

Alaska Interagency Water Rights Course

CASE STUDY: Great North National Monument and Preserve

Congress recently created a new protected landscape in Alaska named the “Great North National Monument and Preserve.” The purpose of the monument and preserve is to protect and enhance a number of the natural features for which Alaska is well known. The legislation creating the monument and preserve specifically mentions the following features and uses are to be protected and enhanced:

- The Shadows Mountain Range with peaks up to 15,000 feet
- The Fireweed River, which supports large anadromous fish runs
- The Chilik wetland and lake complexes which provide important wildlife habitat
- An nearby historic native village called Sasilchik
- Historic mining sites near the town of Trapper’s Crossing
- A large spring complex known as “Deep Earth Springs”, considered sacred by the local Alaska Native community, and which supports numerous rare plant and insect species
- Abundant wildlife supported by the ecosystems in the monument, including caribou herds, moose, bear, wolves, and many species of native fish
- Recreational usage throughout the protected area, including heavy recreational use on the Fireweed River, where boating parties put in at Trappers Crossing and take out at Sasilchik

The monument was recently created because of the high interest in protecting this landscape. At the time the Alaska National Interest Lands Conservation Act (ANILCA) passed in 1981, Congressional negotiators concluded there was too much potential conflict with mining activities to designate a federal monument and preserve in this location. Most of these historic mining activities have now been abandoned. The community of Trapper’s Crossing has expressed a strong interest in reclaiming landscapes that were impacted by mining but preserving historic mining structures. Trapper’s Crossing also has strong interest in building upon a growing tourism economy based upon hunting, fishing, and visitation of historic sites. The legislation calls for one of the former mining mills outside of the monument and preserve to be converted into the primary visitor center for the new monument.

Undisturbed and undeveloped federal lands lie within the monument boundary, and legislation directs the federal land management agency to maintain these in unimpaired condition. In contrast, the preserve encompasses federal lands where a limited amount of multiple use occurs, such as roads, utility corridors and camp sites. The legislation states that the federal land management agency may authorize new uses in the

preserve, but new uses are limited to only critical transportation and utility corridors for adjacent communities.

Outside of the preserve boundaries, there is a mixture of scattered private and federal land. The federal parcels contain some federally-run facilities (including the site of the new monument and preserve headquarters), two campgrounds and a large spring-fed reservoir used for fire-fighting and road maintenance purposes. The communities of Trapper's Crossing and Sasilchik, as well as an active industrial scale mining operation, lie on the private lands outside the preserve boundary.

The legislation contains the following language concerning water rights:

- Federal reserved water rights are expressly created for lands within the monument.
- For lands within the preserve boundaries, NO federal reserved water rights are created and water needed for preserve resources must be obtained under State law.

To date, no water rights have been claimed by the federal government for waters within the monument/preserve. On federal lands outside of the preserve, state appropriative water rights have been secured by the federal government for two wells that service two campgrounds/recreation sites. The federal government has also obtained state appropriative water rights for a large spring-fed reservoir used for road maintenance and fire suppression.

Please see the attached map for depiction of the features and communities in the landscape.

Day 1 Exercise: Discussion of Issues In Alaska That Might Drive Water Rights Strategies For Monument and Preserve

Using the case study and map provided, please answer the following questions:

1. What land uses present the biggest threats to water quantity and quality within the monument and preserve?
2. How and where would we expect human usage of water to grow in the future?
3. What and where are the best opportunities for long-term protection and preservation of water-dependent values?
4. What types of water management objectives and standards would likely apply to monument lands? To preserve lands?
5. What expectations are Alaska Natives likely to have with respect to protection and management of water-dependent values with the monument and preserve?
6. Given the likely water-oriented threats and opportunities for water protection, what water rights work should be prioritized by the federal government, with limited budget and personnel?

Day 2 Exercise: Water Rights Tools Available For Management of Monument and Preserve

Using the case study and map provided on Day 1, please answer the following questions:

1. If the federal government decided that claiming federal reserved water rights were the best strategy for managing the monument, on what water sources could federal reserved water rights be claimed? What uses of water could be claimed on those sources?
2. If you were going to prioritize work on quantifying and claiming federal reserved water rights, what water sources and uses would you focus on first? Why?
3. What would your strategy be for claiming water rights on preserve lands?
4. What would be the best method for protecting flows on the portion of the Fireweed River that flows through preserve lands? on the portion of Stoney Creek that flows through preserve lands?
5. The preserve contains a number of springs that provide very important wildlife habitat values. If you have limited resources available for protecting these resources, where would it make the most sense to focus your water rights work?
6. For managing water sources on monument lands, what are the advantages and disadvantages of making federal reserved water rights claims versus filing applications for state-based water rights?

Day 3 Exercise: Water Rights in Lands Actions

Right-Of-Way Scenario and Questions

The gateway community of Trappers Crossing needs to improve the quality and reliability of its municipal water supply. Historically, the community relied upon diversions from Stoney Creek to meet its needs. However, recent testing has shown that quantities of heavy metals in the creek water are slowly rising and now exceed drinking water standards. Through a study, the community has determined that the cleanest and most reliable water supply would come from tapping one of the aquifer systems that lies under the preserve. The community has submitted a right-of-way application requesting permission to build a small well field in the preserve, approximately five miles east from Deep Earth Springs. The community has submitted a water right to the State of Alaska for the proposed location, but the State has not yet approved the application.

Using the case study and map provided on Day 1, please answer the following questions. As you answer these questions, remember that multiple use of lands is authorized on preserve lands but not on monument lands.

1. What kind of documentation and studies would you request from the community of Trappers Crossing to help you analyze the purpose and need for the water supply system?
2. What sort of studies would you request to ensure that the potential surface water and groundwater impacts of the proposed projects are understood and documented?
3. If you decided to grant approval for the project, what are some potential terms and conditions you could include in the approval to protect water-dependent values?

Land Tenure Adjustment Scenario and Questions

The legislation authorizes the managing agency to acquire lands from the Golden Mining Company. Mining company lands within the Preserve boundary would come into federal ownership and restored with federal funds. The lands to be acquired include water rights for surface diversions from Stoney Creek used for mining activities and a groundwater right on a well used to supply water to the mine's administrative building.

The legislation also directs the managing agency to dispose of certain federal lands to the municipality of Trapper's Crossing. The transferred lands will be developed to support intensive recreation and tourism use. Water rights on the federal lands to be disposed include groundwater rights for two wells that serve the two campgrounds. The disposal lands also include a surface water right for a spring-fed reservoir historically used for fire-fighting and road maintenance activities.

The interdisciplinary team that is working on the acquisition plans to meet with the private mining company and field check the proposed acquisition parcels. Using the case study and map provided on Day 1, please answer the following questions:

1. What information should be obtained:
 - (a) from the DNR?
 - (b) from other sources?
2. What:
 - (a) questions should be asked of the private mining company?
 - (b) information should be gathered and documented on the field visit?
3. What:
 - (a) information should be provided to the lands staff and appraiser regarding water use and water rights on the private land, as part of the NEPA process for the acquisition?
 - (b) form(s) should be submitted at closing to notify the state that (1) the federal agency has acquired water right(s) on the acquired mining parcels and (2) that the federal agency has transferred ownership of certain water rights to Trappers Crossing?