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May 31, 1978

The Honorable Ted Stevens
United States Senate
411 Russell Senate Office Building
Washington, D.C. 20510

Dear Ted:

Enclosed is a copy of my comments on the BLM's draft Wilderness Review Procedures. Am sure you are familiar with Sec. 1307 of H.R. 39 as it moved between House Committees. I believe every effort should be made to see that a similar provision remains in the final bill as it passes the Congress.

As you may know, WGM has been denied a permit to construct an airstrip to serve two very promising deposits north of Kotzebue; one held by General Crude and Houston Oil & Minerals, and the other by Cominco. These deposits are near enough to each other to be served by a common airstrip. They are on 17(d)(1) lands. This action is, in effect, denying the right of reasonable access to develop valid existing mining claims which is guaranteed under the mining laws.

In another case, a supply train with tracked vehicles and sleds moving fuel and other supplies over the snow early this spring, and on an existing mine road along the upper Tok River southeast of Fairbanks, was stopped by BLM in the field. The destination was valid claims staked on state selected lands. In both cases the movement of needed materials by helicopter would be economically prohibitive, considering the advanced stage of development and the distances involved.

It is because of these incidents, and the policies of BLM as applied in the field, even before finalization of their Wilderness Review Procedures and the application of Sec. 603 of FLMPA, that serious consideration should be given to amending FLMPA. The provisions of Sec. 603 should not apply to the remainder of Alaska public lands following the final identification of the National Interest Lands.

Your comments on the above suggestion, and critique of the enclosed statement, would be appreciated.

Sincerely,



Phil R. Holdsworth, P.E.

cc: Senator Poland
Representative Osterback ✓

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May 31, 1978

Director (370)
Bureau of Land Management
Department of the Interior
Washington, D.C. 20240

Dear Sir:

Reference is made to my letter of May 16, 1978 relative to your draft "Wilderness Review Procedures" of February 27, 1978. Specific comments follow.

Exemptions from wilderness review identified on Page 6 include Native lands under ANCSA, 17(d)(2) withdrawals, and TA'd State selections. Why are not other long-standing State selections, filed prior to October 21, 1976, also exempted from the wilderness review?

On Page 11, under paragraph III - Wilderness Review Policy, again only TA'd State selections are exempted from the review. Under paragraph 4, at the top of Page 17, the statement is made "- - - (Alaska inventory will be postponed until native claims land tenure has been finalized);". What about State land tenure, at least for those lands selected prior to October 21, 1976?

Earlier drafts of the proposed review procedures tended to give greater recognition to State selections as valid existing rights. After all, these rights under the Statehood Act preceded those granted to Alaska Natives under ANCSA.

Most of the problems presently posed in Alaska under this program are the result of regional or district applications of the provisions of Sec. 603 of FLPMA. There is a tendency on the part of BLM district managers to apply the provisions of this section now, even though native claims land tenure has not been finalized, and there is even some question as to the permanent status of some of the State TA'd selections. The status of continuing exploration on valid mining claims located on State selected and 17(d)(1) lands prior to October 21, 1976 is also in question.

Attention should be called to what appears to be the intent of Congress, or at least that of the House Interior & Insular Affairs Committee, in Sec. 1307 of H.R. 39 as it moved to the House Merchant Marine & Fisheries Committee. The first sentence of this section reads - "Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Manage-

May 31, 1978

Page Two

ment Act of 1976, shall not apply to any lands in Alaska." The accompanying committee report explained this provision on Page 222 as follows - "Even though there have been no completed BLM studies of Alaskan public lands under this provision of law or under the relevant provisions of the Wilderness Act, the Committee is of the opinion that its review activities and subsequent decisions regarding the areas which have been recommended to the Congress by the present Administration and preceding Administrations have achieved the essential objectives of the review requirements of section 603, and that it is appropriate to relieve the Secretary of the requirement of section 603 of Public Law 94-579 in connection with the remainder of Alaska public lands." It is recognized that this has not been enacted into law, but to the best of my knowledge the House Merchant Marine & Fisheries Committee left this language in their version of the legislation.

