

Central Yukon Resource Management Plan Public Scoping Summary Meeting Notes Tanana * December 11, 2013



Planning Team

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Questions and Comments during the Presentation:

Planning Area and Planning Process

Is this in conjunction with the State of Alaska "Roads to Resources"? *BLM: No. That is a separate project. But you have been in contact with the State about this plan? BLM: Yes, the State has signed on as a cooperating agency on this planning effort.*

When you are...through your planning process that you are outlining here and you are saying there is going to be a lot of changes – potentially proposed changes – do you have a date of when this is all done? *BLM: It is roughly a 5 -6 year process starting now. So you plan on being back once you get all the pieces put together and you'd be back in the community again? BLM: Right – when there is a draft plan that is out for public comment we'll be talking to all the communities again at that time.*

In these proposed changes in this planning area are you also - in the management areas is FWS involved in this like in the NPRA? *BLM: Decision is only on BLM land – we won't make decisions for the FWS and the Park Service and the NPRA is outside of this area so this plan does not apply to it. But we are trying to work with all the*

neighbors and not make any of their decisions harder. The FWS is a cooperating agency with a Memorandum of Understanding helping give their input into the plan.

The native allotments on the maps are just small portions, but I don't think your map recognizes them. *BLM: We do recognize native allotments and they are on several of the map – the native allotments from our prospective are private property and we don't make decision on how that is managed. That is between the allotment holder and Bureau of Indian Affairs (BIA). If an allottee decides they want to sell sand and gravel off their allotment I think BLM has a role in that because of our expertise in that field, but for planning purposes those are private property and we aren't going to tell someone what they can and can't do with it.*

Do you in the planning process establish that you notify the tribal village and Regional Corporations for contracting opportunities through BLM, when you look at the BLM budget and the contracting relationships? *BLM: That would not be a land use planning decision but I can look into that. The contracting officers do that in Anchorage and I'll have to ask them. It wouldn't take much effort to get that out there as it gives people an idea of what is going on in their areas as well.*

Another comment is there any area around here near Tanana that have the same type of jurisdiction like the fella up on the Yukon Charley where he got accosted by federal agents. Are there any lands around here like that in that regard? *BLM: I think you are talking about Mr. Wild from Circle that the park rangers dealt in particular with on navigable waters and I don't know if a court had dealt with that I'm not familiar with a decision. Yeah, it just did last week. BLM: BLM does have law enforcement on federal lands and our law informant officers are also cross deputized as state troopers so that they can enforce state law. But saying there is something identical to that situation I don't think that I have enough knowledge of the case to say that it is or isn't.*

My main question is does BLM have the authorities in this geographical to have that kind of an enforcement on the Yukon River. People hunt and fish and boat and I'd like to find out. *BLM: I would have to find out what the courts said, but in the lands above the mean high water area BLM does have the ability to enforce state laws.*

I think I am the only one here from the village. We own a little bit of land that is right next to BLM land. I see on our plans to see if we can correlate together so we are not bucking heads as I don't like to see that happen. *BLM: We have sent a letter to tribes for government-to-government consultation. I don't know if we have heard back from here or not. Another thing that is a possibility – like in northwest Alaska they have these trespass meetings about what lands are open and closed and how we are going to educate the public and if something like that goes on in this area we can certainly participate in that if you let us know when it is.*

Another question is how far is Doyon working with you guys as there is a lot of their land around the Tozi area? *BLM: We have not heard back from Doyon in writing but they were notified and Doyon is on the mailing list. And they seem interested as quite a lot of their staff is on our mailing list but we have not received any specific comments from them.*

