SCOMM

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CMAL Citizens for Management of Alaska Lands, Inc.
NATIONAL HEADQUARTERS • Suite 220, 121 West Fireweed Ln.
Anchorage, Alaska 99503
Telephone • (907) 276-3837, 276-0010

CLARENCE F. KRAMER, President
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THE ALASKAN (D)(2) LANDS -- A SUMMARY

The phrase "(D)(2) lands" is seen in the local and national press, heard on radio and television and in debates in the halls of Congress. Yet some Alaskans and most other Americans do not know what these lands are, or their significance to the entire nation. Although questions about (D)(2) lands cannot be answered completely in a short statement, CMAL, Citizens for Management of Alaska Lands, Inc., has prepared the following summary of the (D)(2) issue.

WHAT ARE THE (D)(2) LANDS?
These are the roughly 80 million acres withdrawn under Section 17(D)(2) of the Alaska Native Claims Settlement Act for possible . . . "addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems." 'How much land is to be placed in each system' is the question before Congress.

WHERE ARE THE (D)(2) LANDS?
Lands are widely scattered throughout Alaska, with scenic mountain lands mainly in the Brooks Range, the Wrangell Mountains, and the Alaska-Aleutian Ranges; the hilly and lowland areas in northeastern Alaska, and in the Yukon and Kuskokwim River systems.

HOW LARGE IS 80 MILLION ACRES?
It's big!! It would make more than 37 Yellowstone National Parks or two-thirds of California -- or more than the combined areas of New York, Pennsylvania and New Jersey.

WHAT ARE THE RESOURCE VALUES?
Everything. Some of the (D)(2) lands are among the most scenic lands in the world. The low wet lands are breeding grounds for wild fowl; hilly country has caribou, moose, bear, wolves and other wildlife values. The (D)(2) lands also contain millions of acres of commercial quality timber, millions of acres of virgin tillable soils, and major resources of copper, molybdenum, gold, silver, antimony, strategic minerals such as chromium, nickel, tin and very probably uranium, oil and gas. And, while it is often forgotten, people are our main resource. Many of the (D)(2) lands are near areas of chronic under-employment and, while no one has advocated forced development, the possible loss -- or gain -- of thousands of new private jobs has to be considered in the decision.

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WHAT IS THE PROBLEM?
The problem is to determine how an exceptional series of wild lands -- some with an obvious prime value, some with multiple values -- will be managed.

HOW SHOULD THE PROBLEM BE RESOLVED?
Several approaches have been proposed. One extreme, that originally proposed by the "Alaska Coalition", a group of national preservation oriented groups with a small representation of Alaskans in their ranks, would have placed 147 million acres in *WILDERNESS* classification, with over 100 million acres of that being placed in National Parks, Wildlife Refuges and Wild and Scenic Rivers. Together with existing withdrawals, this proposal would place an area larger than the state of Texas out of bounds for all development and for most human uses. Several of the other proposals are also biased against man's use of Alaska land. In contrast, CMAL favors the use of "land for peoples' needs". CMAL seeks a consensus on unique lands which most Alaskans and other Americans agree deserve protection; it is also identifying lands with a variety of values which should be managed under a multiple-use philosophy. Alaskans and, indeed, all Americans must be concerned -- our state and national economy, our way of life, is involved, so great is the magnitude of the problem.

WHAT CAN BE DONE ABOUT THE PROBLEM?
You do not have to live in Alaska to be concerned about this issue or to express your opinion. And, many former residents of Alaska should be concerned too, just as Alaskans of today are. Individual citizens should immediately write their Representatives or Congressmen, wherever you live, to express your concern and to urge these officials to support multiple use management for most of Alaska lands and resources.

If you want more information about the D-2 issue, about CMAL or if you want to assist in this important effort, contact the CMAL office nearest you.

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STATEMENT OF POLICY
OF
CITIZENS FOR MANAGEMENT OF ALASKA LANDS

Citizens for Management of Alaska Lands, Inc. (CMAL) is a broad-based coalition of Alaskans and others interested in the wise use of Alaska lands and resources. Its philosophy, to the extent it can be expressed simply, can be paraphrased as "land for peoples' needs".

CMAL believes in the multiple-use concept, wherein land can be managed to produce both the basic needs -- such as food and shelter -- and important, yet secondary, needs -- such as recreation. CMAL believes that this concept make sense for the bulk of Alaska's land which has strong multiple-values or potentials, as it allows use of the land to produce the greatest good for the greatest number. Incorporated in this belief is the understanding that surface transport access to the lands must be assured so that these multiple values can be realized.

By recognizing that peoples' needs also include solitude and aesthetic values, CMAL is also in favor of preservation of certain wild lands whose uniqueness is widely acclaimed in units of the National Park and Wildlife Refuge systems. It proposes, however, that all the resource values be professionally evaluated and inventoried, so there is a clear understanding of benefits and costs of those lands placed in restricted withdrawals.

It is the policy of CMAL that stable land ownership and management practices be paramount to any decision relating to Alaska's land and resources. Thus, there must be no doubts about Alaska's State-hood and Native entitlements, as new land decisions are made.

Finally, CMAL believes that the vast area of Alaska -- if dynamically managed to take into account changing needs of man -- can play an increasingly important role in the national destiny with room for recreation, wildlife, timber, energy and food production, mining and human habitat.

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CITIZENS FOR MANAGEMENT OF ALASKA LANDS, INC.

D-2 AND H.R. 39

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MISSION: Educate and Persuade
Defeat H.R. 39
Back or create a Legislative "vehicle" to properly settle the D-2 issue with a balanced approach.

TARGETS: Congressmen, either directly or through their staffs, their influential consitituents and associates.

STRATEGY: Concentrate on 3 issues nation wide: Energy, Recreation and Jobs. These are the "Achilles Tendons" of H.R. 39. Obviously, many Congressmen have specific interests such as mining, forest products, etc. Where applicable we will zero in on these.

TACTICS: Create an organization and plan to identify the most likely Congressmen and bring to bear the most influential forces in each case.

ORGANIZATION: Modest full time staff. Lobbyist, media, etc., on a retainer/consulting basis. Use retained (and other) professional lobbyist as a "brain trust" to access the Congressmen, then use all our natural allies (Trade Associations, Individual Company Washington Representatives, Labor Leaders, etc.) to educate and persuade.

TIMING: This is an 18 month battle with the House being ahead of the Senate in its deliberations.

BUDGET: A budget has been structured to follow the strategy and tactics. It is a large amount spread over 18 month period. We want to concentrate on getting the job done and not spend our time raising money so we have devised a pledge system to supplement large one-time donations. In this manner, the monthly donation is more palatable for the donor and it gives CMAL a chance to plan its cash-flow.

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CMAL RECOMMENDATIONS FOR PRINCIPAL CONCEPTS IN D-2 LEGISLATION

A. *LANDS WHICH SHOULD BE IMMEDIATELY DESIGNATED WITHIN THE FOUR SYSTEMS AND LANDS WHICH SHOULD BE PLACED INTO HOLDING PATTERNS PURSUANT TO SECTION 17 D-2 LEGISLATION.*

1. Areas receiving serious consideration for four system designation within which there is no known resource conflict and about which there is sufficient information concerning resource values should be immediately designated within the four systems. None of these areas should be made instant wilderness areas, although qualifying areas could be put into wilderness study status for future consideration under the Wilderness Act of 1964.

2. Where substantial conflicts exist between or among resources in an area receiving serous consideration for four system designation or where there is insufficient information known about the resource values of such an area, it should be placed into holding pattern status.

3. The holding pattern areas should be managed by the BLM until they are designated by Congress. Interim management policy for these holding pattern lands should be established by a Federal Commission. The Commission should also be responsible for reviewing each area's resource values and making a recommendation to Congress for designation of the area within the four systems. Recommendations for each of the areas should be made within a time certain so that its status is known within the holding pattern areas during the Commission's interim management period unless environmental damage to the area is demonstrated to the satisfaction of the Commission.

4. Areas receiving serious consideration for four system inclusion which have multiple use values and contain commerical forest land ought to be designated as National Forests. In order of priority the following areas should be designated as National Forests: the Porcupine; Yukon Flats; the Yukon Charley; the Yukon Kuskokwim, the Forty Mile and the Wrangell Mountains.

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B. LANDS WHICH SHOULD NOT BE PLACED IN THE FOUR SYSTEMS THROUGH SECTION 17 D-2 LEGISLATION.

1. Southeast Alaska should not be considered as part of D-2 legislation. Instead, land allocation decisions regarding the Tongass National Forest should only be made after completion of the Tongass Land Use Management Planning Process.

2. Reasonable access routes (determined in part by economic practicality) should be guaranteed to all lands within the State of Alaska and lands should not be selected for inclusion within the four systems if their inclusion would place an undue burden upon such access.

3. State and Native land selections should be given priority and should not be pre-empted by S17(d)(2) selections. Congress should direct the BLM to proceed forthwith in making full conveyance of their lands to the State of Alaska and the Alaska Natives.

4. Lands should not be selected for inclusion within the four systems if the "prevention of significant deterioration" provisions of the Clean Air Act or Clean Water Act would prevent adjacent State or private lands from being fully utilized.

5. Lands having agricultural potential should not be selected for inclusion within the four systems.

C. OTHER PROVISIONS

1. Subsistence definitions should be made on a non-racial basis with management to be by the State.

2. Fish and Game management should be done by the State.

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°NEWSLETTER°

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- - -MARCH 1978- - -

WASHINGTON UPDATE

In a voice vote on Feb. 7th, the Alaska Lands and Oversight Sub-committee approved version No.3 of HR-39 and sent it to the full House of Representatives Interior and Insular Affairs Committee. The action came swiftly with Seiberling and Udall riding the wave of intervention from the White House. The full House Interior Committee, which is chaired by Rep. Morris Udall, author of the original legislation, is scheduled to take the Bill under consideration on Tuesday March 2, and according to Washington sources, the committee is scheduled to complete consideration and mark-up of the bill in seven straight days.

CMAL's D.C. representative, Tony Motley says,*"It's too close to call,"* referring to how the expected series of votes in the committee might go. *"Right now, it's a toss up and only the several Congressmen in the middle know how they are going to vote. We expect that any vote could go either way by one or two votes,"* said Motley.

Whether the full Committee will accept Rep. Lloyd Meeds' bill as a substitute for Udall's HR-39 or whether they will stay with Udall's bill is the key to the issue from here on out. It is clear, however, that with the limited time being allowed by Udall for consideration of the issue by the Committee, the legislation will not receive the in-depth study that it merits and which is needed to fully demonstrate the travisty HR-39 will do to public lands in Alaska. Rep. Don Young remains hopeful and optimistic that the members of the Interior Committee will fairly and objectively evaluate the issue. Cong. Young recently stated that the biggest thing wrong with the HR-39 bill as it passed the Sub-committee is the size of the wilderness areas. He says that he plans to seek an amendment to the bill when it goes to the full committee for a provision to allow the State to select land inside the boundaries of the conservation units as set out in HR-39 but outside the 80 million acres frozen by the Federal government for possible inclusion in the D-2 legislation. Young says that about 10 million acres would be involved.

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INTERNATIONAL BUSINESS MAGAZINE

The Jan/Feb issue of *INTERNATIONAL BUSINESS* Magazine, published in Seattle by Louis R. DesPres, is devoted entirely to Alaska and the State's resources. The issue, entitled "Alaska - America's Frozen Assets," includes articles by many notable Alaskans covering such topics as transportation, native corporations, minerals, timber, oil and gas and other resources. It also deals in depth with the D-2 lands issue. DesPres, in his editorial comment states, *"This edition of IB might better be titled 'The Environment and World Trade,' and use Alaska as a symbolic example of the war now being waged between ultra-developers on the one side, ultra-environmentalists on the other. In Alaska this battle is called the D-2 Land Issue; in the other states and countries it has a different ring, but the issues are always the same.*

Frankly, as we travel around the world in our editorial role, we see many developing countries which are prospering through development, yet concerned over their environmental rights. It is frightening to see America failing to keep up the pace." *(cont.)*

***

Copies of the IB magazine can be obtained from newsstands in Alaska or ordered through International Business, 14842 First Avenue South, Seattle, Washington 98168. IB is the official publication of World Trade Associates, Inc.

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WHAT THE OTHER SIDE IS SAYING

The preservation extremists supporting passage of HR-39 are appealing for national support to "Save Alaska from Alaskans." In a recent mailing under the banner of the Alaska Coalition ("To Preserve Alaska's National Interest Wildlands") they seek support to fight back against those who would defeat or delay Congressional action on Rep. Udall's bill. "Without your help," they say to their readers, "Congress may not meet the legislative deadline of December 1978, and the Alaska wilderness will go unprotected."

An editorial in the Anchorage Times, Jan. 5th, commenting on the Coalition's mailer, reflects that it is curious how the environmental extremists elements are so quick to classify as "stalling" a proposal to study and determine the best use of the millions of acres that would be locked up before the action is taken, when at the same time they are quick to use the "study" technique as a stall when they want to stop a project with which they do not agree.

(CMAL Editor's comment: *It all depends on whose ox is being gored!)*

- -

GUY MARTIN'S ADVICE

Guy Martin, former Commissioner of Natural Resources for the State of Alaska in the Hammond administration and now an Assistant Secretary of the Department of Interior, told a Seattle Chamber of Commerce meeting recently that, *"those who choose to resist instead of negotiate in settling the size of Alaska's D-2 package will lose out in the end."* Martin further stated,*"Those who choose controversy . . . will reap what they sow."*

Martin's words were like a bolt of lightning when they were reported in the Alaska press. People from all over the State contacted the CMAL office in Anchorage and expressed amazement that a former Alaska State official would make comments which were perceived by many as threats to Alaskans and advice to "lay back and play dead."

CMAL President Clarence Kramer and CMAL Executive Vice President Tony Motley attended the Seattle Chamber meeting and responded to Martin's comments. *"Martin did his usual, clever job of confusing his audience on the issues,"* said Kramer. Motley refuted Martin's statements that there are 7 million "new acres" in the Carter Administration's D-2 proposal for inclusion in the National Forest land management system. *"The actual figure is 2.075 million acres"* said Motley. Motley continued, *"At best, this shows an alarming lack of knowledge by Martin of what is in the Bill, at worst, a serious misrepresentation."*

For any who might wonder, CMAL is not going to follow Mr. Martin's advice or knuckle under to his threatening words. Mr. Martin, having at one time been an Alaskan, should know all too well that people in the State do not take the D-2 issue lightly and that Alaskans take extremely serious such veiled threats issued by government "bureaucats." One caller to the CMAL office noted, *"Martin has for eight years been on all sides of issues like this, but now we know finally where he stands."*

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ANDRUS EXTENDS TIME FOR NATIVE SELECTIONS

Interior Secretary Andrus has extended the deadline for some Native land selections in Alaska until March 20, 1978. Andrus said the extension was necessary because unresolved policy decisions could affect the nature in which these selections are allowed. The lands involved are part of the 2 million acre allotment for cemeteries, historic sites, primary places of residence and for the Native corporations at Sitka, Kenai, Juneau and Kodiak.

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ANNUAL MEETING

February 1, 1978 was the Annual Meeting of CMAL. Among the several items of business at the meeting was the election of Directors for 1978. The following persons were elected to serve as Directors....

ELECTION OF DIRECTORS

INTEREST REPRESENTED	DIRECTORS ELECTED
At-Large	Clarence Kramer
Construction Industry	Richard Pittenger
Labor	David McDonald
Arts and Humanities	Jenny Hawley
Real Estate Industry	Carol Maser
Legal Profession	Robert Hartig
Labor	John Alexander
At-Large	Frank DeLong
Outdoor Recreation	Tom Scarborough
Native Corporations	Harvey Samuelson
Tourism Industry	William Sheffield
National Security	Anthony Watson
Oil and Gas Industry	Jack Bertino
Labor	Robert Johnson
Forestry Industry	Donald Finney
Native Corporations	Carl Marrs
Banking and Finance	Al Fleetwood
Agriculture	Sig Restad
Transportation Industry	Richard Wein
Labor	Dwayne Carlson
Mining Industry	Charles Hawley
Transportation Industry	Ben Benediktsson
Fisheries Industry	Paul Anderson
Local Government	James Rolle

In addition to the Directors elected at the Annual Meeting, the two currently existing CMAL Chapter organizations in Alaska, Fairbanks, and Southeast, each have seven Directors' position on the Statewide CMAL Board. The following Directors represent their respective Chapter:

SOUTHEAST ALASKA CHAPTER, CMAL

Gregg O'Claray	Juneau
James Clark	Juneau
Joseph G. Wilson	Juneau
Pete Huberth	Juneau
J.P. Tangen	Juneau

(Editor's Note: *The SE Chapter will be electing 2 new members shortly to replace the members sitting on the Statewide Board since the February 1 election.)*

FAIRBANKS CHAPTER, CMAL

James Drew	Fairbanks
Terry Palczer	Fairbanks
Mary Lou Stealey	Fairbanks
Maxine Stanley	Fairbanks
Dr. John Morris	Fairbanks
James Kelly	Fairbanks
Rynnieva Wescott	Fairbanks

ANNUAL MEETING BOARD OF DIRECTORS ELECTION OF OFFICERS

The following officers were elected from the Board of Directors.

