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Governor Bill Walker  
STATE OF ALASKA

November 8, 2016

Mr. Neil Kornze, Director  
Bureau of Land Management  
1849 C Street NW, Room 5665  
Washington, DC 20240

Dear Mr. Kornze:

Pursuant to 43 C.F.R. 1610.3-2(e), I am appealing the Alaska State Director's response to the State of Alaska's September 28, 2016 Governor's Consistency Review (GCR) finding of inconsistency for the proposed Eastern Interior Resource Management Plan (EIRMP) and final Environmental Impact Statement.

I respectfully disagree with the Alaska State Director's determination that not all of the issues raised in the State's GCR response fall within a very narrow construct of the consistency review process. The Federal Land Policy Management Act (FLPMA) requires BLM land use plans to be consistent with State and local plans, policies and programs, while also providing that they are consistent with federal law applicable to the lands under consideration. Many of the State's comments directly related to federal laws that shaped the State's unique history and led to the complex management framework that exists in Alaska today. They provide important context that supports the State's finding of inconsistency.

The Alaska Native Claims Settlement Act, which was enacted to resolve the aboriginal land claims of Alaska Natives and to withdraw over 80 million acres for conservation purposes, culminated in over 100 million acres of designated conservation system units in Alaska with the passage of the Alaska National Interest Lands Conservation Act (ANILCA). However, in recognition of the state's resource-based economy and the unique subsistence lifestyle of Alaska's rural residents, ANILCA balanced the national conservation interests with the economic and social needs of Alaska and its citizens. To preserve that balance, Congress specifically relied on the availability of other public lands – managed by BLM – for more intensive use and disposition. The United States Supreme Court recently recognized Alaska's unique situation in *Sturgeon v. Frost*<sup>1</sup> when it observed that ANILCA's provisions “reflect the simple truth that Alaska is often the exception, not the rule.”

However, proposed management for the Eastern Interior planning area appears to apply FLPMA's multiple use mandate in a new way that is different from that which has historically been consistent with the State's multiple use mandate, and by extension, state land use plans. The EIRMP divides up the planning area, favoring resource preservation over balanced conservation and the economic

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<sup>1</sup> 136 S. Ct. 1061, 1065 (2016).

Mr. Neil Kornze  
EIRMP Appeal to BLM  
November 8, 2016  
Page 2

interests of the State and Alaskans, with no apparent recognition that extensive federal and State environmental and natural resource regulatory authorities already conserve and protect resource values. This approach results in large swaths of closures to mineral entry on lands with the highest mineral potential, which not only forecloses new exploration and development opportunities in the oldest historic mining district in the state, but interferes with the State's ability to complete its land selection process pursuant to the Alaska Statehood Act.

I have serious concerns with this new planning approach, not only as it applies to the EIRMP, but because it also sets a precedent for all future BLM planning efforts in Alaska. If similarly applied to two other BLM plans currently in progress, each encompassing millions of acres in western and northern Alaska, the State's overall economic interests could be seriously jeopardized.

I urge you to give careful consideration to the attached appeal of the State Director's decision regarding the issues raised in the Governor's Consistency Review. Additional issues were submitted separately through BLM's protest process and all deserve thoughtful attention. If left unresolved, many of these issues will carry over into other BLM planning processes, threatening to interfere with our longstanding collaborative working relationship.

Sincerely,



Bill Walker  
Governor

Enclosure

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Daniel Sullivan, United States Senate  
The Honorable Don Young, United States House of Representatives  
The Honorable Andy Mack, Commissioner, Alaska Department of Natural Resources  
The Honorable Sam Cotten, Commissioner, Alaska Department of Fish and Game  
Bud Cribley, Alaska State Director, Bureau of Land Management  
Craig Fleener, Director of State and Federal Relations, Office of the Governor