

Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Overview

for Senate Resources

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Presentation Outline

- *Compromises in Crafting ANILCA*
- *Introduction to the Act*
- *Select Key Provisions*
- *Amendments and Implementation*

Questions

National Perspective on the Environment and Public Lands Leading to ANCSA

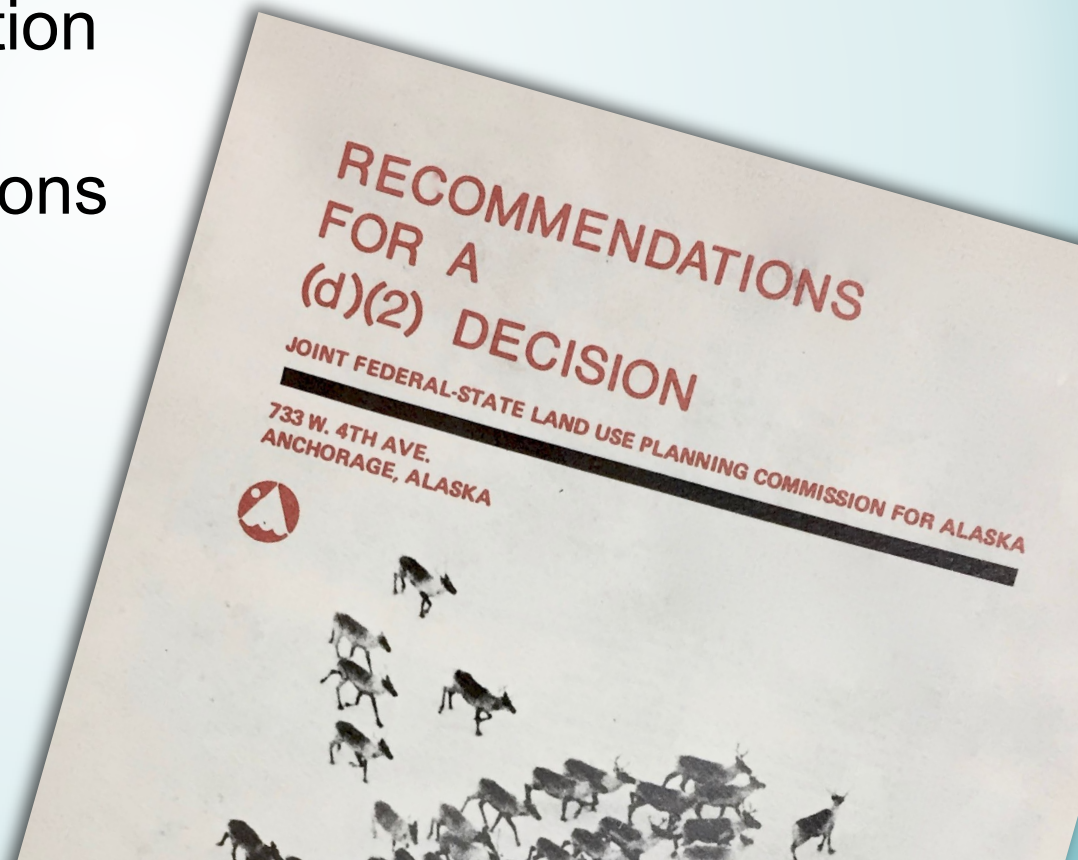
- 1963 – Clean Air Act
- 1964 – Wilderness Act
- 1966 – National Historic Preservation Act
- 1968 – Redwoods National Park
- 1970 – First Earth Day
- 1970 – National Environmental Policy Act (NEPA)
- 1970 – Environmental Protection Agency (EPA) established
- 1971 – ANCSA Section 17(d)(1) and 17(d)(2)

Alaska Native Claims Settlement Act of 1971

ANCSA Section 17(a)(1)

- Joint Federal-State Land Use Planning Commission (federal, state, and ANCSA representatives)
- co-chaired by Governor's & Secretary's designees
- emphasis on collaboration

to make recommendations on *“proper use and protection”* of federal lands, land and river studies, economic analyses, etc.



