gross, his volunteers, Spenard Builders Supply,





Penny Penlener



Students from Denali Montessori School enjoy hot dogs and live music at the amphitheater during a three-day Earth Ranger program at the Science Center.

Stephan's Tool Rentals, and Central Paving Products, who donated equipment use and materials or made them available at cost.

"I'm writing a summary of the project now," says Gross. "I'm gathering photos for my report, and when it's ready I'll present it to the district Eagle Scout Committee and answer any questions they have. This project was a lot of work, but it was a lot of fun, too."

Gross hopes to receive his Eagle Scout badge this summer, and is looking toward long-term educational goals which he says include medical school. Clint Hanson, group manager for the Anchorage District, says Gross' project was a significant undertaking. "Of all the Eagle Scout projects, it was one of the most difficult and labor intensive. The scout did an exceptional job and deserves recognition for his work."

BLM staff have worked with six students on Eagle Scout projects at the 730-acre Campbell Tract in recent years. The projects included brushing trails, replacing old trash cans that attract bears with newer "bear proof" refuse containers, revegetation efforts, and other trail improvements.

"Michael remembered his experience at Outdoor Week," says Brune. "And it's great that he came back a few years later to help take care of public land. Environmental education events such as Outdoor Week really make an impression on students."

—Teresa McPherson

GET INVOLVED!

National Trails Day, coming in June, and National Public Lands Day in September, give volunteers from the community a chance to pitch in with a variety of outdoor projects on the Campbell Tract. Watch for announcements by local newspapers or radio stations about how you can get involved.

Full moon and a fast trail— mushers race the Copper Basin 300



Musher Mitch Seavey of Sterling, Alaska, won January's Copper Basin 300 dogsled race for the second consecutive year. Seavey bested a field of 39 mushers from across Alaska and as far away as Spain.

Mushers passed by the Glennallen Field Office a few hours after the race began at Tolsona Lake, just west of Glennallen. The 300-mile race includes approximately 50 miles of BLM-managed public lands. Several mushers chose to take their mandatory six-hour layover at BLM's Sourdough Creek Campground.

Weather and trail conditions were

ideal this year, and included an amazingly bright full moon (appropriately, the January full moon is also known as the "wolf" moon).

Glennallen Field Office administrative assistant Ann Marie Baureis' husband, Bruno, took part in the race. As the last musher to finish, he was awarded the "red lantern."

March signals the running of the Iditarod Trail Sled Dog Race. Around half of the 1,049 miles of the Iditarod National Historic Trail cross public lands managed by BLM's Anchorage Field Office. Outdoor recreation planner Jake Schlapfer monitors not only the Iditarod race, but the Irondog Goldrush Classic snowmachine race, Iditasport human-powered ultra marathon, and commercial touring activities that take place on that trail each winter under Special Recreation Permit authorizations.

"There is an incredible amount of fuel, food and other supplies taken out on the trail by support crews that must be removed afterward," says Schlapfer.

The Anchorage Field Office built three shelter cabins at points along the trail: the Tripod Flats and Old Woman Cabins in the Unalakleet River Basin, and the Bear Creek Cabin in the middle of the Farewell Burn area. BLM manages a fourth cabin at the Rohn checkpoint.

"These cabins get a lot of use during the events and by local residents. They're maintained primarily through cooperative agreements," says Schlapfer.

—KJ Mushovic



KJ Mushovic

Musher Bruno Baureis passes by the Glennallen Field Office on day one of the 1998 Copper Basin 300 dog mushing race!



Some comments BLM received on the draft Environmental Impact Statement for the National Petroleum Reserve - Alaska expressed concern over wildlife values, particularly the peregrine falcon. The cliffs of the Colville River in the NPR-A provide nesting habitat for an estimated 65 pairs of Arctic peregrine falcon.

BLM gathers public opinion on NPR-A plan

Following the March 12 deadline, BLM is analyzing all comments received on the Draft Integrated Plan and Environmental Impact Statement (EIS) for the northeast corner of the National Petroleum Reserve. "We're very grateful to all those who took the time to write, fax or e-mail us with their comments and opinions," says BLM-Alaska State Director Tom Allen. "We received more than 7,000 comments, which is a lot compared to other EIS's we have done in the past. Many comments were well-reasoned, thoughtful and helpful, and we'll use the information provided to develop a preferred alternative in the final EIS which is due out in late July."

Formal hearings were held in January on the North Slope in the villages of Barrow, Nuiqsut, Atqasuk and Wainwright; in northern Alaska at Fairbanks and Anaktuvuk Pass; and in Anchorage, San Francisco and Washington, D. C. The resulting comments were posted in BLM's NPR-A home page on the Internet.

Jim Ducker, who coordinated the distribution of the comments to the EIS team, says each comment was reviewed by at least two people, usually by three. "Technical questions and comments about our description of the environment went immediately to team specialists for analysis," says Ducker. "They'll rewrite sections of the draft EIS as appropriate. In some cases our specialists may have to contact the commentator for clarification or assistance. Comments and ideas for new alternatives are being reviewed by a special management team."

This was the first time that BLM-Alaska promoted the use of the Internet to send comments electronically. Ducker estimates that BLM received about 500 comments on the

special NPR-A website or by e-mail.

A number of commentators said there was a lack of variety in the alternatives. Many wanted BLM to develop and analyze a "conservation alternative" that would include permanent protection for Teshekpuk Lake and the Colville River through a special designation. Others questioned why there was no preferred alternative specified, and requested that a supplemental draft EIS with a preferred alternative be released for comment prior to releasing the final EIS.

Commentors generally in favor of leasing stated that it takes up to ten years to find and develop an oilfield, at a time when U.S. oil consumption is near record levels, and improved industry practices would minimize impacts to fish, birds and the local culture.

Individuals generally opposed to leasing questioned the need for the oil, citing current low oil prices and the petroleum reserve's high wildlife values, particularly the Colville River for peregrine falcon, and Teshekpuk Lake for waterfowl and caribou. North Slope villagers expressed concerns about the impacts of development on subsistence — particularly access, cabins, Native allotments, campsites, cultural sites and traditional use areas. Many North Slope commentors did not want any permanent designations for particular areas. Others wanted more information on how local people could be assured of employment opportunities.

For more information, keep monitoring the BLM's NPR-A Internet home page at aurora.ak.blm.gov/npra/.

—Ed Bovy



Danielle Allen

Small planes are often the only means of transportation to Native villages or other remote areas. This mother and child from Aniak are on their way to Anchorage.

BLM advises miners filing “small miner waivers” to update their claims ownership record

Miners planning to file a “small miner waiver” must take extra care to be sure their annual filing statement includes original signatures of ALL co-owners of record, or risk losing their federal mining claims.

“Waiver applicants who think they will not be able to obtain these signatures should secure documentation from their non-filing co-owners for relinquishment of the claims before the next filing period,” says BLM-Alaska State Director Tom Allen.

For example, if a co-owner has not contributed to annual assessment work or to payment of the maintenance fee because the co-owner cannot be located or because the co-owner refuses to contribute, the remaining co-

owners should acquire the non-filing co-owner’s interest prior to the August 31 filing deadline. The remaining owners should then provide evidence to the Bureau of Land Management so the ownership record can be properly updated.

Allen added that if co-owners know they will not or cannot obtain the signatures of all co-owners on a waiver form by the August 31 deadline, the only way to properly maintain the claim and avoid having the entire mining claim declared void, is to pay the \$100 maintenance fee and forgo the small miner waiver for the filing period.

For more information, contact a BLM mineral law specialist at (907) 271-5049.

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