President	Clarence F. Kramer, Sitka
First Vice President	Richard M. Pittenger, Anchorage
Second Vice President	David A. McDonald, Anchorage
Secretary	Jenny L. Hawley, Anchorage
Treasurer	Carol Maser, Anchorage

The CMAL Executive Committee, which is charged with the responsibility of making the management and administrative decisions necessary to keep the organization operating smoothly, is composed of the five (5) officers elected above, plus the Presidents of the two Alaska Chapters, Gregg O'Claray of Southeast Chapter and James Drew of Fairbanks Chapter.

STATE SELECTING LAND

The state of Alaska has identified some 40 million acres of primary interests lands from which it proposes to select the remaining 30-plus million acres of land entitled under the Alaska Statehood Act. The interest lands and the criteria used in identifying these lands are being explained at a series of public workshop-hearings sponsored by the Department of Natural Resources. The scheduled hearings during March are listed below.

Naknak	March 1
Bethel	March 8
McGrath	March 9
Galena	March 10
Rampart	March 11
Circle	March 12
Delta Junction	March 13
Juneau	March 20
Nome	March 22
Kotzebue	March 23
Barrow	March 30

The Anchorage hearing was held February 20. A group of about 35 persons appeared at the meeting and few of them voiced opinion or comment on the State's proposal. CMAL members are urged to attend the meeting in your area and make your feelings known. The State selection of its remaining entitlement is a matter that is potentially seriously affected by the D-2 legislation and there is considerable relationship between the State's proposed selection areas and the D-2 legislation currently being considered.

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RECOMMENDED READING ON D-2

The January 23, 1978 issue of *BARRON'S* magazine (pg. 11) contains an excellent and very objective article on the effects of HR-39 upon the mineral industry in the country. It is written by Maureen D. Bailey, a freelance author who has gained her knowledge of Capitol Hill's terrain during her extensive writing on the metals industry.

All CMAL members are urged to obtain a copy of the article and study it thouroughly.

* * * * * * * * * *

TOPICS, the official publication of the Nevada Taxpayers Association, is a monthly publication dealing with a variety of issues important to Nevada residents. The September and October 1977 issues contain an in-depth analysis of the development of public land policy in the United States. It is good reading for CMALites as it provides an excellent background to just how we come to find ourselves under the thumb of the federal land "bureaucats." Write: Nevada Taxpayer Assoc., Box 633, Carson City, NV. 89701.

* * * * * * * * * *

The March/April edition (not off the press at this writing) of *THIS ALASKA MAGAZINE* will feature a series of articles on the Alaska D-2 lands issue. It includes articles by CMAL Executive Director Vernon R. Wiggins, former Governor Walter J. Hickel, and Chris Lewis, Manager of Exploration for SOHIO/BP. *THIS ALASKA MAGAZINE* is published in Anchorage by A.T. Publishing, Inc. It can be purchased on the newsstands in Alaska or by writing A.T. Publishing at 4214 Spenard Road, Anchorage, Alaska 99503.

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DUES DUE

CMAL Annual Dues are due....we will be sending out dues statements to all members during the month of March. Fairbanks Chapter has already sent their statement out and the Southeast Chapter will be sending theirs shortly. All other members' statements will originate in the CMAL statewide office, Anchorage. We ask you to remember that CMAL's life blood is money....and we can't wage the war necessary to win unless we have your financial support. Be generous....renew your membership....make a contribution in addition to your membership dues and help with the fund raising effort. If you were generous last year....be even more so this year and increase your contribution.

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QUOTABLE QUOTES BY JOHN AND MO

In the interest of illustrating to the Alaskan and American public what it is that Congressmen Seiberling and Udall really stand for, and in order that one can compare the public utterances of these two defenders of wilderness with their actions and deeds, CMAL is publishing a series of quotations from each of the two Congressmen.

* * * * * * * * * * *

We drew out the map and we have been in Alaska talking about it. If this is too much, tell us where it is too much and we will cut it back. -- Cong. Morris Udall, Shishmaref, Ak., August 18, 1977.

* * * * * * * * * * *

I am convinced there will have to be hunting allowed in some of the national parks, if we establish them up here. -- Cong. Morris Udall, Glenallen, Ak., August 13, 1977.

* * * * * * * * * * *

I have taken the view up here if we are going to lock up - I don't like that phrase particularly - but if we are going to place aside large areas and not know at the time we do it the total story of mineralization, we ought to be willing to provide some kind of flexible mechanism to unlock resources or have someone with the key to do it in an orderly fashion.

It is hard, once you put something in a national park or game refuge, to reopen it, as you fellows know. -- Cong. Morris Udall, Fairbanks, Ak., August 20, 1977.

* * * * * * * * * * *

You are going to have different rules. Alaska wilderness will have permitted uses that aren't permitted in Minnesota, New Mexico, Arizona. All we have to do is write it into the law when we establish it up here, that the rules will be different. -- Cong. Morris Udall, Glennallen, Ak., August 13, 1977.

* * * * * * * * * * *

At the same time, I think that in deciding what is in the national interest, we also have to take into account the multiple-use concept. And, certainly, that must be impacted into any legislation that we write. -- Cong. John Seiberling, Sitka, Ak., July 5, 1977.

So, I think, in the interests of everyone concerned, we should enact a bill that would provide for identifying resources, and develop a procedure for determining whether, if ever, they should be developed, at the same time settling the status of the land at the present time, so that everybody knows what the rules of the game are. And, I think that is one of the things that we want to try in this bill. -- Cong. John Seiberling, Atlanta, Ga., May 14, 1977.

* * * * * * * * * * *

We don't know all we need to know about the mineral resources of Alaska. I think everybody agrees that we just have barely scratched the surface. I think we need to set up somehow a process for making a complete inventory of those resources. -- Cong. John Seiberling, Chicago, Ill., May 7, 1977.

* * * * * * * * * * *

We must face the problems of access, mineral needs, timber needs, present and future jobs. And, we will. -- Cong. John Seiberling, Ketchikan, Ak., July 9, 1977.

* * * * * * * * * * *

So this is not an elitest bill. It is a bill looking ahead, and we certainly do not intend to shut down one single industry or block one single job in Alaska. -- Cong. John Seiberling, Sitka, Ak., July 5, 1977.

* * * * * * * * * * *

We are not bound by the Wilderness Act. We are writing a new law for Alaska. -- Cong. John Seiberling, Kotzebue, Ak., August 17, 1977.

INTERNATIONAL BUSINESS ON D-2

Mention is made above about the Jan/Feb issue of *INTERNATIONAL BUSINESS* Magazine and its coverage of the D-2 lands issue and Alaska resources. CMAL staff in reading the publication has observed a number of comments on the D-2 issue by notable persons. We think the comments and the concerns they reflect are indicative of the increasing level of knowledge developing on the D-2 issue. Below, we excerpted from the issue several comments of interest.

Today, Alaska labor and management work together against prohibitive legislation such as H.R. 39, . . .
Jess Carr, Secretary/Treasurer, Teamsters Local Union 959

* * * * * * * * * *

The fundamental political issue (in the Alaska D-2 lands legislation) is the right of the Alaskan people and future generations of Americans to determine their own destiny versus arbitrary Congressional action to lock up Alaska's natural resources.
Hon. Ted Stevens, United States Senator, Alaska

* * * * * * * * * *

We are lacking necessary information on the nonfuel mineral resources within the D-2 land . . . We do not have the information today - yet we are on the threshold of making legislative judgements determining the future recovery of hard rock minerals.
Hon. James D. Santini, U.S. Representative, Nevada

* * * * * * * * * *

The supporters of D-2 are doing a disservice, not to Alaskans, but to the American people.
Hon. Walter J. Hickel, former U.S. Secretary of the Interior and former Governor of Alaska

* * * * * * * * * *

The opportunity exists to either freeze much of Alaska's resources from economic development or to enhance greatly multiple-use management potentials of Alaska.
Hon. Dixy Lee Ray, Governor of the State of Washington

* * * * * * * * * *

. . . I, for one, at this time, would be against D-2 as it is presently proposed by Congressman Udall.
James D. Hinchcliffe, General Manager, Continental U.S., Sea-Land Services, Inc.

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ISSUE-BY-ISSUE COMPARISON:
-STEERING COUNCIL
-H.R. 39 COMMITTEE PRINT
-ANDRUS (ADMINISTRATION PROPOSAL)
-S. 1787 (STEVENS/HAMMOND/YOUNG BILL)

In order to demonstrate the relationship between the positions adopted by the Steering Council for Alaska Lands and the legislative initiatives taken by the other major constituencies, we have prepared this comparison. In each case, we have summarized the concepts and principles evoked by the sponsoring group and then have highlighted a few of the principal disparities. Because Congressman Meeds did not make his proposal public until January 16, his legislation is not included in this comparison. We have, however, provided you with a separate summary of the Meeds proposal and a comparison of its principles to those of the Steering Council.

The issues described in this summary appear in an approximate order of importance to the Steering Council.

I. State Selections

STEERING COUNCIL

The Council recommends amending the Statehood Act of 1958 to extend the State's deadline for land selections another 10 years until January 3, 1994. The State would also be permitted to select Federal lands which at the time of selection are vacant, unappropriated, or unreserved. The Council advocates conveyance of all tentatively approved State land selections plus any land selections incorporated into the Act. The State selections should be subject to all valid existing rights plus the land selections made by the native corporations. The Steering Council also advocates the legislative conveyance of native selected lands.

H.R. 39

Title VIII, Section 805 of H.R. 39's current Committee Print also provides that tentatively approved lands selected by the State under the Statehood Act shall be granted to the State as part of its entitlement. The Committee Print provides that State selections are subject to all land withdrawn under ANCSA, which also includes section 17(d)(2). The conclusion is that State selections are also subject to Federal selections, where the State has made selections on (d)(2) lands.

S. 1787

This bill provides that lands chosen by the State are to be conveyed subject to lands selected by the native corporations. The State will have the opportunity to select the land available to the native corporations if they relinquish their selection rights. For a time period beginning 90 days after enactment and for at least three years thereafter, the Secretary shall expand the pool of Federal lands available to the State for selection to include all Federal lands except those in conservation unit systems, lands selected by a native corporation under ANCSA, lands described in Public Land Order 5184 concerning the Yukon-Kuskokwim Delta, and lands reserved or withdrawn for purposes other than classification under 17(d)(1) of ANCSA. [Title 43, §4308]

ANDRUS

The Secretary recommended deletion of section 705 in the original draft of H.R. 39 which would have pre-empted all State selections made within proposed additions or proposed conservation system units. However, the Secretary did not draft a separate conveyance of State selections. Instead, the Secretary merely provides for the conveyance of the native selections. The Secretary's testimony indicates his leaning towards placing State selections third, behind native and d-2 Federal withdrawals.

SUMMARY

Both the Steering Council and H.R. 39 would convey to the State all lands that have been tentatively approved or that are incorporated in the Act. The Steering Council further proposes to extend the State's land selection deadline by another 10 years and to allow Alaska to apply for Federal lands which are vacant, unappropriated, or unreserved as of the date of the application. Secretary Andrus avoided addressing the selection issue directly by merely advocating deletion of the provision in H.R. 39 with would have revoked all State selections on either d-2 land withdrawals or other withdrawals for conservation system units. Andrus does, however, appear to favor (d)(2) Federal withdrawals coming before State selection of its remaining acreage under the Statehood Act.

Wildlife Management

STEERING COUNCIL

The taking of resident fish and game in conservation systems shall be regulated by the State according to existing State law. The scope of the State regulation shall include regulation of seasons, bag limits, means and method of taking, the determination of resource depletion, and the definition of subsistence use and local residency. If the wildlife or fish population is depleted, subsistence shall be preferred to other consumptive uses. This section does not mean that hunting and fishing will be permitted even if the resources are threatened.

COMMITTEE PRINT H.R. 39

The Committee Print continues the existing law with respect to the management of wildlife and fish. As a result, the Federal government regulates the taking of fish and game in all conservation system units, while the State retains control of the seasons, bag limits, and enforcement of the law. Generally, no hunting is permitted in National Parks but fishing may be. In Preserves, sport hunting may be permitted in particular areas but as a general rule not. The Secretary regulates the taking in wildlife refuges. The exception to the existing law is for subsistence use. The Federal government retains its traditional control over migratory birds, endangered species, and marine mammals.

S. 1787

Same as the Steering Council [Title 43 §4304]

ANDRUS

The Andrus proposal does not change existing law for National Parks. The Secretary shall permit fishing and trapping and noncommercial hunting in National Park Preserves. He retains management authority with respect to

Wildlife Refuges so hunting or fishing can be prohibited if it is contrary to the refuge's purpose. The State government retains enforcement authority which includes regulation of seasons and bag limits. The limits cannot be more than the Federal rule. Andrus also recommends that an appropriate State agency be consulted when the State's authority is restricted. However, this provision does not mean that the State has a veto power.

SUMMARY

The Steering Council proposal delegates management to the State. The Committee Print provides that the taking of fish and game is subject to Federal law and is administered by the National Park Service, Fish and Wildlife Service, and the Secretary of the Interior. Thus, the Federal government manages the habitat while the State government enforces the broad policy set by the Federal government. The Federal government retains specific jurisdiction over migratory birds, endangered species, and marine mammals. The primary conflict between the Steering Council and other bills is the amount of State control over fish and wildlife management. Under existing law, State management of fish and game is permitted within the broad policy set by the Federal government. The Steering Council recommends delegating more management to the State.

Subsistence

STEERING COUNCIL

The Steering Council used the Administration's draft of the subsistence use provisions as its basis and made several changes. The State is given 18 months to establish a management program for subsistence uses of fish and wildlife resources. Program guidelines include the definition of subsistence use, factors in determining who is qualified for subsistence use, creation of local advisors to assist the State, and preference for subsistence use over other consumptive uses.

The Secretary of Interior has the authority to designate subsistence management zones. After consulting with the State, he may close any subsistence management zones for the following reasons: public safety, protection, management of lands and habitat, administration, or public use and enjoyment. Moreover, the Secretary has the power to revoke State management of subsistence zones in the event that the State fails to comply with the requirements. The Secretary must give the State notice and a reasonable period of not less than 120 days to rectify the reported deficiency. If the State refuses, then the Secretary must initiate a hearing. If the State fails to comply, the Secretary may close the zone or any portions thereof. The Secretary also has emergency authority to close the zones without notice or a hearing. But a hearing must be held within 120 days thereafter to determine the need to close the area.

Traditional means of subsistence access include snowmobiles, motorboats, and airplanes. Reasonable regulation is permitted to prevent damage to the terrain, to protect public land values and to fulfill purposes of the conservation system.

The State is authorized subject to Federal law, to manage and regulate the taking of fish and wildlife on Federal lands. If the State abuses its regulatory responsibilities, the Secretary may take over these functions.

The Secretary is directed to insure that each subsistence user has access.

The State shall regulate the taking of fish and wildlife on public lands within designated subsistence zones. Within a year after enactment of the d-2 legislation, the State submits a management program whose purpose is to maintain an optimum sustainable population of fish and wildlife. State law must also provide for the regulation of the taking of fish and wildlife and an appropriate enforcement agency. Regulations are to be promulgated which recognize the priority of subsistence users over consumptive users and which permit continued seasonal use of snowmachines, motorboats, and other means of transportation traditionally used for subsistence purposes.

S. 1787

Senator Stevens proposal provides that the State shall regulate the taking of fish and game on all public lands. If there is a depletion of fish and game, then subsistence users shall be given preference over other consumptive users. Local residents are to be given preference over nonlocal subsistence users. [Title 43 §4304]

ANDRUS

The Secretary's proposal is similar to that of the Steering Council, except that subsistence includes plant resources. The Administration also has two management boards instead of one.

More significantly, the appropriate Secretary is to designate subsistence management zones to include only those areas where subsistence uses were customarily occuring as of December 18, 1971. The location of these zones must also be consistent with the purpose of the unit. The appropriate Secretary may close the zones or any portion thereof for reasons of public safety, fish and wildlife management, administration, or public use and enjoyment of the area.

Subsistence on public lands will be effected through cooperative agreements with the native corporations, the appropriate State and Federal agencies, and the adjacent land owners.

Within the exterior boundaries of each of the 12 regional corporations, the Secretary of Interior shall designate a regional subsistence zone. After consultations with the State, native corporations, and other appropriate groups, the Secretary shall draw the regional zones according to the following criteria: relevant subsistence use patterns, movement and fluctuation of biological resources, ecosystems, wildlife migration patterns, State fish and game management units, and any other relevant factors.

Within each regional zone, the Secretary shall establish local subsistence zones. Again, the Secretary is directed to meet with the State, native corporations, and other appropriate groups to draw these boundaries. He shall consider the boundaries and locations of boroughs, cities, and towns in regional zones, State fish and game management boundaries, land selection and ownership patterns within that zone, areas where subsistence use occurs now, and other relevant factors.