Currently, continued mineral exploration and its attendant reasonable access to valid mining claims, located prior to October 21, 1976, have been denied both on 17(d)(1) and State selected lands. It would appear that it may be necessary to push for a specific amendment to FLPMA to exempt Alaska from the provisions of section 603, at least until the land entitlements of the State and Alaska Natives are satisfied.

Respectfully submitted,



Phil R. Holdsworth

cc: Senator Stevens
Senator Gravel
Representative Young
State Director McVee
District Manager Johnson
Assistant Secretary Martin

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ALASKA HOUSE OF REPRESENTATIVES

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JUNEAU ALASKA 99811

TO THE STATE LEGISLATURE AND ALL LEVELS OF LOCAL GOVERNMENT IN
THE STATE OF ALASKA.

IMPLEMENTATION OF SECTION 603 OF THE BLM ORGANIC ACT OF 1976
MEANS THAT ALL ROADLESS AREAS OF 5000 ACRES OR GREATER ON
FEDERAL LAND ARE SUBJECT TO MANAGEMENT AS WILDERNESS UNDER THE
WILDERNESS ACT OF 1964. THIS MEANS NO MECHANIZED EQUIPMENT OF
ANY KIND IS ALLOWED THEREON. THIS MEANS THAT ALL ECONOMIC OR
PRODUCTIVE ACTIVITY EXCEPT BY HAND METHODS IS PROHIBITED ON THESE
LANDS, INCLUDING PROHIBITION OF RECREATIONAL EQUIPMENT SUCH AS
SNOW MACHINES, BOATS, AIRCRAFT.

SECTION 603 IS CURRENTLY BEING ENFORCED IN ALASKA AS CAN BE
SUBSTANTIATED BY AT LEAST THREE MINERS WHOSE OPERATIONS HAVE BEEN
DIRECTLY AFFECTED THEREBY. CALL ME AT 479-6231 FOR DOCUMENTATION.

I URGE YOU TO CONSIDER ADOPTION OF THE FOLLOWING PROPOSED RESOLUTION
AT THE EARLIEST POSSIBLE TIME.

BEAR IN MIND THAT CURRENT BLM POLICY APPARENTLY DEFINES ROADLESS AS
ONLY THOSE THAT ARE PUBLICLY MAINTAINED YEAR-ROUND. THIS MEANS
SEASONAL ROADS IN ALASKA FAIL TO EXEMPT AN AREA FROM WILDERNESS
MANAGEMENT

WHEREAS, THIS RESOLUTION IS BASED ON THE STATE OF ALASKA'S LONG STANDING UNDERSTANDING AND APPRECIATION OF THE IMPORTANT PART MINING, OIL, AGRICULTURE, TIMBERING, HUNTING, FISHING, AND GUIDING HAVE CONTRIBUTED TO THE BASIC ECONOMY OF THE STATE OF ALASKA AND THE NATION AND TO THE STANDARD OF LIVING OF ALL THE CITIZENS OF THE U.S.

WHEREAS, IT IS THE APPARENT INTENTION OF THE DEPARTMENT OF INTERIOR TO CONDUCT A WILDERNESS REVIEW PROGRAM UNDER SECTION 603 OF BLM ORGANIC ACT THAT WILL EFFECTIVELY PROHIBIT MINING AND OIL EXPLORATION OR DEVELOPMENT AND WILL FURTHER INTERFERE WITH OR PROHIBIT TIMBERING, AGRICULTURE, AND RECREATIONAL OPERATIONS

WHEREAS, THIS PROPOSED WILDERNESS POLICY AS OUTLINED DEPENDS TO A GREAT MEASURE ON THE DEFINITION OF WHAT CONSTITUTES A "ROAD" OR "ROADWAY" AND BECAUSE ROADS AND ROADWAYS INSIDE THE STATE OF ALASKA ARE VITAL TO THE CONDUCT OF COMMERCE, HEALTH, WELFARE, SECURITY AND THE PURSUIT OF HAPPINESS OF ITS CITIZENS