BLM: Do you have a plan for your corporation lands here? Gerald response – That is what we are working on. Trying to come up with a comprehensive resource plan – that is what Una is working on. I can't read his mind what is said but mostly trying to protect resources for tribal members have used and to continue and that is what we want to protect. And there is another resource we are working on and we are looking at the re-

introduction of wood bison. Back about 20 15 years ago we all wanted to but the National Park Service blocked it and how willing are you guys to look? I see potential area back there for wood bison. *BLM: BLM has taken a neutral position and State of Alaska Fish and Game is leading that effort. It is similar to predator control on that issue; we haven't gotten involved or helped do it. Fish and Wildlife and the Park Service have a very strong stance on it – they don't want it on their lands. BLM we are not for it or against it and want to work with the neighbors. We want to look at each situation and try to figure if it is a good thing to do or not.*

The tribal resources management plan – just like the Tozitna would like to work with it and there is a lot of land that would be affected by it. *BLM: If you could keep us informed as you develop your tribal plan that would help.* Gerald Nicholia – Right now it is in its infancy stages and is gathering the information and we are trying to cover a lot of things too. *BLM: It might be good if we can set up a teleconference or have a specific meeting about that too. And we'll be in touch with Una and see if we can be working with you on that.* If your meeting is contingent on funding - we are supposed to get video conferencing abilities so if they wanted to – the tribal council can do that and we can do it through UAF.

If there are two groups that have conflicting ideas about an area and what could happen who adjudicates that – Does BLM have the authority to overrule? *BLM: It depends on the issue but if BLM is the final decision maker in this planning process then we are required to get input and say well does it fit within the bounds of the law and is it something we have the authority to do. If someone says we want you to make this a park we don't have the authority to do that but even if everyone we talked to said to do that we can't make a decision because we don't to have the authority to do that, We can made a recommendation to Congress that says everyone we talked to in Alaska wants to see that happen but our management decision is not going to be to make it a park, We'd probably manage it in a way that accomplishes the result people say they want to see out there. BLM is required by law to manage the lands under the idea that they (the lands) have lots of multiple uses together and you can mitigate and still let activities happen.*

Land Ownership and Land Use

[Referring to the planning criteria slide] That is not a valid and existing right. Valid and existing rights are the rights that the Indians have lost. All their lawsuits and from the Federal Record are what belonged to them. And every 70 years you are doing all kinds of things and you are not bringing up the history of all this and it is pure ass theft. What's going on with BLM and everything and plus where is your trust responsibility? – you have never done a thing about it. There was a lawsuit and plus there are reindeer and all kinds of other things that you don't have no jurisdiction over. And doing this stuff before we finish our valid and existing rights – which have never been done – where are we? And this is theft then. And we have a nation here that is coming up, back in 1896-97 the United States wanted a conundrum. We are valid and existing rights, and they wanted a conundrum because of the purchase of the Russian River fur trading company and all the senate documents from colonialism and they shut the senate down and all those documents were null and void those are what we taught at the University of Alaska – they are null and void so in order to break up the problem that they had because they might have been in a war and all kinds of problems over this deal with this colonial takeover and so the president gets up and he says “well I understand these people have a nation and they can enjoy the fruits of everything a nation is to give them and we'll help them with their self-determination but they have to win right their rights and all these things through our court system and that is called valid and existing rights”. Now

the Alaska Native Claims Settlement Act (ANSCA) and the Alaska National Interest Lands Conservation Act (ANILCA) was passed the very first two sentences of those two acts said “This Act is subject to valid and existing rights” and we haven’t done that yet. In your office for the last 50 years and no one has called up and here is ANSCA and what are our valid and existing rights? The corporations won’t do it, nobody will do it...it’s being worked on - in the next 6 months to a year is it going to be done? *BLM: We can’t undo Alaska history but we have sent a letter to every tribe in the area.*

And then plus another thing too is the State of Alaska was supposed to put out about here about 30 years ago north and west of the PKY land. And that is supposed to exist there. *BLM: I am not familiar with that.*

