

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

SARAH PALIN,
Governor

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October 27, 2008

Mr. James Caswell
Director
Bureau of Land Management
1620 L Street, N.W., Room 401
Washington, D.C. 20036

Dear Mr. Caswell:

The Citizens' Advisory Commission on Federal Areas is a 12 member organization established by the State of Alaska. The Commission is directed by Alaska Statute 41.37.220 to "consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state [and] on the effect of federal regulations and federal management decisions on the people of the state."

The Citizens' Advisory Commission on Federal Areas has reviewed the proposal to remove the regulations providing for emergency land withdrawals under 43 CFR Part 2300. The Commission agrees that these regulations are redundant and that public lands can be adequately protected through conventional withdrawal procedures. More importantly, emergency withdrawals do not allow the public to participate in the process, which is unacceptable.

Any executive branch action which withdraws more than 5,000 acres in Alaska is subject to the provisions of ANILCA Section 1326. This section and the regulations at 43 CFR §2300.0-3(a)(5) require publication in the *Federal Register* and notification to both Houses of Congress before any such withdrawal becomes effective. The withdrawal terminates unless Congress passes a joint resolution of approval within one year of notice of the withdrawal.

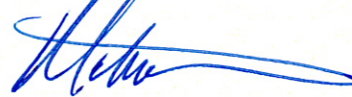
Withdrawals of less than 5,000 acres in Alaska are still subject to the provisions of FLPMA Section 204(d) which require public notice and opportunity for public hearing and comment. Under the existing regulations, Section 204(e) emergency withdrawals do

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not require prior public notice, nor is the public provided any opportunity for hearing and comment. Any proposal to withdraw public lands for any purpose, regardless of size, must provide the public with the opportunity for review and comment.

We do not address the constitutional issues related to FLPMA Section 204(e) in these comments and agree that this proposed rulemaking is not an appropriate forum in which to do so.

Sincerely,



Rick Schikora
Chairman

CC: Gov. Sarah Palin
Sen. Ted Stevens
Sen. Lisa Murkowski
Cong. Don Young