WHEREAS, THE PROPOSED WILDERNESS POLICY AND REVIEW BY THE DEPARTMENT OF INTERIOR WOULD CHANGE THE ADVALOREM TAX STRUCTURE OF FUTURE POSSIBLE PATENTED LANDS THUS REDUCING FUTURE PROPERTY TAX REVENUES FOR THE STATE, THUS INCREASING THE EXISTING INDIVIDUAL TAX BURDEN AND INCREASING THE LOSS OF PERSONAL INCOME TO THE CITIZENS OF THE STATE OF ALASKA BY REMOVING VAST AREAS FROM ANY PRODUCTIVE USE

WHEREAS, THE IMPLEMENTATION OF THIS POLICY WOULD TEND TO ENCROACH ON STATES RIGHTS, REDUCE OR SERIOUSLY LIMIT DOMESTIC EXPLORATION FOR AND PRODUCTION OF VITALLY NEEDED MINERALS, OIL, FOOD AND FIBRE AND OTHER RAW MATERIALS, THUS FORCING INCREASED DEPENDENCE ON UNRELIABLE AND EXPENSIVE FOREIGN SOURCES WITH THE ATTENDANT PROBLEMS OF INSECURITY OF SUPPLIES AND ADDED DEFICITS IN THE BALANCE OF PAYMENTS THUS REDUCING THE TRUE VALUE OF U. S. CURRENCY AND BY SO DOING SERIOUSLY HARM ALL U. S. CITIZENS

WHEREAS, IMPLEMENTATION OF SECTION 603 MAY BE USED AS A THREAT TO FORCE ALASKANS TO QUIT THEIR RESISTANCE AGAINST HR-39 WHICH IS CLEARLY NOT IN THE BEST INTEREST OF MOST ALASKANS AS EXPRESSED IN CITIZEN POLLS

WHEREAS, THROUGH A MOUNTAINOUS MAZE OF BUREAUCRACY AND REGULATION, THE FEDERAL GOVERNMENT ALREADY MAINTAINS EFFECTIVE CONTROL OVER THE MEANS OF PRODUCTION OF U.S. INDUSTRY, AND EXTRACTIVE INDUSTRIES IN PARTICULAR

WHEREAS, THE IMPLEMENTATION OF SECTION 603 TOGETHER WITH RARE 11 AND HR-39 EFFECTIVELY REMOVES ALL FEDERAL LANDS IN ALASKA FROM ANY PRODUCTIVE USE TO SUPPORT THE LIVELIHOODS OF ITS CITIZENS

WHEREAS, THE JOBS OF ALASKANS INVOLVED IN MINERAL EXPLORATION, TIMBERING AND CONSTRUCTION ARE IN IMMEDIATE JEOPARDY BECAUSE OF PROCEDURES ALREADY COMMENCED BY BLM TO DENY PERMITS

NOW THEREFORE, BE IT RESOLVED, WE MEMBERS OF THE ALASKA STATE LEGISLATURE HEREBY WISH TO GO ON RECORD AS OBJECTING TO THE PROPOSED WILDERNESS POLICY PROGRAM AND REVIEW AND FURTHER WISH TO URGE THE ADMINISTRATION, INCLUDING THE DEPARTMENTS OF INTERIOR AND AGRICULTURE TO CONSIDER THE DESIRES OF THE CITIZENS OF THIS STATE AND TO SOLICIT THE ALASKA STATE LEGISLATURE TO PASS ON THE NEED OF FUTURE DESIGNATED WILDERNESS AREAS ON THE PUBLIC LANDS WITHIN THE STATE OF ALASKA

AND BE IT FURTHER RESOLVED THAT WE URGE THE U. S. CONGRESS TO GRANT IMMEDIATE LEGISLATIVE RELIEF TO ALASKA FROM THE IMPLEMENTATION OF SECTION 603 OF THE BLM ORGANIC ACT.

RESPECTFULLY SUBMITTED,

JEFF KNAEBEL

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