Local subsistence boards are to be established within each local zone. The Board shall have five members elected for two years and three appointed members. The regional board shall include one person appointed by the local board, one person by the Governor, and one by the Secretary. The Alaska Subsistence Management Council shall consist of one member from each of the regional boards, one person appointed by the Alaska Federation of Natives, one person appointed by the Governor, and one person appointed by the Secretary of Interior, who shall serve as Chairman.

The regional boards shall monitor and review research activities related to fish and wildlife resources or subsistence uses. The local boards assist the regional boards in implementing the applicable regulations, e.g., who qualifies for subsistence use and who is a priority subsistence user. The Management Council monitors and coordinates activities of the regional boards and reviews the activities of the Secretary, and other State and local officials whose work is related to wildlife resources or subsistence use of those resources.

SUMMARY

The Steering Council supports subsistence management zones designated by the Secretary with the State managing and enforcing the subsistence rules. H.R. 39 provides for a bureaucratic hierarchy to govern subsistence through cooperative agreements. Secretary of the Interior will designate the local and regional zones which are managed with local and regional subsistence councils, plus an Alaskan Subsistence Management Council. State representation on these boards is small. The Federal government controls resident fish and game and H.R. 39 also has a cutoff date for subsistence users which precludes future subsistence lifestyle. While H.R. 39 takes much fish and game management control away from the State, the Andrus proposal closely resembles the Steering Council. Its major flaw is the inclusion of a subsistence use cutoff date.

Access, Transportation and Utility System Corridors

STEERING COUNCIL

The Steering Council would make no change in the existing law with respect to access in National Forests. Otherwise, a Land Use Planning Commission (whose creation is also recommended by the Steering Council in another provision) will have jurisdiction over access applications. The Commission itself or an individual party may apply for a right-of-way permit. The Secretary of Interior or the Secretary of Transportation receives the Commission's recommendation. If the Secretary does not veto the application, then the access permits will be issued by the Commission. The party requesting the access permit has a right of appeal to the Secretary if the Commission rejects the application.

The Steering Council further recommends that the access provision use the same criteria found in the Federal Aid to Highways Act for transportation system decisions. Furthermore, the Council recommends that existing procedures for permits for electrical transmission lines not be changed. However, other utility access will be obtained through the permit system discussed in the above paragraph.

COMMITTEE PRINT H.R. 39

As a general rule, areas in conservation system units will not be available for transportation or utility transmission systems. The exception is if the system is necessary for the purpose of the conservation system units or is a "minor transportation or utility transmission system". Minor is not defined in the Act. Permit for rights-of-way shall be filed with the Secretary of Interior and he has 180 days in which to make a decision. If the Secretary approves the minor access permit, it is issued. If it is a major transmission or utility system, the Secretary must approve and transmit his decision to the President with an Environmental Impact Statement. Major rights-of-way may be approved only if they are shown to be compatible with the purpose of the conservation unit. The President must then

review the application. If he approves, this decision is transmitted to Congress. Congress is given a limited period of time to approve or the permit dies. If Congress approves, the Secretary shall issue it with appropriate conditions or stipulations. Where the land for a right-of-way permit is more than 1 million acres in one conservation system unit, the Secretary may transfer public lands into the conservation system unit to make up the difference.

S. 1787

Under Senator Stevens bill, the Alaska Land Classification Commission shall take whatever action is necessary to guarantee public access across conservation systems. [Title 43 §4301]

ANDRUS

The Secretary makes little change in existing law with respect to granting rights-of-way for roads and utilities. He retains discretion to grant or disapprove permit applications for rights-of-way with respect to roads, electrical power, and communication facilities, as well as utilities. In a Park, roads are not permitted unless there is no feasible and prudent alternative and the road does not harm the natural values. The Secretary has broader authority to grant rights-of-way for electrical power and communication facilities as well as utility poles, so long as they are compatible with the public interest. With respect to Wildlife Refuges, it is easier to obtain a right-of-way permit because the right-of-way need only be consistent with the purpose of the refuge.

SUMMARY

The Steering Council proposal and the Committee Print of H.R. 39 differ on the decision-making process for rights-of-way permits. The Steering Council vests that decision with the Land Use Commission, with a right of veto in the Secretary. On the other hand, H.R. 39 specifies a long and complex process specifically designed to discourage access permits. Moreover, the procedures to obtain a right-of-way permit under H.R. 39 do not vary according to the conserva-

tion system. No mention is made with respect to Wilderness so presumably wilderness overlays will make access even tougher to get. These procedures are the same for all types of access - utility, minerals, or State economic development.

Existing Rights: Access

STEERING COUNCIL

The Steering Council has resolved that the protection of valid existing rights requires that reasonable access be guaranteed to all existing claims, which includes mining claims and mineral leasing rights in conservation system units.

COMMITTEE PRINT H.R. 39

Valid existing mineral rights and all mining claims within conservation system units must be valid in order to be afforded access. In order to be considered valid, all mining claims must be recorded with the Secretary of Interior within three years of enactment or earlier if required by the Mining in the Parks Act or the Federal Land Policy Management Act of 1976.

The Act makes no mention of providing for reasonable access to existing mining claims or mineral claims or leases. The provision states "holders of valid existing mineral claims and leases on public lands may carry out activities related to the exercise of rights under such claims or leases only under such regulations that shall be promulgated by this Secretary to assure appropriate protection of such conservation system unit consistent with the purposes of which such unit was established." [Title II, Section 901]

However, Chairman John Seiberling has offered to introduce a substantive amendment which would guarantee development access for all the valid existing mineral claims and mineral leases. Such guarantee is necessary because otherwise access to claims or leases within conservation systems can be denied by administrative decision. Seiberling's amendment has not yet been introduced.

S 1787

Senator Stevens bill protects valid existing rights within conservation system units. It further provides "the Commission shall take such action as may be necessary to guarantee the need of public access across lands designated pursuant to this Act." The location and mode of access shall be according to land use plans developed by the Commission. [Title 43 §4301]

ANDRUS

The Secretary of Interior makes all withdrawals subject to valid existing rights. However, it incorporates the rules and regulations pursuant to the Mining in the Parks Act, 16 U.S.C. §1 and the regulations promulgated by the Bureau of Land Management for the development of public lands, 43 CFR 3100 et seq. The test used is whether access would be consistent with the purposes for which the conservation system unit was established. In wilderness areas, development access could easily be construed to be inconsistent with the purposes of that unit.

SUMMARY

The Steering Council supports reasonable access to guarantee the value of existing mining claims and mineral leasing rights. The Committee draft of H.R. 39 requires the Secretary to regulate all development of claims or mineral leases contained within conservation system units. Without the Seiberling amendment, no provision is made for access to mines or mining leases. The Secretary of Interior merely incorporates existing public land law with respect to National Parks and Wildlife Refuges. This places the question of access and rights-of-way within the discretion of the Secretary without any guarantee of protection. The Administration proposal also fails to provide an access guarantee to holders of existing rights.

Minerals

STEERING COUNCIL

The Steering Council recommends no mining in National Parks, except for existing claims. The Steering Council further recommends that the lands with identified mineral potential not be included in National Parks. Oil and gas leasing and hardrock mineral exploration and development should be permitted in National Park/Preserves subject to reasonable regulation. The Council's Fifth System shall be open for mining unless specifically closed by the Land Use Commission. Regulations and requirements shall be comparable to those written under the BLM Organic Act of 1976. Valid existing rights are upheld in all systems and reasonable access should be guaranteed. In the event that a particular access route is more expensive, but preferable on environmental grounds, the land owners shall be compensated for the additional costs of using the alternate access route so long as the original access route is feasible and was applied for in good faith.

COMMITTEE PRINT H.R. 39

Access for the development of strategic and critical minerals within conservation system units excludes Wilderness areas. Access is possible within some National Preserves and Wildlife Refuges plus all Wilderness areas in the National Forests except Admiralty Island. Approximately 25% of the land in H.R. 39 is allegedly open for extraction and development.

The bill establishes a complex bureaucratic and legislative process to explore, extract, or develop critical minerals within the permitted conservation system units. The permit applicant applies to the Secretary, who makes preliminary decision in 90 days. If he approves that permit, the President has 9 months to act on the Secretary's recommendation. If the President approves the permit, Congress then has 120 days in which to approve or the application dies. If Congress approves, then the Secretary of Interior has another 120 days to promulgate regulations for exploration, extraction, or development of those minerals. Specific findings must be made in order to grant the permit and an environmental impact statement is required.

S. 1787

Senator Stevens proposal upholds existing rights and provides that exploration and development for minerals shall be governed by the provisions of the Mining Act and the Mineral Leasing Acts of 1920 and 1947. A location lease system under the general mining laws shall govern exploration and development of minerals. [Title 43 §4302]

ANDRUS

The Secretary provides that the Mining Act and the Mineral Leasing Act shall not apply to newly established Parks Monuments, and Wild Rivers and that these areas shall be withdrawn from all mineral exploration, entry, and location and leasing. Location and entry for hardrock minerals shall not be permitted in Wildlife Refuges but the Secretary has discretion to permit oil and gas leasing if it is compatible with the refuge. Additionally, the Secretary proposes two mineral study zones in the Wrangell/St. Elias National Preserve. Studies will determine mineral potential and whether exploration and extraction is possible without damaging the Preserve.

SUMMARY

The Steering Council's position will permit more mineral exploration and development than H.R. 39. The Council would use existing law in National Forests and Wildlife Refuges to permit mineral exploration and development without doing substantial damage to the area. The Council would change existing law for Park Preserves and lands within a Fifth System to permit additional exploration and extraction. H.R. 39 prohibits exploration and extraction in Parks, Monuments, Wilderness Areas, and limits it substantially in Wildlife Refuges. There is no provision for mineral exploration or extraction in Wilderness Study Areas so the rules of the managing agency control. Thus, no mineral exploration will be permitted in wilderness study areas except if managed by the Forest Service. The unlock provision to permit mineral development is unworkable. The Administration position is slightly closer to the Council than H.R. 39 but is still far more restrictive than the position taken by the Council . Among the principal differences is the Administration's refusal to allow hardrock mineral exploration or development in refuges.

Fifth Systems and Land Use Commissions

STEERING COUNCIL

The Steering Council favors a fifth public land classification system. These lands shall include some or all of the remaining, unreserved Federal lands, lands designated by the State, and lands from the private sector. These lands shall be managed by the Land Use Commission which shall also be created pursuant to this Act. The Commission will have the authority to plan and coordinate the classification of public lands, and to designate land managers and to provide management guidelines.

COMMITTEE PRINT H.R. 39

This bill commits public lands to the traditional four conservation systems. It creates an Alaska Advisory Coordinating Council to conduct studies and advise the Secretary and other Federal agencies as well as the State and the native corporations on ongoing plans and proposed land and resources. Within 10 years after the effective date of the d-2 legislation, the Council ends unless specifically extended by Congress.

S. 1787

Senator Stevens proposes a fifth land system entitled "Federal Cooperative Lands". The location of the lands put into this system determines the land manager (e.g., the National Park Service, the Fish and Wildlife Service, or the U.S. Forest Service). Furthermore, the State may also designate lands for this category. However, to be considered Alaska Cooperative Lands, a substantial amount of State land must be placed in this cooperative classification. If the State does commit a substantial amount of State land a Cooperative Land Use Committee is formed. This Committee will be created to inventory all lands within its jurisdiction, develop comprehensive land use plans, and make land classifications. [Titles 23, 39, 40, and 42]

ANDRUS

Like H.R. 39, the Secretary limits the classification of public lands to the traditional four conservation systems. However, he also recommends the creation of the Alaska Cooperative Planning Commission whose functions include the studies, advising the Secretary and other Federal agencies, as well as the native and State corporations about ongoing plans and proposed land and resource uses.

SUMMARY

The Steering Council proposes a type of fifth public land system whereas H.R. 39 and Secretary Andrus limit d-2 legislation to the traditional conservation systems. All propose a Land Use Commission but the responsibility assigned to that Commission varies. The Steering Council provides that the Commission shall coordinate and plan the classification of lands. Whereas, under H.R. 39 and under the Administration's position, the Commission is merely advisory.

Fishing, Aquaculture and Wilderness

STEERING COUNCIL

The Steering Council has recommended that the appropriate Secretary be authorized to permit fish stocking, enhancement, and development activities plus the development of agriculture sites in wilderness areas.

COMMITTEE PRINT H.R. 39

H.R. 39 specifies that the Secretary of Agriculture will be authorized for fish stocking activities and development of only small aquaculture sites within National Forests Wilderness Areas.

S. 1787

Senator Stevens bill does not address the issue of fish stocking activities or aquaculture sites directly. Instead, the State is given the authority to regulate the taking of fish and game plus all related activities on all lands subject to d-2 legislation.

ANDRUS

Like H.R. 39, the Andrus proposal does not directly address the question of fish and aquaculture activities in wilderness areas. Instead, the Andrus proposal requires "the Secretary shall direct the fish and wildlife services to participate where appropriate in fish and wildlife studies and resource planning on units authorized by this Act as components of the National Parks and Wild and Scenic River systems". No special jurisdiction is given to the State or to the Federal government with respect to salmon or other fish. Furthermore, no special provisions are made for aquaculture sites.

SUMMARY

H.R. 39 authorizes fish stocking activities and the development of small aquaculture sites in National Forests Wilderness areas while the Steering Council expands this provision to permit similar activities in any wilderness area and does not limit the size of the aquaculture site.

Interior National Forests
Yukon-Porcupine

STEERING COUNCIL

The Yukon-Porcupine National Forest consisting of about 10,300,000 acres of public lands is established. Management will maintain multiple values. These values shall include commercial harvest of timber, agriculture, subsistence, and protection of waterfoul and other migratory birds in the Yukon Flats.

The Steering Council recommends deletion of the Yukon Flats Wildlife Range.

COMMITTEE PRINT H.R. 39

H.R. 39 does not designate any interior National Forests. The Yukon Flats National Wildlife Range of 10,300,000 acres of public lands is to be managed by Fish and Wildlife Service. 2,300,000 acres are proposed for Wilderness.

S. 1787

Senator S[illegible]ens proposal establishes the Yukon Flats National Forest of approximately 2,130,000 acres to be administered by the National Forest Service. S. 1787 also establishes the Porcupine Federal Cooperative Land containing 3,400,000 acres and the Yukon River Federal Cooperative Lands of 540,000 acres. These would also be managed by the U.S. Forest Service and are open to the multiple use . The Alaska Lands Classification Commission may close the lands if a particular use is not compatible.

ANDRUS

Secretary of the Interior does not establish any interior National Forests. Instead, he has proposed three conservation units which include the areas of land in the suggested Yukon-Porcupine National Forest. These units are the Yukon-Charley National Rivers of approximately 1,690,000

acres, the Yukon Flats National Wildlife Refuge of approximately 8,450,000 acres, and the Arctic National Wildlife Range of approximately 8,850,000 acres.

SUMMARY

The Steering Council advocates creation of the Yukon-Porcupine National Forest which, to be managed for multiple use. H.R. 39 designates the areas of wildlife range, 1/5 of which is wilderness. The Andrus proposal is similar in impact to H.R. 39.

ANCSA Amendments

STEERING COUNCIL

Repeal Section 22(e) of ANCSA

COMMITTEE PRINT H.R. 39

Nothing.

S. 1787

Nothing.

ANDRUS

Nothing.

SUMMARY

The Steering Council would delete Section 22(e) which deals with land exchanges between Federal and State agencies, municipalities, and native corporations. No other proposal takes a position on this issue.

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MEMORANDUM

To:

Date: January 29, 1978

Issue-by-Issue Comparison of Steering Council's Amendments and Policy Positions with Meeds Proposal

The proposed legislation drafted by Representative Lloyd Meeds is generally based on the same policies and philosophies expressed by the Steering Council in its policy positions and amendments. The Meeds proposal addresses all of the Steering Council amendments except interior forests and the repeal of the ANCSA provision Section 22(e).

Issue #1 - State Selections

The Steering Council has resolved that the Statehood Act of 1958 be amended to extend the deadline for State selections another 10 years. Presidential approval would not be necessary for State selections made before now, and all selections made hereafter with respect to areas north of the stated latitude. Furthermore, the State selection pool shall also be increased to include the School Indemnity Lands which are vacant, unappropriated, or unreserved. State selections may also include all unreserved Federal lands which are not necessary for Federal installations or the national defense.

The Steering Council has also recommended that H.R. 39 ratify all tentatively approved selections subject to valid existing rights and to native selections which are tentatively approved or patented. The d-2 legislation shall also confirm all state selections. Furthermore, all future selections should be made in reasonably compact tracts. These state selection rights shall apply to all available uplands or non-navigable shores or submerged lands. The final charge against the State's rights of entitlement should occur when the patent is issued. Equitable title vests upon the effective date of the Act, but legal title vests only upon issuance of the patent. However, the Steering Council recommends that patents be issued before survey or settlement of competing claims if the State agrees. The Steering Council also recommended that Federal inholdings be subject to State selection unless necessary for the administration of a Federal installation.