ANCSA Section 17(d)(1)

- Secretary to withdraw lands from entry (e.g., mineral entry and leasing) for study and classification
- “(d)(1)” withdrawals do not expire but may be reclassified or revoked by the Secretary anytime

ANCSA Section 17(d)(2)

- Secretary to withdraw “up to 80 million acres” from public land laws and from State and ANCSA selections to study for future Congressional conservation designations
- “(d)(2)” withdrawals to expire December 1978 if Congress does not act, creating 7-year deadline

Stakeholders and Interests

Many interests and organizations, sometimes involving flexible alliances, generally grouped:

- **Environmental:** e.g., national & local network, “*Alaska Coalition*”
- **Way-of-life:** e.g., traditional activities, access, cabins, inholdings, cultural sites
- **Economic:** e.g., timber & mining, develop inholdings, transportation and utilities, community expansion, guiding

Governor established DC office to assist Congress; State and ANCSA, CMAL, others

Dozens of “(d)(2)” bills introduced

1974 DOI Secretary Morton recommends 83.47 million acres of conservation units, introduced S 2917 (40 pages)

1974-1977 Most bills proposed 50 to 80 million acres of conservation units, per ANCSA Sec. 17(d)(2) to withdraw “up to 80 million acres” for study

1977 Congressman Udall introduced HR 39 **ups the ante:**

- *115 million acres of new conservation units, and*
- *145 million acres of “instant Wilderness” — all new and existing units without evaluation or study, including all of the Tongass*

1977-1978 Alaska’s delegation changed focus to protecting uses; Gravel filibuster; Congress adjourns without passing

Actions preceding expiration of December 1978 “(d)(2)” withdrawals

November 1978 Secretary Andrus: 3-year emergency withdrawal of 110 million acres per FLPMA Sec. 204(e)

December 1978 President Carter: 56 million acres (out of the 110 million acres) in 17 national monuments per Antiquities Act of 1906

- *Environmental interests want more acreage*
- *Many Alaskans and State & ANCSA land managers want more flexibility for access across federal lands, existing and new uses, etc.*

1979 Governor & State Legislature adopted 7 Consensus Points, “The Alaska Position”

- Revoke all 1978 land withdrawals, including monuments
- Fulfill land entitlements to State & ANCSA corporations
- Access across federal lands to state & private lands
- State management of fish and game on all lands
- Conservation unit boundaries exclude economically important natural resources
- Continue traditional land uses on all federal lands
- Preclude future administrative expansion of conservation system units (“no more” clause)

Final Steps to Passage 1979-1980

More hearings, negotiations, committee reports, debates

Senate passed HR 39 August 19, 1980

Similar size CSUs as 1978 House bill but more protections for Alaskans, e.g., traditional access and activities

President Carter lost election in November

Lame duck Congress

House passed Senate version HR 39 November 21, 1980

Concurrent Resolutions adopted December 1, 1980

President Carter signed ANILCA December 2, 1980

“The Great Compromise”

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Alaska National Interest Lands Conservation Act (ANILCA)

P.L. 96-487, 94 Stat. 2371

December 2, 1980

Definitions & Table of Contents	6	03%
Conservation System Units & Other	45	25%
Special Provisions for Public Uses	54	30%
Amendments to Statehood Act & ANCSA	<u>75</u>	<u>42%</u>
Total pages	180	100%

ANILCA's Organization

Consists of 15 Titles (four major parts):

1) **Introductory material** (***Title I***)

e.g., purposes of Act, definitions, maps, boundaries

2) Establish and expand conservation system units and areas (***Titles II-VII***)

e.g., Parks, Refuges, BLM Areas, forests, W&SRs, Wilderness

3) Special Alaska provisions (***Titles VIII, X-XIII, XV***)

e.g., subsistence on federal land, North Slope, access

4) Amendments to Alaska Native Claims Settlement Act and Alaska Statehood Act (***Titles IX & XIV***)

Title I – Purposes, Definitions, and Maps

Sec. 101 — Purposes

- a) Preserve nationally significant land/waters for benefit/use
- b) Preserve for stated values and uses
- c) Provide opportunity for rural residents to continue subsistence way of life
- d) “No More” clause; lands in Act *“represent a proper balance*

Sec. 102 – Definitions

e.g., “public land” and “conservation system unit” (CSU)

Sec. 103 – Maps

- a) Boundary maps control acreages; new areas do not extend seaward beyond mean high tide
- b) Allows minor boundary adjustments and exchanges
- c) Only federal land within CSU boundaries are public lands; State & private lands acquired by US become part of CSU.
[CSU regulations only apply to federally-owned land/water]

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e.g., Parks, Refuges, BLM Areas, forests, W&SRs, Wilderness
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e.g., subsistence on federal land, North Slope, access
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Title II – National Park System

Establish 10 new; expands 3; 2 unchanged: **purposes**; acreage
Administration of park & preserve units *[plus Title XIII]* **requires
management plans and revisions in consultation**; allows
*state-authorized harvests in preserves; allows subsistence in
certain parks; authorizes Ambler Road*

Provisions for pre-ANILCA Native selections, commercial fishing
support facilities, withdrawal from mining & future selections



Title III – National Wildlife Refuge System

Establish 9 new; modify 7 existing: **purposes**; acreage; uses
Administration of refuges; **requires management plans and revisions in consultation, specify uses compatible with purposes**; provisions for commercial fishing support facilities; special study (*caribou*)