The United Nations passed a resolution 1735 on December 14 1966 and it is considered a crime that other people take care of the economic structures of our people. So like for you coming here and starting a planning process on our lands that is kind of like a criminal act against the tribe and the Indians and the native people that live on this land and this resolution that was passed on December 14, 1966 that was passed by the United Nations. And you can’t change Alaska history and you can’t change this resolution that the United Nations passed and this goes against ANSCA, it goes right against that resolution that was adopted in 1966 so the United States and the State of Alaska not following their own terms and laws and lands. We are a sovereign nation and a sovereign government and we have the right to vote for our own economic development and resources. The state and federal government has no say – they have a trust responsibility to the tribes to help ensure that the tribes develop their own economic develop our own structure for economic development. This is a trust responsibility for the federal government. And it hasn’t been done. So when the state and the federal government tear down thistear down this it’s hostile for Indian and tribes... tribes to State of Alaska, Doyon Corporation, Tanana Chiefs Council demoralize the tribe and the people to be self-sufficient. And what they have done is take everything away from us with their centralized in Fairbanks and it makes it accessible for us for our people to talk in terms of our own lands. Doyon has people trespassing on their lands and we have no [indiscernible] to enforce it. TCC has our structure and they represent the tribe but they don’t bother to have any input. So what goes on there? The leadership in the tribe there in the city there has not function to follow up everything they say and do is the opposite of what the people want. So I think that a lot of this formation of BLM – what year was it formed? The same time – they switched out from [indiscernible] lands office. Under general law so that whole legal binding document and they subject the state and threw it in a federal library and the formed BLM which is another entity with a new set of laws that others have to understand – it is like propaganda – forming two different government offices under ANSCA. I was reading the documents at the federal library at Fort Wainwright so it is kind of funny that there are two separate land offices when BLM was formed in the 1970 and that there is a correlation of the resolution of the United Nations of 1966 so therefore you guys are taking over the economic structure.

How is the best way for these two previous gentlemen who spoke would you recommend they write up their position papers I guess for input to your planning process? *BLM: Yes, the comments are recorded already and we will take those into account, they will be part of the record and you are welcome to submit written comments as well. The types of issues you are talking about here are types of issues you need to be talking with your congressmen about. BLM can’t change those things.*

I talked to the Governor at the governor's picnic and I asked him about PYK (Porcupine-Yukon-Kuskokwim) line and the state was supposed to put out after 20 years about 1980 – and I asked Governor Parnell about the Yukon Kuskokwim and it was withdrawn. So that is a question he cannot answer.

I didn't come to discuss who owns the land. I may or may not choose BLM to own these lands in question, but it is quite obvious to me that according to all the that courts and all laws that BLM owns this land and if I tried to do something to this land the BLM would stop me one way or another. They are the people who have the guns and have the legal ability to do that. So I did not come here to discuss who owns this land, I came here to discuss what BLM plans – and I going to leave this here [submitted written comments] and these are my comments. Basically I think the existing plan is doing well and I'd like to see the salmon spawning and the protection of the Tozitna and a few areas – the RNA's and I think everything is just fine. I don't think drawing attention to it by making it a "wild and scenic" area is a good idea. I am not going to stick around and listen to more fighting about who owns the land. It is quite obvious to me that if someone else wants to own the land they need to do something about it, but right now BLM flat out owns this land and I've had enough. So thank you for coming.

I spend over 20 years fighting the BLM and I finally had to settle out of court because you people keep coming back with some kind of technicality bullshit that I can't afford to keep paying a lawyer for my rights for you guys going over my land and taking what you want. And the last thing was oh the torts and I don't understand the torts theory, but anyway I tried to get a settlement. I can't afford to keep paying 70,000 – I had 70,000 but I don't; have it now. The thing is who the hell makes off with it BLM. I said the last guy to do that was the guy during WWII –what they did to the Jews. I said I feel like a Jew. How the hell am I gonna win? And everyone knows who the guy I am talking about was – it was Hitler.