The Meeds proposal offers no amendment of the Statehood Act. Instead, under section 915 of Title IX, "Administrative Provisions", all tentatively approved State selections are conveyed to the State subject to any native selections under ANCSA or a valid existing right. The Act provides that an attached description containing other State selections shall convey those lands to the State at that time. Pursuant to the conveyance of the State selections, the Secretary is ordered to expedite all legal formalities for the conveyances. With respect to State selections, the Meeds proposal further provides that in the event that a native village or corporation relinquishes its rights of selection on public lands not withdrawn under section 17(d)(2), the State shall have 90 days in which to decide whether it wants to add that land to its entitlement. If the State also decides that it does not want that land, then the selections shall become public land.

Issue #2 - Subsistence

Both the Steering Council and the Meeds proposal adopt the Administration's subsistence provision as their basis. Thus, they are substantially the same. Both define subsistence resources to include fish and wildlife and both give

the State 18 months in which to develop a subsistence program after the Secretary of the Interior designates the subsistence zones. The Meeds proposal also incorporated the Steering Council's changes in the definition of subsistence uses to include "customary barter to obtain a nominal cash supplement". The State's regulation of subsistence shall include limits on the length of the seasons, the take, the number and type of fish and wildlife. Meeds and the Steering Council delete the cutoff date for determining who has subsistence rights. Both the Meeds proposal and the Steering Council's resolution use the same criteria to determine who shall be considered subsistence users. However, the Meeds proposal does not require the State to weigh the criteria according to relative importance. Second, the Meeds proposal does not include the concept of cultural need.

With respect to the administration of subsistence use, both proposals require local advisors, but the Meeds proposal drops the distinction between regional and local advisors. Subsistence use is preferred over other consumptive uses of fish and wildlife and is limited to areas where it presently occurs. Since the State is vested with the authority to promulgate rules and regulations regarding subsistence use, both the Steering Council and the Meeds proposal provides that the Administrative Procedures Act shall apply to all decisions. The Secretary retains the authority to end subsistence use (in doing so, the Secretary may revoke the State's authority to govern subsistence) in the event that the State abuses its authority or if there is an emergency in fish and wildlife populations. If the Secretary desires to stop all hunting, he must also hold hearings on the proposed action. After the Secretary has revoked the State's management, he must reach a decision within 120 days after revocation.

While sport hunting and trapping are permitted in Preserves, the Meeds proposal does not provide for commercial sport hunting which implies that hunting guides will be excluded. The Steering Council does not specifically address this question.

In the wilderness and wilderness study areas, the Meeds proposal provides that the traditional and customary means of transportation such as snowmobiles and motorboats shall be permitted. The Council has the same position.

Issue #3 - Wildlife Management

The Steering Council recommends that the State regulate all taking of fish and game. The scope of the State's authority shall include length of seasons, bag limits, and means and methods of hunting. The State shall establish an administrative structure for fish and wildlife management, determination of resource depletion, and subsistence management.

The Meeds proposal does not address the issue of State management of fish and wildlife separately from the subsistence provisions. The State is given specific authority to enforce its regulations with respect to the taking of fish and wildlife in Preserves, Wildlife Refuges, and subsistence zones. However, the administrative provisions in Title I which concern the withdrawal of public lands for National Parks indicate that the Federal government retains its authority to manage the wildlife habitat in National Parks. Thus, the primary difference between the Steering Council and Meeds is that, with Meeds, the Federal government retains its management authority with respect to the habitat for fish and wildlife in National Parks.

Issue #4 - Access

The Steering Council addresses the question of access on three different levels. First, the Steering Council supports the concept of guaranteed access to all inholdings. Second, the Steering Council provides for a mechanism to designate utility and transportation rights-of-way. Third, the Steering Council recommends that utility pole rights-of-way in general not be subject to regulation.

With regard to inholdings, the Steering Council recommends that the land owner of an inholding be compensated in the event he is forced to use a more expensive route. Furthermore, the Council advocates that environmental laws not be enforced so as to preclude development of claims on these inholdings. In the event that development is precluded due to environmental laws or access problems, the property owners shall be bought out. The compensation will reflect the net profit from the claim as if it had been developed.

As to transportation and utility corridors, the Council has adopted the following recommended procedure: in order to obtain a right-of-way for transportation or other utilities, the Land Use Commission or individual party shall request approval from the Commission. The Secretary retains the right to veto the Commission. In the event that the Secretary fails to veto a request for a right-of-way within 120 days, the Commission may issue the permit.

The Steering Council also recommends amending the Federal Highways Act to provide the following criteria for highway and other transportation access decisions in Alaska:

1. State and regional transportation plans.

2. The need for access.

3. Alternate routes or modes for access.

4. Feasibility of including different transportation and/or utility functions in the same corridor.

5. Short and long term social, economic, and environmental impacts.

6. Measures to negate any adverse impact.

The Steering Council recommends that all affected Federal agencies participate in the access decisions. These decisions should not be subject to the National Environmental Protection Act. Furthermore, no access decision is to require more than 120 days for administrative approval.

The Meeds proposal intends to use existing access law and only addresses the question of access when it varies from the existing law. All public land withdrawals are made subject to valid existing rights. Special rules of access are provided in the administrative provisions with respect to National Parks in Gates of the Arctic and Kobuk Valley. The Secretary is given the authority to issue rights-of-way permits for both transportation and utility facilities, consistent with existing law. The Secretary is also given the authority to issue rights-of-way for roads and pipelines subject to any terms and conditions consistent with the purpose of the National Parks. Meeds proposes criteria similar to that of the Federal Highway Act:

1. State and regional transportation plans.

2. Need.

3. Alternate routes and modes of access.

4. Short and long term economic, social, and environmental impacts.

5. Feasibility of different and/or utility functions in the same corridor.

6. Measures to ameliorate negative impacts.

With respect to the Tetlin Wildlife Refuge, issuance of permits and rights-of-way for pipeline and related activities and facilities is guaranteed pursuant to the Alaska Natural Gas Transportation Act of 1976. Development access is also protected in the Wild River segments of the 40 Mile River in order to permit development of absestos deposits in the North Fork drainage. Furthermore, the Secretary has the authority to grant permits for oil and gas pipelines in the areas corresponding to Wild and Scenic Rivers which are not in a national conservation system. In those areas, the Secretary may also permit roads across, through, and over such segments. The Secretary is also given the authority to permit the use of federal land and water for customary and traditional transportation purposes.

Transportation access is also permitted in the Wildlands and wilderness study areas. It is the traditional and customary use of aircraft, motorboats, and snowmachines along customary travel patterns. The only exception is for areas in which such transportation is prohibited as of January 1, 1977. The Cooperative Land Use Commission also has jurisdiction over transportation planning and the authority to issue permits and rights-of-way.

The Meeds proposal also deals with the issue of easements across native land. The Secretary will designate easements, which shall be drawn to minimize the impact on the native selections. Easements must be limited to only the essential area. If a native selection is conveyed without an easement and later one is necessary, the Secretary has the right of eminent domain to acquire it.

Issue #5 - Wilderness

To date, the Steering Council has not passed a specific amendment with respect to wilderness areas. However, the Steering Council passed a resolution opposing instant wilderness. Representative Meeds is also opposed to putting land into wilderness areas before the appropriate studies have been made. According to him, the present Committee Print of H.R. 39 prostitutes the 1964 Wilderness Act. Consequently, his substitute vehicle only selects approximately 10 million acres for inclusion in the National Wilderness Preservation System. These lands are in existing Wildlife Refuges and Parks and the appropriate studies have been completed.

Issue #6 - Minerals

The Steering Council has adopted the policy position that the most recent mineral data be used before a final bill is reported out of the Subcommittee. Representative Meeds' efforts to draft a substitute mark-up vehicle which takes into account mineral potential clearly supports that mandate. Furthermore, the Meeds proposal has set aside cer-

tain controversial mineral potential areas for further study in a Fifth System called "The Alaska National Wildlands". These areas shall be subject to intensive study by the U.S.G.S. and the Bureau of Mines. Their scenic values are to be protected during this time and they shall be managed by Fish and Wildlife and Parks. The total of 18 million acres includes the following areas:

1. Ahklun

2. Andreafsky

3. Baird Mountains

4. Chandalar

5. Kantishna

6. Porcupine

7. Selawik

The Steering Council has resolved to oppose mining in Parks with the exception of any valid existing claims. The Steering Council opposes inclusion of high mineral potential land in the National Park System. The Steering Council supports oil and gas leasing plus the exploration and development of hardrock minerals in Preserves, subject to the regulation by the Secretary. Mining in other conservation systems shall be allowed and regulated by the Land Use Commission. The Steering Council has incorporated the provisions of the BLM Organic Act and the Mineral Leasing Act of 1920. Environmental protection shall be a consideration in the development of hardrock minerals.

While the Meeds bill implements the same policy, it uses a different method. The Meeds proposal prohibits mineral extraction in Parks, Monuments, and Wilderness areas, as well as in the one mile corridor along all Wild Rivers. The Mining Act and the Mineral Leasing Act apply to corridors along scenic rivers.

By exempting all land withdrawn for the conservation systems from the Mining and the Mineral Leasing Acts, the Meeds bill then substitutes a separate system for mineral development. Mineral development occurs in two steps. First, the Secretary conducts studies or grants permits to study mineral, oil, and gas potential and to determine whether it is possible to explore and extract minerals and not destroy the conservation unit. If the foregoing study shows that surface disturbing exploration and/or extraction can be accomplished without destroying the ecosystem, the Secretary may then issue a permit for exploration and extraction. The study permittee has the right of first refusal for the extraction permits. If the study permittee does not want an extraction permit, it is awarded on the basis of competitive bidding. Where Interior does the feasibility study, the extraction permit is awarded by competitive bidding (there is no first refusal right).

All of the above exploration and extraction permits are subject to Congressional review and are accompanied by a detailed report from the Secretary. If Congress fails to reject the application within 120 legislative days, the Secretary shall issue the permit. The Meeds proposal does not specify what happens in the event that the Secretary refuses to issue the exploration and extraction permit.

Issue #7 - Valid Existing Claims

Both the Steering Council and the Meeds proposal recognize the need to protect valid existing claims. Specifically, the Meeds proposal provides that in the event land owned by a State, native, or private party is included in the conservation system, they shall have the option to exchange their land or to sell it to the United States government. In the event they choose to exchange the land they shall be given land of equal value. The land which they relinquish shall automatically become part of the surrounding conservation system, unless the State chooses it as part of its Statehood entitlement.

Issue #8 - Fish, Wildlife, and Aquaculture

The Steering Council authorizes the Secretary to manage fish species in wilderness areas. This authority includes fish stocking, enhancement and development activities. Facilities pursuant to those activities may be built so long as they are not permanent housing and are limited to what is necessary. These buildings must blend into the landscape and no terrain can be altered.

The Meeds proposal authorizes the same activities but does not mention facilities. However, there is language in Meeds' bill that may be construed to mean that minimal facilities can be built.

Issue #9 - Land Use Commission and Fifth Systems

The Steering Council has passed a resolution in favor of a Fifth Conservation System to be composed of any of the Morton d-2 withdrawals that are not committed to one of the four conservation systems, unreserved federal land, state lands with state consent and private lands with the consent of the private owners.

Meeds also proposes a Fifth System ("Wildlands"), but it is only a temporary category created so studies can be expedited and proper final decisions can be reached on designations for these lands. Meeds Fifth System is not analogous to the Council's concept.

The Steering Council envisions the Land Use Commission managing the above-selected lands. Its authority includes land use planning and coordination, classification, as well as land management guidelines.

Meeds' bill also includes creation of a permanent Commission with cooperative management responsibility over lands outside the 97 million acres of d-2 withdrawals. It is essentially a new joint Federal-State Land Use Commission, comprised of directors of the Federal Land Management agencies, Governor appointees, and native appointees chosen by the Secretary.

While its purpose is comparable to that of the Steering Council's commission, Meeds Commission's authority seems broader. It is authorized to do studies regarding the classification of Wildlands, transportation planning, land use designation, management of fish and wildlife, tourism, agriculture, and coastal zone management. It will also recommend areas for cooperative management and enter into cooperative agreements. Moreover, the Meeds proposal gives the Commission specific jurisdiction over all wilderness study lands and is ordered to make a report regarding certain study areas within three years. These study areas include:

1. Alaska Peninsula study area

2. Iliamna-Lake Wood-Tikchik-Bristol Bay study area

3. Wrangell/St. Elias Preserve study area

4. Tetlin study area

Issue #10 - Congressional Review

The Steering Council has resolved that Congress' role with respect to land use decisions shall be limited. The Meeds proposal incorporates the same policy but without a specific statement. Congress' role in administrative decision-making is far more limited than in the Committee Print. Congress only reviews permit applications for mineral extraction within 7 years and will also act on recommendations for wilderness areas. Most of the land use decisions are left to the Secretary of the Interior or the Land Use Commission.

Issue #11 - Interior Forest in the Yukon Flats Porcupine Area

The Steering Council has recommended an interior National Forest in the Yukon Flats Porcupine area. The Meeds proposal does not recommend any interior National Forests.

Issue #12 - Repeal of ANCSA Section 22(e)

The Steering Council supports revocation of the Secretary of Interior's authority to add additional public lands to wildlife refuges in instances where native selections are made in those Wildlife Refuges. The Meeds proposal does not address this issue.

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MEMORANDUM

To:

Date: January 29, 1978

Summary of the Meeds Proposal

On January 16, Representative Lloyd Meeds offered a substitute mark-up vehicle to the Subcommittee on General Oversight and Alaska Lands. While the Subcommittee defeated Meeds' motion to substitute his bill for the Committee Print of H.R. 39, he continues to offer each section in the form of an amendment. For the most part, Meeds' amendments have been voted down. However, the key votes are still head. The Steering Council can take advantage of the Meeds' bill in several issues where the Steering Council and the Meeds proposal agree. With Meeds' support, the Council's amendments have a much better chance of being accepted.

The Meeds proposal would withdraw a total of 97 million acres of Alaskan public lands and commit them to one of five conservation systems. Another 10 million acres in existing parks and wildlife refuges would be added to the National Wilderness Preservation System. Representative Meeds drafted his own d-2 legislation partly because he believes that the present H.R. 39 prostitutes the 1964 Wilderness Act by creating so much "instant wilderness" without requiring the necessary preliminary studies. Meeds also criticizes H.R. 39 for its failure to properly accommodate land selections made by the native corporations and the State, as well as its overly strict mineral exploration and extraction policy.

WILDERNESS

The most significant difference between the Meeds proposal and the Committee Print of H.R. 39 is the fact that Meeds recommends only 10 million acres for wilderness, while the current version of H.R. 39 creates 70 million acres. Meeds' areas are already in National Parks and Wildlife Refuges where the appropriate studies under the 1964 Wilderness Act have already been made. The areas he proposes for wilderness include 2.25 million acres in Glacier Bay National Park, 2.69 acres in Katmai National Park, 1.3 million acres in the Kenai National Moose Range, and an unspecified acreage in the Aleutian National Wildlife Refuge.

FIFTH SYSTEM

In keeping with Meeds' conviction that Alaska public lands require additional study before they are committed to a conservation system, Meeds proposes a Fifth System entitled Alaska National Wildlands. Approximately 18 million acres are recommended for "wildlands" status. While in this category, these lands would be studied to determine what conservation system, if any, would be most appropriate. The Wildland status is different from wilderness study because wilderness study areas are managed as if they were a wilderness. With the Wildlands, the managing agency is either the Park Service or Fish and Wildlife Service depending on whether it is adjacent to a National Park or a National Wildlife Refuge. The criteria used to include land in Wildlands were overlapping State-Federal selections and/or high mineral potential. The areas earmarked for Wildlands are:

1. Ahkuklan
2. Andreafsky
3. Baird Mountains
4. Chandalar
5. Kantishna
6. Porcupine
7. Selawik

Hunting, fishing and trapping will be permitted in the wildlands, except for the Katishna Wildlands which will be closed to all activities other than subsistence. Transportation access is limited to the traditional and customary use of aircraft, motorboats, and snowmachines. The Wildlands section mandates extensive research of the mineral, biological, and recreation resources.

The Meeds proposal will allow mineral exploration and extraction in the conservation systems except for monuments, parks, and wilderness areas. All valid existing rights are also protected regardless of the classification. Mineral exploration and extraction is also permitted in the Wildlands except for the two areas, Baird Mountains and Kantishna Wildlands, which are managed by the National Park Service.

WILDERNESS STUDY AREAS

The Meeds proposal gives the Secretary of the Interior up to 7 years to study the non-wilderness areas to ascertain whether they are appropriate for inclusion in the National Wilderness Preservation System. No specific wilderness study areas are suggested although a policy statement recommends that all of the areas be studied for inclusion. The Land Use Planning Commission is also given special jurisdiction tp study the following areas:

1. The Alaska Peninsula Study Area

2. Wrangell/St. Elias National Preserve Study Area

3. Tetlin Study Area

The Commission has three years in which to develop a comprehensive resource management plan for each area.

STATE SELECTIONS

The Meeds proposal legislatively conveys tentatively approved State selections. Additional State selections described and incorporated in the proposal will also be conveyed. Meeds' bill would convey equitable title to the

native corporations, native villages, and the State upon the effective date of this Act. Legal title will pass once the patent is issued. The provisions further order the Secretary of Interior to take all necessary steps to complete the conveyance formalities. The Meeds proposal specifically gives native selections a right of priority. In the event that the native corporations decide that they do not want a selection, the State has 90 days in which to decide whether it wants to include that specific area in its selections. In the event that the State decides not to select that land, then it will become part of the adjoining conservation system unit.