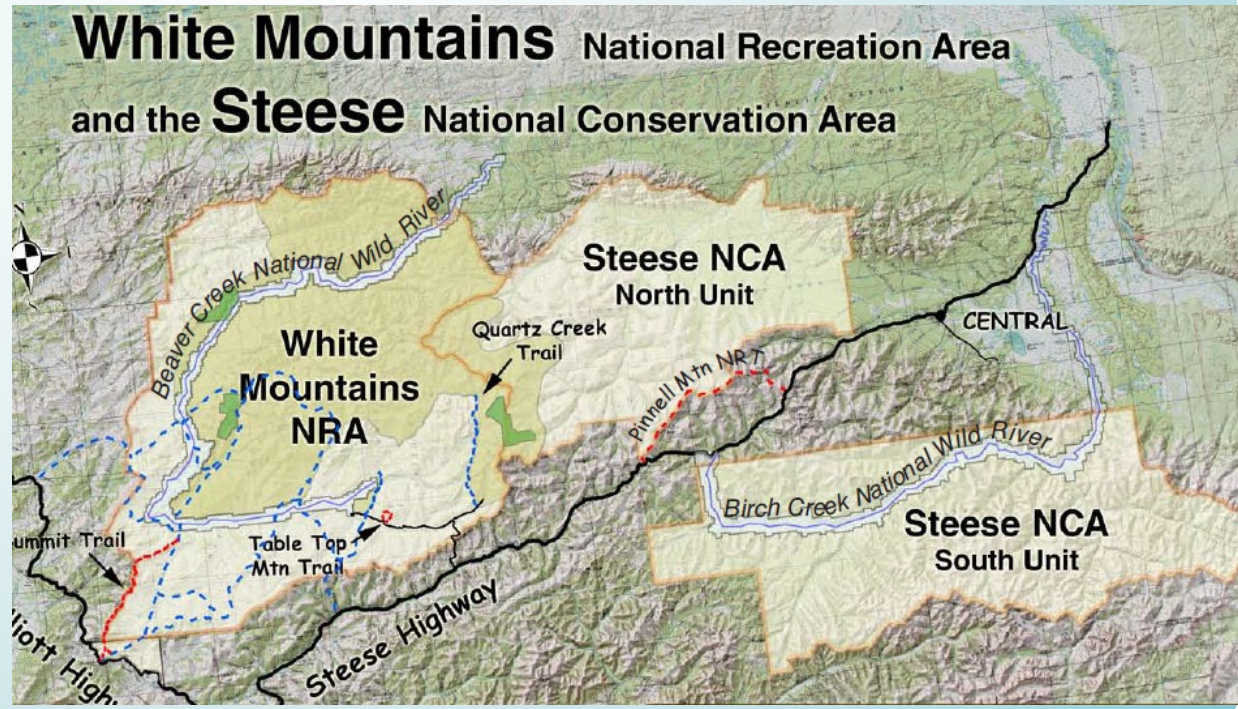
[Additional administration directions in Refuge Improvement Act of 1997 – If any conflict between that Act and ANILCA, ANILCA prevails]



Title IV – Nat’l Conservation & Nat’l Recreation Areas*

- Establishes Steese Nat’l Conservation Area and Administration requires management plan, authorizes mineral development
- Establishes White Mountains Nat’l Recreation Area, *Title XIII directs administration of White Mountains NRA, provides for mining*
[*“Areas” are not “CSUs”]

Additional administrative provisions for BLM National Conservation and Recreation Areas are under FLPMA. PL 111-11 established a National Landscape Conservation System including specific BLM lands in Alaska; ANILCA provisions prevail.