I had a question on a RS 2477 Trail – we had a trail that was utilized at the epidemic at Nome Serum Run – what are the plans for that trail? *BLM: Does it cross BLM-managed land? ...Is it this one Curtis that you are referring to the mail trail to Manley the mail trail? [Another commenter] Yeah that is that part of it. BLM: The path between Tofty and Tanana - has no BLM land on it. There is a pair of easements there that we may have a little bit of a say on but other than that anything between Tofty and Tanana BLM has no authority to get involved.*

With trails – what are the plans of BLM – are they going to allow access on [the path between Tofty and Tanana]? *BLM: That is what we were here to hear. We are here to find out how people want us to manage them.*

Summer access- I'd rather have it only accessed in the winter time. That is a big issue on that RS 2477 trail closer to Tofty on the eastern side there is more and more four wheeler and hunter access and they are going further and further a field and it is starting to degrade the trail so anything you guys can do to help close that in the summertime –vehicular use would be appreciated. *BLM: There is not much land there that we have any say in at all. Before the meeting another gentleman brought that up I told him I will ask some questions but essentially the 17B easements is the only place that BLM has any authority. Out there and all the authority we have is to tell people you can exceed the restrictions that were put in place when those easements were reserved.*

You guys can't make a call barring summertime wheeled vehicle use? Even though you have the easement? *BLM: No we don't have the authority [on easements]. I would have to read what the easement says – usually it just has a weight restriction and says if there is resource damage being caused we'll support the corporation*

whose land is being crossed. Without reading those specific easements I can't tell you what those specific easements are but I will look into those and find out if and what we can do.

I think the Kanuti Refuge has more to do with the [Dalton] highway than it does with us. – for us it is a long way away over the hill but there is one issue when several of us did a fire remediation on that Tanana Allakaket trail with the help of Collin Cogley and it ended up being out of our purview as it was the Allakaket guys that did the work on that, as it ended up being just too far from Tanana – but Colin Cogley said the Kanuti Refuge was being pretty sticky about the vehicular traffic and winter time snowmachine traffic over that trail. That trail is used for inter-village travel, and I don't believe that the Kanuti Refuge has any call to bar any travel as it is at the very edge of their refuge. I think it travels about six miles on their property – it is a weird little edge that goes over the side. So anything you guys can do to get the message to those guys that this is a public and traditionally used trail and it should be still open to snowmachines would be appreciated.

How hard would it be for the tribe, city, state, or non-government agency to put shelter cabins on the Tanana to Allakaket trail? There used to be one at 35 mile for the postal service and there might have been another one too. *BLM: If it was on BLM land essentially it would require someone to submit a permit application to do that and we'd process and look at the impacts that can be avoided. As someone here mentioned part of Tanana Allakaket trail is on the refuge and we don't have any say on what goes on - on those lands. If someone wants to submit an application for permission to build a shelter cabin on BLM managed lands along the trail that is certainly something we can entertain.*

With talking about the Tozi River and keeping the status as far as the fishing habitat do you have programs to enhance habitat for fisheries. *BLM: We can look for grants and stuff but we don't have the funding to do fisheries habitat enhancement. If there is an opportunity or a need defiantly let us know and we can look for funding but it not a regular thing we do in Alaska – there is not a lot of funding left over for us to do enhancement.*

On the other side of that is habitat enhancement to control of fires to help increase the moose population and all the other critters that come in after a burn? *BLM: We can do controlled burns under certain circumstances but there are a lot of things that go into that – including what the fire management designation for that area is. If it is in a limited area there is likely nothing that says we can't but it is unlikely that we would because we have determined that the natural fire regime is the desired natural condition there. Areas that a controlled burn where it would protect a village by reducing fuels would be much more likely for us to look. If the state fish and game came in and said we think this piece of land would really benefit the wildlife if we did a controlled burn then we would look at that. The other thing we have run into is burns do enhance moose browse but habitat is not the limiting factor. Every time we go to Allakaket someone says you guys always tell us fire makes more moose so they burn and then there is no more moose so you don't know what you are talking about. So you can do all the burns you want and if habitat is not the factor then you still have not solved your problem. So that has to be part of the decision making process as well.*