The Meeds proposal specifically recognizes and protects all valid existing rights (including existing mineral claims) whether they be owned by natives, private persons, or the State. Owners of inholdings within conservation system units have the option to exchange their lands for equally valuable lands outside this system or to sell them to the United States Government. If they relinquish their inholding rights, these lands automatically become part of the conservation system. The exception is if a native village or corporation relinquishes its rights to an inholding, triggering the State's selection rights described in the preceding paragraph.

ACCESS

Representative Meeds believes that existing law in most instances is adequate to deal with the access problems in Alaska. Therefore, provisions concerning access are directed to specific exceptions to the existing law. For instance, with respect to the administration of the Glacier Bay and Kobuk Valley National Parks, Secretary of Interior is given specific authority to grant right-of-way permits for transportation and utility access. The applicable criteria are those listed in the Federal Highway Act:

1. State and regional transportation plans

2. The need for access

3. Feasibility of alternate routes and modes of access

4. Feasibility of using one corridor for different types of access.

5. Ways to ameliorate any negative impacts of the proposed right-of-way.

The Meeds proposal specifically provides for transportation access in wilderness study areas to permit traditional and customary use of aircraft, motorboats, and snowmobiles. The Land Use Planning Commission also is given transportation planning jurisdiction. In the wildlife refuges, the Secretary retains authority to regulate the construction and operation of pipelines pursuant to the Mineral Leasing Act of 1920.

Under Meeds proposal, the Secretary of Interior is given the authority to designate easements across native selections. All easements should have minimum impact on the compactness and integrity of native lands and should be specifically located to limit the land necessary. In the event that a native selection has already been conveyed without an easement and later one is necessary, then the Secretary has the power of eminent domain to purchase the land. The National Environmental Policy Act of 1969 will not apply to the issuance of any easement under ANCSA.

MINERALS

Rather than work with the Mining and Mineral Leasing Act of 1920, the Meeds proposal develops its own exploration and extraction permit system. Mining extraction is precluded in Parks, Monuments, Wilderness areas, and corridors along Wild Rivers created pursuant to the Wild and Scenic Rivers Act. In all other areas, the Secretary of Interior has the authority to grant study permits to determine the feasibility of mineral development and whether mineral development is consistent with the purposes of that particular conservation system. If the study indicates that mineral deposits exist and exploration and extraction would be consistent with the purposes of the conservation unit, then the Secretary has the authority to recommend that a

permit be granted. Congress has 120 days to review applications for permits, and if Congress fails to veto within that time, the Secretary may grant the permit. Of course, all mineral exploration and extraction activities are subject to environmental regulations promulgated by the Secretary of the Interior.

SUBSISTENCE

The Meeds proposal used the subsistence provisions suggested by the Carter Administration. He made some changes such as eliminating the regional and statewide boards and the cut-off date. For purposes of subsistence, the Meeds proposal does not distinguish between natives and non-natives. Sale of goods for cash supplements is also considered to be subsistence. The Secretary of Interior or of Agriculture will designate subsistence management zones, but the management will be done by the State. The State's authority shall include length of seasons, bag limits, and number and kind of fish and wildlife. However, the Meeds proposal does not change the existing law to give the State greater authority over fish and wildlife management. Habitat management is still retained by the Federal government with respect to resident fish and game on Federal lands.

The Meeds proposal creates a Cooperative Land Use Planning Commission which is comprised of the heads of the Federal land managing agencies, the Governor's appointees, and native representatives appointed by the Secretary. This Commission is charged with a number of land use planning and managing duties, including conducting studies in particular areas, recommending areas for cooperative management, and entering into cooperative management agreements. The Commission is specifically given the authority to develop and implement land use plans with respect to the following study areas:

1. Alaska Peninsula study area,

2. Iliamna Lake-Wood-Tikchik-Bristol Bay study area,

3. Wrangell/St. Elias Preserve study area,

4. Tetlin study area.

The Meeds proposal also varies from the Committee Print in that it withdraws only a one mile corridor on each side of a wild and scenic river. The Wild and Scenic Rivers Act provides that 1/4 of a mile line of sight be withdrawn along each river, but more land is needed in Alaska. Meeds believes that the two miles in the Committee Print is too much.

The Meeds proposal also indefinitely extends the ANCSA tax exemption for native land selections, so long as those lands are not developed or sold to third parties.

Birch, Horton, Bittner and Monroe

HOUSE MARK-UP OF D-2 BILL (H.R. 39)

Summary of Action - Subcommittee on General Oversight and Alaska Lands - For the week of January 23 through January 27.

January 23, 1978

Yukon-Charley Rivers National Preserve - Meeds proposal was defeated on a 7-8 vote. The Committee print was adopted with the addition of Thanksgiving Creek.

McKinley (Denali) - Defeated the Meeds proposal, 7-9, and adopted the Committee Print. There was a lengthy discussion on the Kantishna Hills region, i.e., valid claims, mining operations, etc. Seiberling added a clarifying amendment which stated that just the park's name was being changed to Denali. Mt. McKinley shall remain Mt. McKinley.

Glacier Bay - The Committee Print was adopted. Lands included contain a small portion of existing national forest.

Katmai - A Seiberling-Meeds compromise was adopted. The details are a bit sketchy but from what was stated, this is how it goes: the boundaries will include the administration boundaries in the NW; the borders on the South will be those proposed by Meeds; and the Meeds borders on the north will be deleted. Additionally, Representative Tsongas offered an amendment which was adopted. His amendment included adding an additional 260,000 acres in the Alagnak River watershed area.

January 24, 1978

Cape Krusenstern - Young amendment is adopted which designates 190,000 acres as a Monument and the remaining 200,000 acres, which includes the area around Kivalina, as a preserve.

Gates of the Arctic and Lake Clark - Young amendments are offered, but are defeated. The status of Gates of the Arctic, presently, is that the administration proposal has been adopted with the exception of the Kurupa Lake region where the Meeds proposal was adopted. The present status of Lake Clark is unclear but from what was ascertained, it appears that the boundaries are those that appeared in the original H.R. 39.

Wrangell/St. Elias - Tsongas offers an amendment, which is defeated, to delete the "northern bulge" and would have not allowed for mining but would have allowed for sport hunting. A Meeds proposal advocated by Young is adopted - in the McCarthy area; also, the Meeds proposed preserve areas are adopted; this would add about 3 million acres to the preserves, rather than a Park category.

McKinley (Denali) - Young offers two amendments which are adopted; one puts about 3,600,000 acres into preserve. The preserve is in the northern/northwestern area of the park boundaries. Furthermore, the amendment deleted the five northernmost townships and one township on the southern border.

Katmai - A compromise is reached which puts the area that Tsongas had previously added into a preserve.

Administrative Provisions - Arctic Slope Regional Corporation pushed for and won, an amendment which deleted the section's reference to subsurface estates in the Kurupa Lake and Killik River areas.

January 25, 1978

Did not meet.

January 26, 1978

Young offered amendments to the following areas which he later withdrew and will reintroduce when the full committee meets: the Selawik Wildlife Refuge would be reduced by six townships in the SE in order to provide for a transportation corridor; the Alaska Peninsula Wildlife Refuge was proposed as a study area; the Arctic Wildlife Refuge would have the Wind River and mid-fork of the Chandalar system omitted. (On Tuesday afternoon, they apparently adopted the administration's proposal for this area.); For the Yukon-Flats Refuge, Young proposed adopting the Meeds proposal.

In the Nowitna Refuge, Young offered an amendment which Udall amended, that was adopted by the Subcommittee, which changed the boundaries to conform to the d-2 withdrawals and which went along with what Young proposed with the d-1 lands. Young's original amendment was to adopt the Meeds proposal.

In the Alaska Maritime Refuge, the references to Walrus and Otter Islands within the Pribilof Seal Reservation were deleted, as these lands have been selected by a native/village corporation.

Additionally, the clarifying, technical amendments which the Subcommittee staff had prepared for Title III were adopted.

Title IV - Tsongas, add 1,444,000 acres and in Chugach add 890,000 acres in the Nellie Juan and College Fjords regions. These amendments, along with an amendment which deleted the reference to the Mansfield Peninsula National Recreational Area, were adopted.

Seiberling comments that when the Subcommittee gets to Title VI, wilderness, that the acreage will be reduced.

January 27, 1978

The Etivluk, Utokok, Wulik and Susitna Rivers were put into study areas. References to the Arctic Slope Regional Corporation in Section 501(a)(24), and Section 501(b)(2)(B) were deleted. These sections deal with the subsurface estate in the Killik River area. Section 501(b)(2) was amended so that where rivers do not have a specified acreage limitation, that ". . . such boundaries may include an area extending up to two miles". The Subcommittee also adopted a few minor clarifying, technical amendments.

Birch, Horton, Bittner and Monroe

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

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RESOURCES
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COMMUNITY & REGIONAL AFFAIRS

Senate

Testimony Concerning National Interest Lands in Alaska

I strongly oppose passage of HR39 for the following reasons:

1. Excessive amounts of land are classified in single purpose categories, such as parks and refuge, rather than the multiple use classification of national forests, which prohibits the development of the variety of values existing in the very large areas under consideration.

2. Blanket wilderness designation of such vast areas not only prohibits development of any values other than wilderness values, including the more popular forms of outdoor recreation, but it also has the effect of prohibiting development of non-Federal adjacent or nearby lands due to the denial of access by these adjacent landowners across the Federal lands.

3. Federal management of wildlife, not only of the specified lands but also on adjacent lands, is contrary to state sovereignty, serves to fragment wildlife management, and sets a dangerous precedent for wildlife management in other states.

4. Revocation of state land selections violates not only the concept of state sovereignty, but also sets a dangerous precedent for other states.

5. The establishment of "areas of ecological concern" outside the boundaries of Federal lands sets a grave precedent of violation of state and local sovereignty.

The proposal to designate the Yukon Flats area as a wilderness-wildlife refuge is an example of stifling the flexibility needed to meet future national needs. With world population expected to double in the next 30 to 35 years, the continuing loss of agricultural land to development in the U.S., the continuing reliance on U.S. food sources to feed much of the world, the apparant end of the "green revolution" in agricultural production, all indicate that in 2 to 3 decades we may see the need to develop all possible farmland. The Upper Yukon Basin contains 5 and a half million acres of identified agricultural land, which has the potential annual production of 2 and a half billion puonds of beef and pork. Wildlife and agriculture can coexist, therefore it seems shortsighted to preclude the possibility of future agricultural development in this area by the excessively restrictive wilderness/refuge classification.

If it is decided to have a cooperative land classification and management system implemented by some form of federal-state Commission, please allow the Alaskan members of the Commission to be designated by Alaska "according to law". This group will have so much of an impact on Alaska's future that they should, in my opinion, be elected by, and accountable to, the citizens of the state; at least allow us the option to ~~do that~~ take this approach, if we so choose.

COMPARISON AND ASSESSMENT

OF

STEERING COUNCIL POSITIONS

VERSUS

H.R. 39 AS REPORTED

OUT OF

SUBCOMMITTEE ON FEBRUARY 7, 1978

RECEIVED

JAN 10 P.M.

STEERING COUNCIL
FOR ALASKA LANDS

Minerals

The position of the Steering Council is that in National Parks there be no mining except on existing claims; lands identified as having mineral potential should not be included in parks. Within National Park Preserves, oil and gas leasing and hardrock mineral exploration and development permitted, subject to reasonable regulation promulgated within 180 days from the date the Act takes effect. Lands in a Fifth System open for mining unless specifically closed by the Land Use Commission. Regulations and requirements for mining on these lands should be similar to the BLM Organic Act. Valid existing rights are upheld in all systems and reasonable access should be guaranteed. If a particular access route is more expensive but more environmentally sound, the in-holder should be compensated for any excess costs provided that the original access route was feasible and applied for in good faith.

The Subcommittee adopted a new Title IV which contains the following principles:

1. The Secretary shall continue mineral assessment programs in the State in order to expand the data base with respect to the mineral potential of all public lands.

2. Areas subject to the minerals access process are national preserves and national wildlife refuges and ranges, except for those portions designated wilderness. (Which, of course, in the Subcommittee's bill is the vast majority of the acreage; and may be all of it depending on wilderness study designations.)

3. Mineral exploration, development and extraction may be carried out on public lands within the exterior boundaries of a conservation system unit "subject to the process provided in this title only in accordance with this title." The "process": before recommending exploration, development or extraction within a unit, the Secretary must find that there is, or is projected to be, within the ensuing 15 years a serious national need for additional sources of such mineral; that the national need outweighs the potential adverse effects of the unit; and that the need for such mineral cannot be

not from commercially viable resources elsewhere in the U.S. (using current technology, current conservation or recycling methods), foreign sources, feasible diversion of exports, or the use of known practical alternative materials or processes. Within one year after receiving an application, the Secretary shall make a recommendation. If he approves, he shall transmit the application to Congress, along with an environmental impact statement. The recommendation shall take effect only upon the enactment of a joint resolution of Congress within the first period of 120 calendar days of continuous session. If Congress approves the application, then the exploration, development and extraction of a mineral which is subject to the Mineral Leasing Act of 1920 or the Alaska Coal Leasing Act of 1914 shall be carried out in accordance with the applicable provisions of that Act, plus the National Wildlife Refuge System Administration Act, the Migratory Bird Conservation Act, with the regulations promulgated by the Secretary and other provisions of law applicable to such mineral.

4. The Secretary shall promulgate regulations requiring exploration permits for the exploration for minerals in areas within units opened for exploration under the process provided in the title; permits shall be for five years and may be extended for one additional five year period.

5. Holders of valid existing mineral claims or leases located within the boundaries of a unit may continue to carry out activities related to the exercise of their rights and in accordance with regulations promulgated by the Secretary to insure to the maximum extent possible the activities are compatible with the unit. Except for mining claims on lands subject to the Mining in the Parks Act, all mining claims on public lands within the boundaries of a unit are subject to the provisions of Section 314 of the Federal Land Policy Management Act of 1976.

Comparison

As in Title X, (Transportation and Utility System Corridors), the process for reviewing applications has been shortened. According to the Committee Print of October 28, 1977, once an application had received final approval, the Secretary would promulgate regulations to provide for the exploration, extraction and development of the mineral. Now under the new title, once the application has received final approval, the exploration, extraction and development is to be carried out in accordance with the applicable provisions of numerous Acts and with regulations promulgated by the Secretary. Other differences between the Committee Print of October 28, 1977 and the bill reported out include: mining claims no longer have to be recorded with the Secretary and the reference to transfer of Federal lands has been deleted.

The Subcommittee's bill coincides with the Council's position as to honoring valid existing claims (although in-holding access is not equal to the Council's stance). The only other areas where the Subcommittee and the Steering Council agree regarding mineral exploration, extraction and development are in National Forests and National Parks.

The remainder of the Seiberling minerals provision is totally contradictory in both concept and impact to that of the Steering Council. In short, the Council tolerates the possibility of reasonable oil, gas and hardrock exploration and extraction (subject to environmental safeguards) in d-2 lands outside parks, whereas Seiberling's bill effectively eliminates the opportunity for exploration or extraction in all d-2 lands.

Access, Transportation and Utility System Corridors

The Steering Council proposed that existing law control access into National Forests; access into other conservation system units could be obtained by making a request to Land Use Commission, or by this Commission making a recommendation to either or both the Interior or Transportation Secretaries. If the application for an access permit is denied by the Commission, the applicant can appeal to the Secretary and if the Secretary fails to veto the application with 120 days then the permit shall be issued. The party requesting the access permit has a right of appeal to the Secretary if the Commission rejects the application.

The Steering Council further recommends that the access provision use the same criteria found in the Federal Aid to Highways Act for transportation system decisions. Furthermore, the Council recommends that existing procedures for permits for electrical transmission lines not be changed. However, other utility access will be obtained through the permit system discussed in the above paragraph.

According to the Subcommittee's reported bill, the provisions of law generally applicable to conservation system units (including wilderness preservation) regarding easements, rights-of-way, use permits, leases and licenses shall apply to units in Alaska. Applications for rights-of-way on public lands within a conservation system unit for which the Secretary has no authority under provisions of the law generally applicable to such system shall be considered by the Secretary and processed in the following manner:

1. He shall weigh the local, regional, State and national interest involved, determine whether there is a feasible and prudent alternative and whether it can be constructed in a manner compatible with the conservation system unit;

2. within one year of receipt, the Secretary shall submit a recommendation to Congress along with an environmental impact statement, a report from the Council on Environmental Quality and the conditions and stipulations under which the use of a right-of-way will be permitted, if Congress approves, and the extent and duration of the right-of-way.

Any recommendation to Congress shall take effect only on enactment of a joint resolution within the first period of 120 calendar days of continuous session. If Congress approves the right-of-way for a transportation system or utility transmission system, no permit shall be granted unless the permittee pays to the U.S. an amount equal to the fair market value of the right-of-way subject to such permit.