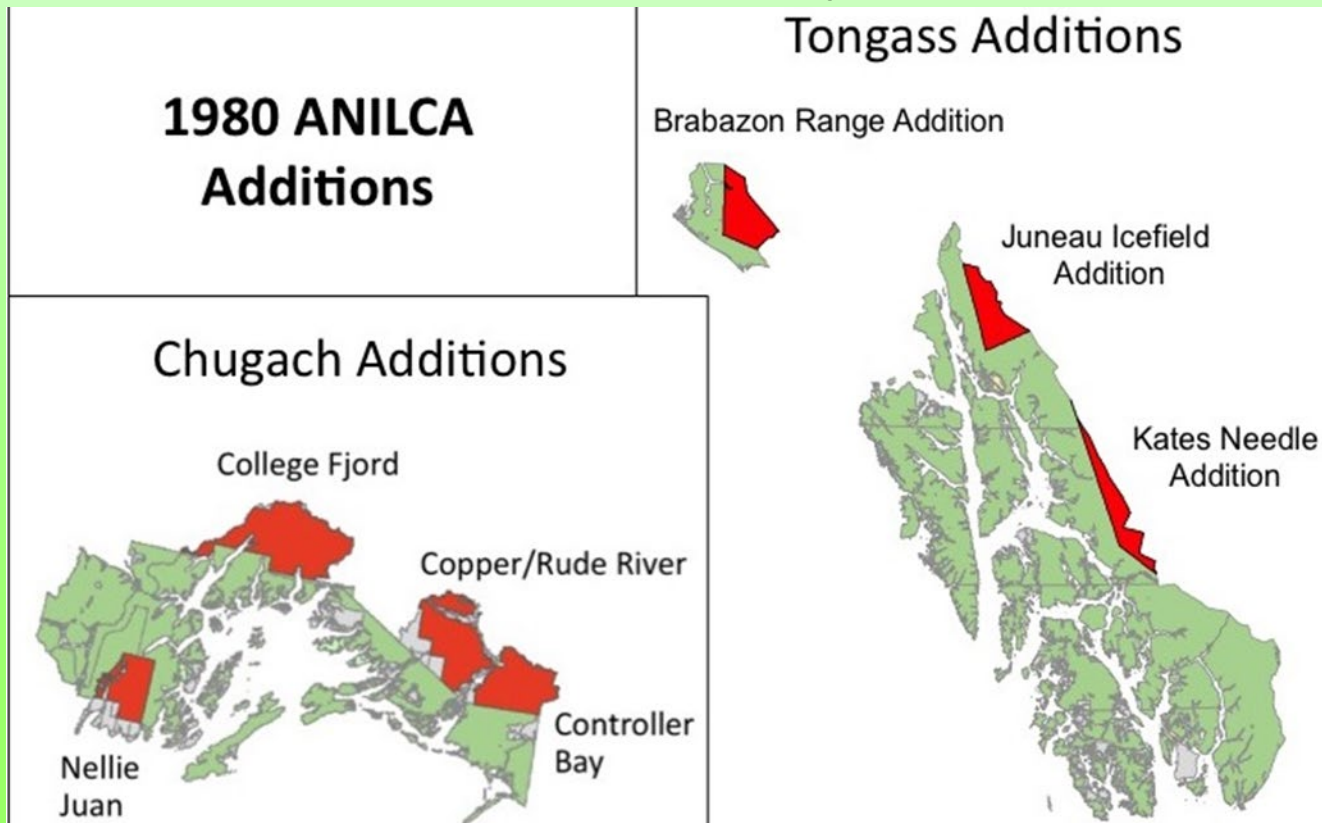
Title V – National Forest System

Expands Chugach (1.5m) & Tongass (1.9m) Nat'l Forests

Withdraws parts of Chugach from US mining laws, special management in two Copper River areas

Establishes Misty Fjords & Admiralty Island Nat'l Monuments

Addresses unperfected mining claims on monuments, fisheries activities on forest lands, Admiralty Island land exchanges



Title VI –National Wild and Scenic River System

Designates 25 Wild and Scenic Rivers within and outside of national park units and national wildlife refuges

Designates 12 study rivers [*Recommended Sheenjek; Situk 4-party cooperative agreement*]

Establishes W&SR boundaries — only include federal land; administrative provisions; no mining w/in ½ mile ‘Wild’; no mining, state selection, and appropriation on federal land within 2 miles of river during studies, etc.

Other amendments to W&SR Act



Title VII – National Wilderness Preservation System

Designates 8 in Nat'l Park units, 13 in Refuges, & 14 in Tongass

Designates Wilderness Study Area in Chugach

Requires 4.5 bbf timber per decade in Tongass

Prohibits Secretary conduct statewide roadless review in AK

Other provisions; Administration (*Title XIII additional direction*)



Childs Glacier, Chugach

*ANILCA's special provisions for Wilderness are
unprecedented – examples:*

- Traditional motorized methods of access for subsistence — Sec 811
- Motorized & mechanized access for traditional activities, for travel to and from villages & homesites — Sec 1110(a)
- Temporary facilities & equipment for take fish & wildlife — Sec 1316
- Uses of existing and new cabins — Sec 1303, 1315, 1316
- Facilities & equipment for research, safety, navigation, including “reasonable access” — Sec. 1310
- On-shore commercial fishing support activities & facilities — Sec 205 & 304
- Permanent facilities for fishery research, management, enhancement — Sec 1315(b)
- Transportation & Utility Systems — Sec 1101-1108
- Adequate and feasible access to inholdings — Sec 1110(b)
- Temporary access to research on non-federal land — Sec 1111