



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
1615 (930)

OCT 12 2016

The Honorable Bill Walker
Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Walker,

The Bureau of Land Management (BLM) has reviewed the September 28, 2016, Governor's Consistency Review letter submitted on your behalf by Alaska Department of Natural Resources (ADNR) Commissioner Andy Mack, addressing the Eastern Interior Proposed Resource Management Plan and Final Environmental Impact Statement (hereafter "Proposed RMP") that was released on July 29, 2016. This letter responds to the issues raised by ADNR.

In accordance with the BLM's planning regulations in 43 CFR 1610.3-2 - *Consistency requirements*, I have given careful consideration to the issues raised in ADNR's letter. These regulations implement section 202(c)(9) of the Federal Land Policy and Management Act of 1976, 43 USC 1712(c)(9).

ADNR's letter identified the following four key issues:

1. The Proposed RMP is inconsistent with the federal statutes that implement the goals of the Alaska Statehood Act and protect the State's resource management responsibilities
2. The Proposed RMP is inconsistent with Previous BLM Plans and BLM's Multiple-Use Mandate
3. The Proposed RMP is inconsistent with State Land Use Plans, Programs, and Policies
4. The Proposed RMP frustrates the State's and Federal Government's obligations under the Statehood Act and the Alaska Land Transfer Acceleration Act.

The first, second, and fourth issues identify purported inconsistencies of the Proposed RMP with Federal statutes and regulations and other BLM land use plans, not with State or local plans, policies, or programs, and thus are not properly within the scope of the Governor's Consistency Review process. Pursuant to 43 CFR 1610.3-2, the Governor's Consistency Review process is

narrow in scope, in that it is intended to address only those situations where a proposed BLM resource management plan may be inconsistent with officially approved or adopted State or local land use plans, policies or programs. Accordingly, I have not further addressed these three issues in this response. However, the three issues appear to have been raised in the August 29, 2016, protest letter the Alaska Department of Law submitted to BLM Director Neil Kornze, which will be considered by the Director through the protest resolution process under 43 CFR 1610.5-2.

The third issue raised by ADNR is that the Proposed RMP is inconsistent with State land use plans, programs, and policies, largely because the Proposed RMP purportedly “preempts” mineral exploration and development throughout much of the Eastern Interior planning area. The State asserts this is in contrast to approved State plans for lands within and near the planning area, which reflect the State’s goals to: “Make metallic and non-metallic resources available to contribute to the energy and mineral supplies and economy of Alaska”; and “Contribute to Alaska’s economy by making subsurface resources available for development” (ANDR letter at pp. 4-7).

For the following reasons, I believe the Proposed RMP is consistent with the State’s land use plans, policies and programs reflected therein, including the State’s policy to make mineral resources available for development:

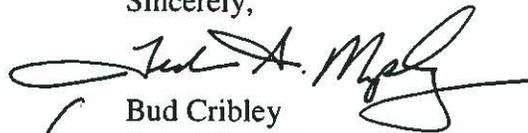
1. The Proposed RMP, if implemented, will not preclude development on State lands or access across BLM-managed lands to State lands within the planning area. As described in #4 below, the Proposed RMP still allows for a wide variety of multiple-uses.
2. The Proposed RMP recommends revoking ANCSA 17(d)(1) withdrawals on 1.7 million acres to open these lands to mineral location, entry, and leasing. This includes 1.1 million acres or almost two-thirds of the Fortymile Subunit, most of which is within the Fortymile Mining District. Other areas recommended to be opened include 4,000 acres in the White Mountains Subunit near the Tower Hills prospect; 547,000 acres in the Upper Black River Subunit adjacent to State and State-selected land; and 30,000 acres in the Steese Subunit adjacent to State land.
3. As noted in ADNR’s letter, the State’s Upper Yukon Area Plan identifies approximately 194,000 acres in the Middle Fork region as habitat lands recognizing use by caribou for calving. Likewise, the Proposed RMP designates the Fortymile ACEC for caribou calving and Dall sheep and identifies a management prescription for the ACEC and additional caribou calving/post-calving areas outside of the ACEC. This is consistent with the State’s program/policy of setting aside areas for habitat use in State land use plans. By identifying management prescriptions for crucial caribou and Dall sheep in the Proposed RMP, the BLM is following a similar process.
4. Similar to the State’s land use plans, the Proposed RMP allows for a wide variety of multiple-uses throughout the planning area, including: permits, leases, rights-of-way, mineral materials sales, commercial recreation permits, personal and commercial use of timber and forest products, casual recreational use, off-highway vehicle use, mining on

existing federal mining claims, and once implemented, mineral leasing and the staking of new mining claims on approximately 1.7 million acres.

I appreciate your input and thank you for the State's participation in the land use planning process for the Eastern Interior RMP. As I have expressed before, this type of collaboration between the BLM and the State of Alaska is very important to me, to the success of our land management efforts, and to the future of Alaska. I hope that I have adequately addressed your concerns and that we will continue to communicate and cooperate on future issues.

Please note that you have the opportunity to appeal this response to the Director of the BLM pursuant to 43 CFR 1610.3-2(e). Such an appeal must be filed within 30 days of your receipt of this letter. If you have any questions, please feel free to contact me, or to have your staff contact Serena Sweet, BLM Alaska State Planning and Environmental Coordinator, at ssweet@blm.gov; (907) 271-4543.

Sincerely,



for
Bud Cribley
State Director

cc: Andrew Mack, Commission, Alaska Department of Natural Resources