COMPARISON

This new title is not as restrictive as the title which appeared in the Committee Print of October 28, 1977. In the latter it took two years plus approvals by the Secretary, the President and Congress before a permit could be granted. Another major difference between the new title and the title which appeared in the Committee Print of October 28, 1977 is that reference to transfer of Federal lands has been deleted.

The new title does not involve the Secretary of Transportation in the application process as the Steering Council proposes nor does it involve a Land Use Commission. (Seiberling's Subcommittee has rejected the Council's Land Use Commission concept. The Subcommittee's transportation and utility corridor access provision, although slightly better than the October 28th print, still is worlds apart from the Steering Council's position.

Fishing, Aquaculture, and Wilderness

No difference between the bill that the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

Wildlife Management

There is no difference in the bill the Subcommittee reported out and the Committee Print of October 28, 1977 with respect to lands and management within the National Park System. The Subcommittee bill does clarify that taking of fish and wildlife in all other conservation system units be subject to applicable Federal and State law. The Council's position is that taking of fish and wildlife on all lands subject to the Act be regulated by the State.

Yukon-Porcupine National Forest

No difference between the bill the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

Fifth Systems and Land Use Commission

The bill reported by the Subcommittee did not vary from the Committee Print of October 28, 1977 except that reference to the Chairman of the Subsistence Council being a member of the Alaska Advisory Coordinating Council is deleted because there is no longer a Subsistence Council.

Access: In-Holdings

The Subcommittee Print adopted the Steering Council's position. Title XII, Section 1202(c) basically states where State, privately or native owned lands, valid mining claims or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the Secretary shall give the occupier such rights as may be necessary to assure adequate access. (This has been called the Cowper-Colletta amendment by Representative Seiberling and represents the Council's most substantial individual contribution to improving H.R. 39, to date.)

State and Native Selections

The Steering Council proposal extends the State's time limit on land selections to January 3, 1994. Subject to valid existing rights and to conveyances made pursuant to Sections 21(a) and (b) of ANCSA, the Council proposes all tentative approvals of State land selections be satisfied and confirmed. Further, the Council would conform and treat as valid State selections all State applications for selection of Federal lands which were or are not on the date of application vacant, unappropriated, unreserved Federal lands.

The bill reported out of the Subcommittee conforms with some of the recommendations of the Steering Council. The bill grants to the State, subject to Native selection rights and valid existing rights, most lands which have been selected by the State and selections which have been tentatively approved. The Subcommittee did not feel the State needed an extension on land selections and provides a process whereby the State will receive land selections expediently. The reported bill still does not give the State its full Statehood entitlement. Alaska d(2) areas conflict - there appear to be about 6-10 million of high priority State selections in conflict - these lands will go into d(2) Federal areas and not go to Alaska.

Before the Subcommittee began mark-up on this title, Congressman Seiberling stated that if there was anything in the title which was not acceptable to the State or natives, then it would not be included. It can be assumed that this will be the case when this title is brought before the full Committee.

ANCSA Amendments

The Steering Council proposed deleting Section 22(e) of ANCSA which states that if a village corporation selects lands within a National Wildlife Refuge, then the Secretary shall add other public lands in the State to that refuge to replace those which the village corporation has selected.

In the recent Subcommittee Print, there is no reference to deleting this provision. On February 2, Mr. Udall proposed an amendment, which was adopted on February 3, to the substituted Title VIII, Section 805 which states:

> "Any other provision of the law to the contrary notwithstanding, all lands withdrawn pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act which are not included within the boundaries of conservation system unit and which are not selected by or conveyed to native corporations shall be added to the units within which such lands are located and shall be administered accordingly." [At this time d-1 withdrawals total approximately 103 million acres.]

The intent behind the Udall amendment is to prevent "checker boarding". According to the House Interior Committee staff, any present State d-1 land selections would be honored. From the Udall amendment it appears that the Subcommittee has acted the opposite of what the Council proposes, in that the Subcommittee provides for additional lands to be added to conservation system units; the amendment appears to strengthen Section 22(e) of ANCSA.

Subsistence

The Council's position is that the State be authorized, except where provided by Federal law on this section, to manage and regulate the taking of fish and game on Federal lands. In carrying out this responsibility, the Council proposes that within 18 months of enactment of the Act, the State establish a program to permit subsistence uses of fish and wildlife resources within designated subsistence management zones. The program shall include a definition of subsistence use, conditions under which subsistence uses may be permitted, factors for determining who is qualified for subsistence uses within zones, creation of regional and local advisors to assist the State in carrying out its responsibilities under the section, and giving subsistence uses preference over any other competing consumptive uses within zones. The Council advocates that the Secretary who has authority over a conservation system unit designate subsistence management zones within 18 months after enactment of the Act.

After consultation with the State, the appropriate Secretary may close zones or portions thereof for reasons of public safety, protection and management of the lands and habitat which support living resources, administration, or public use enjoyment of the area. If the Secretary determines that the State has failed to comply with the requirements of the section, he must give the State a reasonable period, but not less than 120 days, to correct the purported deficiency. If the State refuses to do so, then the Secretary must initiate a hearing in order to ascertain the propriety of the State's actions. If the State refuses the regulatory responsibility, then the appropriate Secretary shall carry out the functions assigned to the State.

The Council further proposes that snowmobiles, motorboats and other means of transportation traditionally used for subsistence purposes be permitted.

The Subcommittee adopted a new subsistence title which states that during an interim period of 18 months beginning on the date of enactment of the Act, the State is authorized to regulate the taking of fish and wildlife for subsistence uses on public lands. At the end of the interim period, the State will be given authority, if it so desires, to regulate

the taking of fish and game for subsistence purposes on public lands. Within 18 months after the date of enactment of the Act, the State shall submit to the Secretary a program which shall include the following: A management plan which has as its central elements the maintenance of the continued viability of the populations of fish and wildlife species and a system capable of monitoring subsistence and other consumptive uses of such species; the establishment of not less than 5 or more than 12 fish and game management regions; a State law or regulation which gives priority for subsistence uses over other consumptive uses; and a system of local and regional fish and game councils within each management region. If the Secretary finds that the State does not comply with the requirements of the section, he shall notify the State and give the State an opportunity to modify its program. The new title provides that the State, in consultation with the Secretary, natives and other interested and affected parties or determine the number and boundaries of management zones. If the State fails to accept the regulatory responsibility then the Secretary of Interior shall carry out the functions assigned to the State.

Snowmobiles, motorboats, and other means of surface transportation traditionally used shall be permitted.

To assist the State in developing and implementing the program the Federal Government shall reimburse the State up to 50% of the costs of the program.

COMPARISON

This new subsistence title is more reasonable than the one which appeared in the Committee print of October 28, 1977. The new title gives the State the authority to regulate the taking of fish and game and set up local and regional fish and game councils.

The differences between the Subcommittee and the Steering Council are minor. The Council proposes that if the State refuses regulatory responsibility then the appropriate Secretary assumes the responsibilities while the Subcommittee would give the responsibilities to the Secretary of Interior. Additionally, the Council proposes the appropriate Secretary designate subsistence management zones while the Subcommittee gives the State, after consulation, this responsibility.

There is a noteworthy problem with the Subcommittee's subsistence structure. The Subcommittee may delegate too much authority to local and regional councils as opposed to state. The bill stipulates that regional councils be assigned adequate and necessary staff to carry out their responsibilities, but if a regional council's recommendation is rejected by the State agency, the regional council has direct access to the Secretary of Interior who can overturn if the State is not in compliance with the State program or the requirements, purposes or policies of the Act.

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United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

January 23, 1978

Ms. Sharon Long
Steering Committee for Alaska Lands
1016 West 6th Avenue, Suite B
Anchorage, Alaska 99501

Dear Sharon:

This letter will confirm my support for a State Legislative appropriation to bring Members of the Senate to Alaska this year to allow them to see some of the proposed d-2 lands. I originally suggested this last year and still think it is an idea which should be acted upon.

It is important that as many Senators and Congressmen as possible come to Alaska prior to voting on d-2 legislation. The Committee with jurisdiction over d-2 lands has the budget to authorize trips for the Members, but other Members of Congress have no way to come to Alaska. Any money spent by the State Legislature to bring Members of Congress to Alaska would be repaid in the understanding of these Members of Alaska's unique problems.

Please let me know if I can be of any further support in any efforts the Sterring Committee makes to obtain Legislative funding for such a proposal.

With best wishes,

Cordially,

TED STEVENS
United States Senator

Office of the Governor

STATE OF ALASKA

Staff Briefing Paper

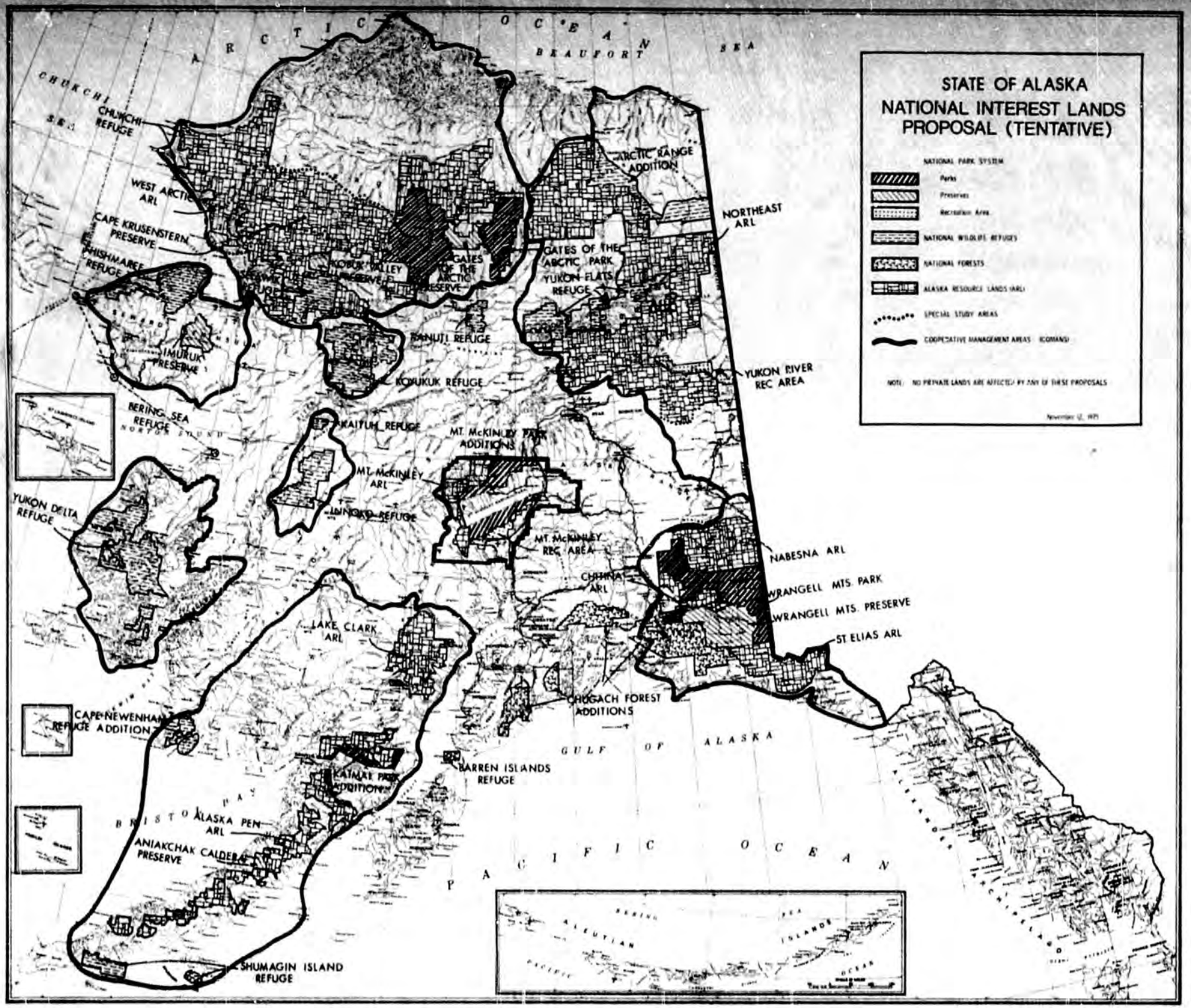
A Preliminary Proposal

Pertaining To

National Interest ("D-2") Lands in Alaska

Under

The Alaska Native Claims Settlement Act


STATE OF ALASKA
NATIONAL INTEREST LANDS
PROPOSAL (TENTATIVE)
NATIONAL PARK SYSTEM
Parks
Preserves
Recreation Area
NATIONAL WILDLIFE REFUGES
NATIONAL FORESTS
ALASKA RESOURCE LANDS (ARL)
SPECIAL STUDY AREAS
COOPERATIVE MANAGEMENT AREAS (CONAN)
NOTE: NO PRIVATE LANDS ARE AFFECTED BY ANY OF THESE PROPOSALS
November 12, 1971
ARCTIC OCEAN
BEAUFORT SEA
CHUKCHI SEA
CHUKCHI REFUGE
WEST ARCTIC ARL
CAPE KRUSENSTERN PRESERVE
KIVALINA REFUGE
KOBUK VALLEY PRESERVE
GATES OF THE ARCTIC PRESERVE
ARCTIC RANGE ADDITION
NORTHEAST ARL
GATES OF THE ARCTIC PARK
YUKON FLATS REFUGE
SELAWIK REFUGE
SEWARD PENINSULA
IMURUK PRESERVE
BERING SEA REFUGE
NORTON SOUND
KANUTI REFUGE
KOYUKUK REFUGE
YUKON RIVER REC AREA
KAIYUH REFUGE
MT. McKINLEY PARK ADDITIONS
MT. McKINLEY ARL
INNOKO REFUGE
YUKON DELTA REFUGE
MT. McKINLEY REC AREA
NABESNA ARL
CHITINA ARL
WRANGELL MTS. PARK
WRANGELL MTS. PRESERVE
ST. ELIAS ARL
LAKE CLARK ARL
CHUGACH FOREST ADDITIONS
CAPE NEWENHAM REFUGE ADDITION
GULF OF ALASKA
BARREN ISLANDS REFUGE
KATMAI PARK ADDITIONS
BRISTOL BAY
ALASKA PEN ARL
ANIAKCHAK CALDERA PRESERVE
PACIFIC OCEAN
SHUMAGIN ISLAND REFUGE
ALEUTIAN ISLANDS
BERING SEA
PACIFIC OCEAN

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I.

Introduction: Why a State Proposal?

On December 18, 1971, Congress passed Public Law 92-203, the Alaska Native Claims Settlement Act. The purpose of the Act was to provide a land and monetary settlement of the aboriginal title and claims based upon title of Alaska natives; however, the Act went far beyond the settlement of native claims.

Section 17(d)(2) of the Act directed the Secretary of the Department of Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act . . . up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers System. . ."

The Act then directed the Secretary to submit his recommendations to Congress with respect to these lands. The Secretary complied with this mandate through the introduction of the Federal Administration's bills, H.R. 6089 and S. 1687, "The Alaska Conservation Act of 1975." The Administration's bill would commit 32.26 million acres of land to management by the National Park Service, 31.59 million acres of land to management by the U.S. Fish and Wildlife

Service, 18.80 million acres of land to management by the U.S. Forest Service, and 0.82 million acres of land to the National Wild and Scenic River System. The bill would thus place within the traditional "four systems" federal land classifications, a total of 83.47 million acres of land (see table p. 9).

These bills would thus preclude, except through the voice of the State's Congressional delegation, any meaningful Alaska input into land use decisions affecting 83 million acres of land within the boundaries of the State. In addition to this 83 million acres, approximately 69 million acres of land would remain (after State selection) in the federal public domain. This vast amount of land, under the management of the Bureau of Land Management, would also be beyond any meaningful State direction. Recent events pertaining to the federal outer continental shelf off Alaska vividly demonstrate the ways in which federal land management decisions can frustrate, or undo, the most carefully conceived State wishes pertaining to land development or land conservation. This is the problem with which the State's proposal deals.

The State's proposal recognizes certain realities: (1) that Congress will enact "D-2" legislation setting aside new National Parks, Forests, Wildlife Refuges, and Wild and Scenic Rivers; (2) that the only way to insure that the State's interest is not frustrated by federal land management decisions is to participate directly, in Alaska, in

those decisions; and (3) that land management decisions most deeply affect lands lying adjacent to the area under federal government. The proposal which is set out in the following pages is a preliminary proposal developed by the Governor's Task Force on National Interest Lands in Alaska. The proposal attempts to deal with these problem issues in a balanced, realistic way, in recognition that since Congress is going to act, it should do so with a clear understanding of the State interests involved.

The most important concepts that have been developed are an Alaska Land Commission, a body with equal state and federal appointees which would make land management decisions on a large amount of federal land; the Alaska Resource Lands, a new flexible land category, and the Cooperative Management Area ("Comans"), broad areas containing federal and State lands where cooperative planning and management would be encouraged.

The State feels that its proposal presents important new concepts. During the next few weeks, these concepts will be presented to the public for their views. These views will receive serious consideration so that the State's final proposal will represent, to the maximum degree, the position of the people of Alaska.