Do you anticipate that this plan will be really different than it was previously – the comments so far? Is that why you are doing this? *BLM: We are doing this as the existing plan is 25 years old and lots of places have changed in that time. There are places in the planning area – like the Dalton corridor that we know there are issues that*

were not considered in the old plan. In the middle Yukon drainages there are not so many areas where we are saying – hey this isn't working. Will there be changes – I suspect there will be changes in like withdrawn lands and changes in ACECs – such as ACECs that have now become state land so we need to get rid of those boundaries. Based on the comments we have heard so far I do not anticipate an enormous amount of changes in the middle Yukon drainages but then again we are right at the beginning of a 5 to 6 year process and will still have to get comments from the State, FWS and there is a long way to go before we know what is going to come out the other end of this process.

About the native allotments – is it possible to trade with BLM? *BLM: generally no, in the lower 48 BLM does a lot of land exchanges, but up here until all the conveyances and land selections are done with the state it is really hard for us to do land exchange.* I selected right on the edge of the wildlife refuge area... it is flooded in spring and after it is closed - *BLM: I believe that once the allotment is granted I don't think you can change the locations after that.* Yeah but you could trade it with somebody else like if you wanted to trade it with Doyon Corporation. *BLM: I don't know if you could do that with Doyon, but BLM does not have an exchange process. If Doyon wants to exchange that is between you and them and BIA has an advisory role.*

Minerals Management

Mining near Big Salt - What specifically are they wanting? *BLM: There are a few people who have private parcels in the Big Salt and they want to ride snow machines into their private parcels. There are a bunch of mining claims out there that have never been developed and they are interested in people getting access to mine or develop access into that area.*

One participant asked about mineral access to the Ray Mountains. *BLM: The requests we have had about access off the Dalton into the Ray Mountains country that I am aware of are right on the Big Salt and the Ray River.* How about the mining guys? *BLM: the mining claims that are out there are very near Spooky Valley but a little bit on the north. But there is no activity going on there that I know of – they are interested in developing it but I don't know of any development that has begun.* What kind of minerals are there? *BLM: They are looking for rare earth minerals.*

What on the land right north of Tanana what is in there for mining- it is allowable? *BLM: [points] the block right up here? Yeah that is open to mining right now. I don't know what the potential is for mineral and there are not many claims stacked so not many miners think it is worth it.*

Special Areas

[Regarding Peregrine Falcon habitat ACEC was made when they were a listed species] They will kill everything else anyway. *BLM: Are those ACECs that were established to protect peregrine habitat are they still necessary? We need to hear from you whether you think it needs to be protected.*

Toolik Lake – was that an old pipeline camp? *BLM: I believe it was and is now a research camp.*

I agree with what Stan Zuray was saying about the RNAs and the ACEC out in the Tozi. It is doing a good job right now of keeping the place intact and keeping it the way it has always been. I do agree with him in that calling it a

Wild and Scenic River would draw attention to the area and defeat the purpose of keeping it as habitat. Mainly just do what his letter said and keep doing what you have been doing for 20 years. That would be fine.

From a personal standpoint I've been through Spooky Valley a couple of times and I tell you - that is eye opening country. I think that everyone in the state that has an opportunity should walk through or fly through there as it sure is interesting country. What is the scientific stuff done there now? *BLM: There is nothing actually being done there now.*

Did they designate Spooky Valley as something scientific so that no one can go in there and blow it up or take those hillsides down looking for gold? *BLM: BLM had UAF do a study looking at ecosystems all over the State of Alaska that they thought would be important to preserve for future research opportunities to be designated as research natural areas. It may not be biological – it could be of geological interest.*

Utility Corridor

Wouldn't the regional corporations supersede the State with issues on BLM federal lands– it makes logic sense to me that the village or regional corporations would have control over that [regarding the state's desire to obtain ownership of lands within the Dalton Highway Utility Corridor]. *BLM: the corporations can't select anymore lands – it is already closed off for new selections.*

My concern is the pipeline corridor where the state has - about top filing - I know our governor has a plan of whatever he wants to do and maybe it is economical but my concern is just that because the state and whole subsistence issue never has been resolved and when it comes down to it we are not subsistence for the state or it is not a priority. So when we do this if the state is going to claim a large portion of that corridor and granted it has been there for a large portion of years and people have used it for subsistence – berry picking and whatever and to see that limited for the state to take that portioned the land I object. And until we resolve the subsistence issues – them just claiming the corridors is a concern.