Definitions

A. Traditional "Four Systems" Lands

National Park - National Park Service Management: Lands recommended for additions to this system may be adjacent to existing National Parks or National Monuments. Expansions will complement the original park or monument by providing more logical management units or by enclosing major portions of the eco-system. They contain unique natural features and high scenic values. They may contain large populations of fish and wildlife or prime habitat, paleontological values, unique geologic values or high wilderness values. These areas will be closed to hunting and trapping but open to fishing under State regulation. They are closed to mining, livestock grazing, and State selection.

National Preserve - National Park Service Management: Lands recommended for additions to this system generally have the same values as stated for National Parks. The areas are open to hunting, trapping and fishing, however, in accordance with applicable state regulations. They are closed to mining. They may be selected specifically to cover areas with prime fish and wildlife values. The stress of management is concerned more with cultural values than in national parks, and preserves may provide "buffers" to core national Park areas. Hunting, trapping and fishing are usually oriented toward subsistence use or toward low density, high quality experience. These areas are closed to state selection.

National Recreation Areas - National Park Service Management: Lands recommended for additions to this

system generally have the same values as stated for national parks but may be less pristine due to increased access. They may provide a core of development related to National Park Service management for the area. They may be adjacent to other National Park Service lands. The emphasis is more on enhanced recreational pursuits than with other lands under Park Service management. They may contain key fish and wildlife habitat needed for fish and wildlife enhancement development. Mining is allowed under strict control. Hunting, trapping and fishing are allowed in accordance with applicable State regulations. Subsistence use and high quality experiences are stressed. These areas are closed to State selection.

National Wildlife Refuges & Ranges - Fish and Wildlife Service Management: Lands recommended for additions to this system may be adjacent to existing refuges or ranges. They are designated to cover key waterfowl, sea bird, endangered species or international treaty species habitat. They may contain prime national interest resident fish and wildlife habitat and prime scenic, recreational and scientific values. They may also contain high wilderness values. Domestic livestock grazing may be allowed if compatible with prime values. They may be opened by the Secretary to mining under strict regulations. They are open to hunting, trapping and fishing in accordance with applicable State regulations. They are closed to State selection.

National Forests - Forest Service Management: Lands recommended for addition to this system may be adjacent to existing national forests. They may or may not contain timbered areas. They contain nationally significant lands with prime values more closely aligned to the multiple use management policies of the Forest Service. They may contain prime fish and wildlife habitat. Fish and wildlife habitat enhancement programs may be promoted. Domestic livestock grazing may be a prime value. They may contain prime scenic, recreational, scientific and wilderness values. They are open to mining, regulated in key prime use areas. They are open to hunting, trapping and fishing in accordance with applicable State regulations. The State may recommend Congressional prime use designation for specific parcels. They are closed to State selections.

Wild & Scenic Rivers - Federal Agency Which "Owns" The Land as Management Agency: Lands and waters recommended for additions to these systems would be managed by the Federal "owners" of surrounding lands under the Wild and Scenic Rivers Act of 1968. These areas may possess outstanding scenic, recreational, geologic, fish and wildlife, historic or cultural values. They contain high water quality rivers, free of impoundments. Wild rivers are generally inaccessible except by trail; scenic rivers may be accessible by road. Watershed or shorelines are essentially primitive. Motorized access will be controlled, but a special provision may be included in the legislation to protect some seasonally oriented motorized access.

They may include adjacent State lands if requested by the State. Wild rivers are closed to new mineral entries. Scenic rivers may be opened by the managing agency to mining. Both are closed to State selection.

B. Alaska Resource Lands. (See p. 18 for further definition)

Alaska Land Commission Classification: Lands recommended for inclusion in this new system are nationally significant federal lands with Congressionally designated prime values. Prime use designation will dictate which agency will manage. They may contain prime scenic, recreational, fish and wildlife, scientific or wilderness values. Other compatible uses will be allowed such as fish and wildlife habitat enhancement programs, livestock grazing, mining under strict regulation, and hunting, fishing and trapping in accordance with applicable State regulations.

C. Cooperative Management Areas ("Comans"). (See p. 20 for further definition).

Alaska Land Commission Classification of Federal Lands (and with State enabling law, State Lands) - Bureau of Land Management and State Land Management: These are large areas where land planning and management require coordination. All federal lands within these areas are under classification purview of the Alaska Land Commission. Commission authority over State land within the areas would require State legislation. Private lands are included only on a voluntary basis under cooperative agreements. The lands would be classified by the Commission and managed in accordance with sound multiple

use principles. They are open to regulated mining, to hunting, trapping and fishing in accordance with applicable State regulations, and to domestic animal grazing. The parcels of federal vacant and unappropriated land may be opened by the Commission to State selection.

D. Special Study Areas: These are Alaska Resource Lands which have been identified as possessing unusually high natural values. The Commission will be directed to complete studies for these areas to determine whether or not they require special classifications.

III

ACREAGE COMPARISON

(Millions of Acres)

	State	Interior	Conservationists	Young	Udall	Dingell
National Park Service	16.738	32.26	52.1	13.93	47.80	
Fish & Wildlife Service	15.294	31.59	50.8		43.20	76.31
Forest Service	4.585	18.80	1.6	28.31	1.60	
Wild & Scenic Rivers		0.82	1.6	0.50	1.6	
SUBTOTAL	36.617	83.47	106.1	42.74	94.20	76.31
Ecological Reserve					11.90	
Alaska Resource Lands	61.946					
Scenic Reserve				24.39		
TOTAL	98.563	83.47	106.1	67.13	106.1	76.31

ALASKA RESOURCE LANDS

	Millions of Acres
West Arctic	27.544
Northeast	17.860
Alaska Peninsula	5.890
Lake Clark	3.238
Mt. McKinley	1.030
Nabesna	3.131
Chitina	.832
St. Elias	2.421
	61.946

STATE PROPOSAL

NATIONAL PARK SERVICE

	Millions of Acres
Gates to the Arctic - Park	5.728
Gates to the Arctic - Preserve	.562
Mt. McKinley	
N - Park	1.015
S - Park	.655
Rec. Area	.542
Kobuk Valley - Preserve	.325
Cape Krusenstern - Preserve	.180
Imuruk - Preserve	.722
Yukon River - Recreation Area	.698
Aniakchak - Preserve	.138
Katmai Add. - Park	.515
Wrangell Mountains	
Park	3.708
Preserve	1.950
	16.738

STATE PROPOSAL

REFUGES AND RANGES

	Millions of Acres
Shishmaref	1.436
Selawik	1.225
Koyukuk	2.400
Kanuti	.447
Yukon Flats	2.144
Arctic Wildlife Range Addition	2.224
Kaiyuh	.121
Innoko	1.541
Yukon Delta	3.421
Cape Newenham Addition	.265
Alaska Coastal Refuges	.070
	15.294

STATE PROPOSAL

FORESTS

	Millions of Acres
Chugach Addition	
Kenai Fiords	.598
Nellie Juan	.297
College Fiord	.964
Bremner - Copper Rivers	2.726
	4.585

IV.

The Alaska Land Commission: A State Voice in Land Management Decisions

Purposes. As indicated earlier, all of the pending D-2 legislation has several shortcomings, relative to protection and enhancement of the public interest of Alaskans. Those shortcomings are the:

(a) Failure to provide for State input into land management decisions pertaining to Federal lands, when those decisions have a State-wide impact;

(b) Failure to recognize that nationally significant resource values exist on many federal public lands in Alaska which, for many reasons, are not appropriate additions to the traditional "four systems"; and the

(c) Failure to recognize that in many cases, the conservation or development of these lands or resources is inextricably related to management policies on adjoining State or private lands, or on a federal lands having a different land management agency.

The Alaska Land Commission is an instrumentality which, in combination with the new land category concepts of Alaska Resource Lands and Cooperative Management Areas, could remedy these shortcomings in the pending legislation.

Composition. The Alaska Land Commission would be composed of six members. One of the members would be appointed by the President of the United States to serve as federal co-chairman of the Commission and two members would be appointed

by the Secretary of the Interior. Three members would be appointed by the Governor of Alaska, one of whom would be appointed by him as the State's Co-chairman. The members would serve at the pleasure of the appointing authority.

The Co-chairmen would be responsible for directing the work of the Commission staff. The Federal Co-chairman or the Secretary could veto any land classification order of the commission as it affects federal lands in Alaska, and the State Co-chairman or the Governor could veto any land classifications order of the Commission as it affects State lands.

State participation on the Alaska Land Commission, and classification authority of the Commission over State lands, would have to be authorized by an act of the State Legislature. An integral part of the State's proposal then, assuming public acceptance of the proposal, would be an Administration bill, which would be presented to the legislature authorizing the Alaska Land Commission and the powers and duties mentioned.

Federal Lands Subject to Commission Classification Authority. All federal public lands in Alaska included within the Alaska Resource Lands system and all vacant and unreserved federal public lands in Alaska included within the Cooperative Management Areas designated, would be subject to regulations adopted by the Commission. These regulations would establish land classifications, setting forth permitted and prohibited uses. The authority of the Commission would, of course, be limited with respect to Alaska Resources Lands by the prime value designation for each area.

State Lands Subject to Commission Classification Authority. Assuming public and legislative acceptance, all vacant and unreserved State public lands (including tide and submerged lands underlying navigable waters) that are included within the Cooperative Management Areas designated, would be subject to regulations adopted by the Commission. These regulations would establish land classifications, setting forth permitted and prohibited uses.

Powers and Duties of the Commission. The Alaska Land Commission would be located in Alaska. It would be authorized to:

(1) Adopt regulations establishing, and from time to time amending and revising, land classifications to promote sound conservation and land use practices, setting forth permitted and prohibited uses on federal lands in Alaska subject to the classification authority of the Commission as set forth above;

(2) To the extent provided in State law, adopt regulations establishing, and from time to time amending and revising, land classifications setting forth permitted and prohibited uses on State lands in Alaska subject to the classification authority of the Commission as set forth above;

(3) Adopt regulations for identifying transportation and utility corridors in Alaska as these become necessary to meet both national and State transportation needs across all

federal lands in Alaska except areas designated by Congress for wilderness review or for inclusion in the National Wilderness System;

(4) To the extent provided in State law, adopt regulations identifying transportation and utility corridors provided for in (3) of this section across State lands;

(5) Promote the establishment and utilization of cooperative management plans and agreements between federal land managers, State and local government land managers, and private land owners, giving priority to those areas designated as Cooperative Management Areas;

(6) Undertake a continuing review of management practices and classification decisions on all federal and State public lands in Alaska, including lands in the National Park, Refuge, Forest, Wild and Scenic Rivers, and Alaska Resource Lands systems, for the purpose of evaluating the adequacy of existing State and Federal public lands laws, policies and management programs in providing for the overall conservation, protection, and beneficial utilization of Alaska's natural resources in the best public interest of the people of the nation and State.

Area Advisory Boards. Area Advisory Boards would be established under the Commission so that landowners, land managers, and local interests would be able to participate in planning and management decisions affecting specific areas.

V.

Alaska Resource Lands: The New Approach to National Interest Lands

Alaska Resource Lands are a new system of reserved federal national interest lands in Alaska. The concept arises from a dual purpose: to provide a mechanism by which the State of Alaska may affect management decisions concerning federal public lands in Alaska and to provide proper management for certain federal public lands in Alaska, which are not appropriate for additions to the traditional "four systems," but which are nevertheless essential to the proper conservation, protection, management and enhancement of certain resource values of national significance. This dual purpose finds a focus in the Alaska Resource Lands category -- a land system over which the Alaska Land Commission has classification authority within the bounds of a Congressional prime or dominant value designation. The authority would extend to ensuring that other compatible uses of the area are not permitted to endanger the prime value of the area. The actual management activities would be carried out by the appropriate management agency.

The thrust of the concept is on what is permitted, not what is prohibited. To begin with, the national interest areas in this system will have a dominant or prime value established by Congress whether that be scenic, recreational, fish and wildlife, scientific, or wilderness, and that prime or dominant value would be protected. But other compatible uses would be allowed,

such as fish and wildlife habitat enhancement programs, livestock grazing, mining under strict regulation, and fishing, hunting and trapping under State regulations. It would be up to the Commission to use its authorities with respect to these compatible uses, so that they are designed and carried out in a manner and in areas which will ensure protection of the prime values.

VI.

Cooperative Management Areas (Comans): Pooling Resources to Provide for the Public Interest in Conservation and Development

The concept of the cooperative management areas was developed in recognition that decisions affecting land often have effects far beyond the boundaries of the particular parcel of land being managed. The particular range of effects that the concept tries to deal with are those upon the natural and biological systems of particularly significant areas. In every case, the core of these significant areas are the national interest lands (whether they be Alaska Resource Lands or four systems lands) within the "Comans."

A second purpose behind the "Comans" concept is that it would give the State participation, through the State's representation on the Alaska Land Commission, over additional federal lands in Alaska. These are lands which are not "national interest" lands, although, in many cases, their values are extremely high. These are federal lands over which in the usual course of events, the State would have no say.

The "Comans" would contain private lands within its boundary, and it should be made clear that private lands within these areas would not be regulated. The landowners would be encouraged, however, to voluntarily manage their lands in ways that are not incompatible with the natural and biological systems within the "Comans." Private landowners would be encouraged, but not compelled, to enter into cooperative management agreements.

The Alaska Land Commission would play an important role with respect to the "Comans." With the exception of the "four systems" lands, it would have broad classification authority over the federal lands in the "Comans". It would classify the lands for a variety of uses. The thrust of the "Comans" concept, even more than for the Alaska Resource Lands, would be to enhance all the uses, but at the expense of no single use. These areas would be open to domestic animal grazing, to hunting, trapping and fishing under State regulations, and to regulated mining. This is sound multiple use and would be fostered on these lands. The vacant and unreserved federal lands within the "Comans" could be opened by the Commission to State selection.

An important part of the "Comans" concept is the inclusion of State lands within the boundaries of the "Comans" under Commission purview. For two reasons this is needed to make the Alaska Land Commission work. First, the State is asking for continuing State participation through the Alaska Land Commission in the management decisions of over 62 million acres of Alaska Resource Land. It is therefore not unreasonable to expect that the State would include some of its public lands within the "Comans" as part of the cooperative management system being employed. Second, this arrangement makes good sense from a land management view. If our aim is to manage an area for multiple use -- it makes sense that land management decisions should be viewed from an area-wide perspective.

Whether or not State lands should be under Commission purview must be a public decision. If there is public acceptance of the idea, the Administration would ask the Legislature of the State of Alaska to pass legislation authorizing this plan and the Alaska Land Commission concept.

The last point which should be made regarding the "Comans" is that the actual management of the federal, State, and private lands would be carried out by the owners of the land. These owners would be, in the case of federal lands, the Bureau of Land Management, in the case of State lands, the Alaska Division of Lands.

VII.

Exchange Authority

This provision would authorize the Secretaries of the Departments of Interior, Agriculture, and Defense to exchange any lands or interests in lands in Alaska under their jurisdiction for the purpose of effecting land consolidations or to facilitate the management or development of lands.

VII.

Other Management and Jurisdiction Provisions

In addition to the concepts contained in the preceding description, the following other management or jurisdictional provisions would be treated in any proposal for legislation. The Governor's Task Force has not formulated positions, but seeks recommendations of the public on the following issues:

(1) Designation of Wilderness Study Areas. Such a provision would operate to withdraw for five years certain specified National Interest lands, (subject to valid existing rights), from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act. Within three years the Secretary would report to the President, his recommendations as to the suitability or non-suitability of any area so withdrawn for preservation as Wilderness. In the event of a recommendation favoring Wilderness designation, the President could then present his recommendations to Congress concerning permanent classification under the Wilderness Act.

(2) Designation of "Instant" Wilderness. An alternative to Wilderness study designation would be under this concept. The three-year study period would be circumvented and certain national interest lands would be designated as part of the Wilderness System immediately, by the Act itself.

(3) Wild and Scenic Rivers. The State seeks public comments regarding the inclusion of certain land and waterways within this classification. (See definition p. 6).

IX

Public Participation Process: Reaching a State Position

The foregoing proposal pertaining to "national interest" lands in Alaska is preliminary. There are many concepts contained in the proposal which are new and which require public comment, to ascertain the public's opinion of the proposal and to modify it in ways which reflect the public will.

The Administration has begun a public participation process to develop this interchange.

ISSUES AND ANSWERS REGARDING THE STATE'S PROPOSAL

The relationship of Alaskans to their land is unique in many ways. Pending Federal legislation creating approximately 83 million acres of new National Parks, Forests, Refuges and Wild and Scenic Rivers will have profound effects on the future welfare of the people of Alaska. The State's proposal is designed to reflect better the needs of Alaskans through:

1. MAXIMUM ALASKAN PARTICIPATION IN THE MANAGEMENT OF FEDERAL LANDS WITHIN ALASKA.
2. RECOGNITION OF THE RIGHTS OF RURAL ALASKANS TO SUBSISTENCE HUNTING AND FISHING.
3. RECOGNITION OF THE RIGHTS OF THE SMALL PROSPECTOR.
4. REGULATION OF THE FISH AND GAME RESOURCES BY THE DEPARTMENT OF FISH AND GAME.
5. CONGRESSIONALLY MANDATED FLEXIBILITY IN LAND MANAGEMENT TO MEET THE FUTURE NEEDS OF THE PEOPLE OF THE STATE.
6. PLACING THE FOCUS OF LAND MANAGEMENT DECISIONS WITHIN THE STATE.
7. PROTECTION OF THOSE AREAS OF TRULY UNIQUE NATIONAL VALUES FOR FUTURE GENERATIONS.