I would like to agree with Dorothy too if you use the leverage for them to resolve the subsistence issue and then top file. There has been no carrot or stick action done on the state government, Maybe it is time to use the stick as the carrot isn't working.

Fish and Wildlife

On another note in other areas - not on the Tozitna but in other areas you've gone in and done studies and you had a fishing weir back here on the Tozi for a bunch of years - what did you learn from it? *BLM: I would have to send you the reports but in general that was done by the FWS subsistence management and was done to document the contribution of the Tozitna drainage to the Yukon salmon populations. I believe it was mostly focused on chums – I am not sure if it was focused on kings or not but at any rate we ran that for about seven years and we basically documented contributions of the drainage to the Yukon and looked at genetics.*

Yeah just from what I heard as I knew some of the guys that worked back there and there were some years when there we big summer chum and big fall chum returned on the Yukon that fish were coming in about the time these guys were pulling out as they expected to only find summer chum but there was some fall chum going up there too. And that for the most part for what they could see that most of those later fish that could

be identified as fall chum were spawning below the weir. So that – do you take those kinds of studies and analyze them to say well maybe the part that we have protected for spawning could go a little bit further? *BLM: Absolutely that is something we certainly do with that information and I know that because of the information you are talking about we started doing some boat trips up late in the fall and some helicopter trips to document production areas in that area were after the weir was shut down so we will certainly be looking at that. Our fish biologists right now are looking at it by going watershed by watershed through and figuring out which ones have the highest values in terms of fishery resources and all of the information collected rolls into that.*

When there is a high rate of return on the chums they go into places we've never seen before. I don't have the percentage of what spawns and returns but that should be a further study on the Tozi– in that lower part. You see them in different places in different years. They only come back every 3 or 4 years and there is nothing in there in the years in between – there are a lot of weird things that go on.

Subsistence and Traditional Way of Life

We are facing a fish crisis here on the Yukon River. They shouldn't be allowed to mine until every fish has run towards the river. Ever since the pipeline was build it has blocked off our caribou. I don't want to see any restrictions on local hunters who go out there for caribou. We are having a tough time right now – we are facing a lot of competition for moose meat around here and caribou do help. There was one more thing - two people in Tanana that have trap lines that go back there they have to be recognized too. And all these talks about native allotments, well I will be sending a comment and letter to you guys.

[I have a] question about trespass and access for trapping on the Ray River. *BLM: Does not think there is a way through this planning process that we [the BLM] could close it to trapping. Is there a way I can claim it? BLM: we don't have a system by which you could claim it. We don't have any authority to tell other they can't trap on your line; that is not an authority that BLM has.*

I was wondering my allotment is right next to the road and now – since I got grandfathered rights can I kill a moose on there? *BLM: Whether or not you can kill a moose on your private property is decided by the State of Alaska. The State Fish and Game and the Board - The Board of Game sets the hunting regulations on private property. On federal land the state regulations apply unless the federal subsistence boards make different regulations for that piece of land. But an allotment isn't federal land and doesn't fall under the federal subsistence regulations and so whatever the state game regulations say is what you can or can't shoot on your allotment. The way I understood it is was 25 miles on each side couldn't BLM: Is your question "On the Dalton can a qualified subsistence user hunt in that area"? Yeah. You can hunt with a rifle but you still need to look at the regulations and see. But your allotment is not federal property so federal subsistence regulations don't apply to it.*

Public Safety

There is a need for shelter cabins between Tanana and Allakaket as people travel this route.