These values are reflected in the State's proposal by:

1. REDUCTION OF THE ACREAGE TO BE INCLUDED WITHIN THE TRADITIONAL FOUR FEDERAL MANAGEMENT SYSTEMS FROM 83 TO 37 MILLION ACRES.
2. STATE PARTICIPATION THROUGH THE CREATION OF AN ALASKA LAND COMMISSION, DIRECTED BY STATE AND FEDERAL CO-CHAIRMEN, WITH POLICY AND CLASSIFICATION AUTHORITY OVER 62 MILLION ACRES OF ALASKA RESOURCE LANDS.
3. ALL AREAS EXCEPT NATIONAL PARKS - ABOUT 5.7 ACRES ARE OPEN TO HUNTING.
4. ENTRY RIGHTS FOR MINERAL RECONNAISSANCE AND PROSPECTING ARE GUARANTEED FOR ALL FEDERAL LANDS WITHIN THE ALASKA RESOURCES LAND AND COOPERATIVE MANAGEMENT AREAS CATEGORIES AND FOR A MAJORITY OF THE ACREAGE WITHIN THE ADDITIONS TO THE TRADITIONAL FOUR SYSTEMS.
5. STATE OF ALASKA AUTHORITY TO REGULATE RESIDENT FISH AND WILDLIFE IS REAFFIRMED IN THE PROPOSAL.
6. CREATION OF LARGE NEW NATIONAL PARKS IN THE WRANGELLS AND BROOKS RANGES PLUS SIGNIFICANT ADDITIONS TO OTHER PARK, REFUGE AND FOREST AREAS.

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Description:

Newspaper The Anchorage Times , August 6, 1977
Pages 37,38, 39, and 40

"Two Committes to Hear Views of Alaskans on Udall's Plan to Create Huge Wilderness"

THE LAND SITUATION IN ALASKA TODAY

Ernest N. Wolff

Nov. 23, 1977

Land revolutions have occurred in the past but it is doubtful whether one of such magnitude as the one we are now living through has happened before. For if we consider all aspects: area involved, rapidity, and above all, degree of change, we must conclude that we are dealing with one of the great revolutions of history.

Consider size: The U.S. has an area of 3.62 million square miles. Nine years ago, about one-third of this, 1.21 million square miles, was federal public domain. This is larger than India, larger than the Ukraine and Khazakhstan combined, bigger than the Louisiana Purchase and Texas, almost as big as the Louisiana Purchase and the Spanish cessions. Alaska contained about one-half of this land.

Take speed of accomplishment. The land freeze was imposed in 1968. By 1976 (eight years) regulations were proposed based upon the 1976 Bureau of Land Management Organic Act that would require a permit at least 120 days in advance for virtually any use of the public domain in Alaska. Within five years more, unless a counter revolution develops, the process will be complete. This time is comparable to that required to secure the Russian takeover.

It is in degree of change, however, that we set records. In 1968, all of this 1.21 million was open to mineral entry, and theoretically to homesteading. Half of it, about 0.6 million square miles (Alaska) was in fact open to settlement and acquisition. Today about one-half of it is closed to mineral entry, (three-fourths in Alaska), and all of it is closed to acquisition of surface rights. In truth, we have gone from the freest form of land tenure in the history of man to complete government control. Even in Russia the people only traded the Czars and a corrupt landed gentry for the communist regime, not really much of a change.

This short presentation can only sketch the broad outlines of how we got where we are, which I will attempt to do in what follows. The U.S. was founded squarely on the premise that private ownership of land gave the most political freedom and the

greatest economic benefits. Various means were used to convert virgin land into private land, but the homestead act of 1863 was the only used in the west and Alaska. Any citizen who wanted to create a farm or business could claim 160 acres. Mineral rights were claimed in a somewhat analogous fashion, but based on a discovery of mineral and a diligent expenditure of effort to improve the mineral showing. Both the agricultural settlement laws and the mineral development laws were based on individual effort, and the entryman was rewarded exactly in accordance to his effort.

The first chink came in 1934. In that year the Taylor Grazing Act was passed. After that, the individual must prove that his land was suitable for agriculture. If merely suitable for grazing, the citizen could not own it, only lease it. The Mining Law of 1872 was specifically retained. All land laws continued in Alaska.

In 1946 the Bureau of Land Management was created from the Land Office, responsible for disposing of land, and the Grazing Service, responsible for the Taylor Grazing Act.

As the years went by a larger proportion of the population was concentrated in cities and in service industries. Today less than 5% of the people operate the farms. Less than 0.5% of our population operates its hardrock mines; certainly less than 3% is involved in mining at all. The rest of the population cannot conceive how the land laws were adopted or why an enlightened nation put up with them as long as it did. In the states of Alaska, Arizona, Colorado and Oregon, to name just four of our public land states, more than half of the population lives in major cities, works in service industries, and looks upon the public domain in the only way that their training and experience allows it to: as a potential playground for a population ever more affluent and idle. In 1968 the federal public domain consisted roughly of two parts, half distributed among the western states and half in Alaska, which had just recently achieved statehood. Any serious attempts to change the status of the public domain would best begin in Alaska which would present fewer complications. During the 1960's the idea grew that the Alaska Natives were entitled to some kind of settlement for their

aboriginal rights; this was natural since their meeting with the white culture had taken place more recently. Accordingly in that year, 1968, all of Alaska was withdrawn from appropriation to protect the natives' rights. By an accident, the statutory authority to withdraw land from entry for metalliferous minerals did not exist, and the general mining law continued in force for metals. But for this accident, Alaska would have been completely captured, for from that day in 1968 to this there has not been one federal lease and only a few homesteads (claimed during a year's grace).

When the native claims act was finally passed in 1971, it provided for a settlement of land to the natives, generally not as individuals, but to corporations. It also provided for about 80 million acres of parks, etc., and the rest to go into land use planning, with strict control by the government. About 12 million acres were returned to homesteading, but this was rapidly taken back. The mining laws would have been repealed but for the efforts of the Alaska Miners Association and our small congressional delegation. Had this happened, we would have been dead in the water.

The lands that were to go into special categories (the D-2 lands) go to parks, forests, wild rivers and refuges. The residual lands were to be managed by the Bureau of Land Management. The BLM immediately began to urge a "BLM Organic Act" on the theory that these were not residual lands, but should belong to them, just as the parks belong to the Park Service. Thus today we hear of "BLM owned land." This Organic Act was passed in 1976. All land laws were repealed, except the mining law, and sweeping powers were given to the BLM. The homestead law was extended in Alaska for 10 years but the old concept of a citizens' right to a homestead was erased and it is unlikely that any homesteads will be patented within the grace period. Some idea of the BLM attitude toward land can be gleaned from their suggestion for the town of Wiseman on the pipeline road. Here property rights go back to 1898, yet they suggest a life estate or lease for home owners there.

Let us state the facts on this 23rd day of November, 1977.

1. The State of Alaska is entitled to about 103 million acres. It has selected 72.5 million acres of this, and has 36.5 million acres tentatively approved or patented. If selected only, the land

is withdrawn from both federal and state mining laws. The state is entitled to this land with no qualifying conditions.

2. Since 1968 all federal land has been withdrawn from all forms of appropriation except for metallic minerals.

3. The native corporations are entitled to about 44 million acres. Ninety nine million were set aside; they have over-selected by about twice, tying up that land from all forms of appropriation. Inholdings are protected, but BLM says that the mineral claimant must apply for patent to protect his land. This is being contested.

4. The additions to the parks, etc., the so called D-2 lands, have grown from 80 million to perhaps 160 million.

5. The residual federal land, the so called D-1, is now claimed by the BLM, to be controlled according to the terms of the BLM Organic Act. Proposed regulations issued last winter would have placed all mining on private claims under BLM's absolute control. Proposed regulations for the general public would have required permits for every non-trivial use of that land (the old public domain). Any other use will require that the land be classified first. The first sentence of the Organic Act says that no more land shall be disposed of unless the Secretary of INterior decides it is in the best interests of the U.S. This implies that any future development will be by leasing. No one is allowed to live on the public domain, and structures thereon are being destroyed.

6. D-2 selections have been taken so as to break Alaska into segments. The old access system of section line right-of-ways has been circumvented. The State of Alaska has been broken up.

7. Central planning is now the law on one-third of the land in the U.S.

8. Alaska will be depopulated. The great system of trails and roadhouses that formerly tied it together is no more. Building roads is virtually impossible, we consist of islands connected by air travel. We must all face up to the significance of this in terms of social, economic and military consequences.

9. Private patented land in Alaska is estimated at between 650,000 and 960,000 acres. This means that less than one-quarter

of one-percent of Alaska is privately owned and can be bought and sold by you and me.

10. Future human settlements will be created only by central planning.

11. The future of the native lands is uncertain. They, too, will be developed by central planning.

12. Minerals are still developed by the terms of the U.S. mining law. However, only 17% of Alaska is open to this law, and a further 9% is open to State mineral law, which is being more and more pushed toward restrictive leasing, since whether state land is open to leasing or location depends on its classification. Today about one-third of the state lands have been classified. Nine percent of this is open to mineral location, the rest to possible mineral leasing. The U.S. mining law is subject to continuous attack. There is a concerted effort to invalidate mining claims by one means or another.

13. The Alaska Department of Fish and Game has recently attempted to have large areas of land withdrawn from all human activities, on the thesis that land may be game habitat and hence must be controlled.

14. The amount of land disturbed by mining in Alaska is estimated at about 44,000 acres, or about 0.012%. If half of this has reclaimed itself for its highest function, i.e., game habitat, the land disturbance by mining is truly infinitesimal.

15. The trend in land legislation has been to tie one course of action to another. Thus we had to have the native claims act to get the pipeline. Now we are told we must not oppose a D-2 settlement or we will not get the state entitlement.

The foregoing analysis is actually simplified. The true situation is much more complex and defies complete comprehension. However, I believe that it is fairly accurate and realistic. I believe that it indicates that we are living and will live in a government regulated society in Alaska. To what extent this can be directed and altered is up to the people of this state through their elected representatives. We cannot expect the rest of the U.S. to do it for us.

PLEASE NOTE

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Description:

Supplement to Anchorage Daily News, Anchorage Times, Fairbanks News-Miner, Tundra Times, Southeast Empire, Ketchikan News, and Nome Nugget.

"WHO WILL MANAGE ALASKAN LAND?" no date, 16 plus pages

We intend today's actions to be the start of a continuing process in which the Department and Alaska's elected leadership will work cooperatively to ensure that the Federal policies in Alaska are responsive to the aims and needs of America and Alaska's citizens. The development of common sense Federal policies is the most appropriate means of defusing the Sagebrush Rebellion in Alaska.

SECRETARY WATT

GOVERNOR HAYMOND

SENATOR STEVENS

SENATOR MURKOWSKI

REPRESENTATIVE YOUNG

THE FOLLOWING DOCUMENT(S) MAY NOT FILM LEGIBLY BECAUSE OF POOR QUALITY OF THE ORIGINAL.

THE SECRETARY OF THE INTERIOR

WASHINGTON

ALASKA COOPERATIVE POLICY STATEMENT

PURSUANT TO A SERIES OF CONSULTATIVE MEETINGS SINCE JANUARY 20, 1981 AMONG GOVERNOR HAMMOND, SENATOR STEVENS, SENATOR MURKOWSKI, REPRESENTATIVE YOUNG AND LT. GOVERNOR MILLER TODAY WE ARE TAKING THE FIRST STEPS TO REORIENT THE POLICIES OF THE DEPARTMENT OF INTERIOR TO BE CONSISTENT WITH THE THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT AND THE INTERESTS OF ALASKA. THE EIGHT SPECIFIC ACTIONS OUTLINED CLEARLY INDICATE THAT THE DIFFERENCES OF THE PAST HAVE BEEN PUT ASIDE AND A NEW ATTITUDE OF COOPERATION BETWEEN THE DEPARTMENT AND THE STATE OF ALASKA EXISTS:

(1) FORMAL RECISSION OF ANTIQUITY ACT AND FLPMA WITHDRAWALS;

(2) PRIORITY ASSIGNED TO LAND CONVEYANCES TO THE STATE AND NATIVE CORPORATIONS

(3) DESIGNATION OF U.S.G.S. AS THE LEAD AGENCY FOR THE OIL AND GAS STUDY ON THE ARCTIC WILDLIFE RANGE;

(4) DIRECTIVE TO BLM TO REVIEW REMAINING EXECUTIVE WITHDRAWALS;

(5) DIRECTIVE TO THE SOLICITOR TO REVIEW LITIGATION INVOLVING ALASKA;

(6) DIRECTIVE TO BLM TO CEASE WILDERNESS REVIEWS IN ALASKA;

(7) DIRECTIVE TO APPROPRIATE BUREAUS TO EXPEDITE DEVELOPMENT OF THE NON-NORTH SLOPE OIL LEASING PROGRAM;

(8) DECISION TO NOT PRESENTLY PURSUE THE CARIBOU TREATY WITH CANADA AND AN AFFIRMATION OF ALASKA'S RIGHT TO MANAGE TAKING OF WOLVES ON BLM LANDS.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Assistant Secretary-Land and Water Resources
Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary-Energy and Minerals

From: The Secretary

Subject: Development of an Oil and Gas Leasing Program for Non-North Slope Federal Lands in Alaska

Section 1008 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (Public Law 96-487; 94 Stat. 2371), directs the establishment of an oil and gas leasing program on Federal lands in Alaska that are outside the National Park System, the National Petroleum Reserve-Alaska, the Arctic National Wildlife Refuge, and the study area described in Section 1001 of the Act. In view of the continuing energy crisis and this Administration's interest in becoming independent of reliance on foreign oil supplies, it is essential that we implement this program immediately.

In accordance with Section 1008 of the Act, action must be initiated immediately to identify at the earliest possible date areas in Alaska within the National Wildlife Refuge System and on lands administered by the Bureau of Land Management which should be leased for the exploration and development of oil and gas.

The Assistant Secretary, Land and Water Resources, in cooperation with the Assistant Secretaries for Fish and Wildlife and Parks, and Energy and Minerals, shall develop a schedule by July 1, 1981, which will permit competitive and/or noncompetitive leasing within the next two years. The schedule should describe the steps that must be undertaken before such leases could be issued and the estimated time frames required for each. The schedule need not identify areas to be leased.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY Kallman (202) news release

For Release March 12, 1981

WATT OUTLINES "GOOD NEIGHBOR" POLICY FOR LAND MANAGEMENT IN ALASKA

Interior Secretary James Watt asked Alaskans today to join his Department in implementing the new Alaska National Interest Lands Conservation Act and in developing balanced management policies for the largest State's 70 million acres of multiple-use federally owned lands.

"I think it's time to put all past differences aside and move forward as good neighbors who work together for the benefit of all concerned," Watt said in a meeting with Alaska's Congressional delegation and Governor.

Watt said he agreed wholeheartedly with Alaska officials that top priority must be given to conveyances of Federal lands to the State and to the Alaska Native populations, under the new law and the Statehood Act and Alaska Native Claims Settlement Act. The process of completing transfer of 103 million acres to the State and 44 million acres to the Indian, Eskimo and Aleut populations will be facilitated under the 1980 Act, which was signed into law last December following years of uncertainty over the future of enormous blocks of land.

Watt said as a result of consultation with Governor Hammond, Senator Stevens, Senator Murkowski, Representative Young, and Lieutenant Governor Miller, the following specific actions would be taken giving Interior a new direction in Alaska and a commitment to work with State interests:

(1) Notice will appear shortly in the Federal Register formally rescinding all executive withdrawals made by the previous Administration during 1978 and 1980, as was provided by the terms of the Alaska National Interest Lands Conservation Act.

(2) Land conveyance to the State and Natives will be expedited, with sufficient staff and funds requested of Congress so as to transfer 13.5 million acres during fiscal year 1982--9 million acres to the State and 4.5 million to the Natives.

(3) The Secretary is directing that the lead agency within Interior for the oil and gas studies mandated by the Lands Act on the Arctic National Wildlife Refuge will be the U.S. Geological Survey instead of the U.S. Fish and Wildlife Service. Both agencies will have active roles in these studies of the area's oil and gas potential and its wildlife populations.

(4) The Secretary is directing the Bureau of Land Management (BLM) to begin work on eliminating "emergency" withdrawal orders dating back to the early 1970's, many of them based on Section 17(d)(1) of the Native Claims Settlement Act.

(more)

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary-Land and Water Resources

From: The Secretary

Subject: Expedited Review and Analysis of Lands in Alaska Closed to Appropriations

Most lands in Alaska administered by the Bureau of Land Management (BLM) have been closed to all forms of appropriation for more than 10 years pending settlement of Alaska Native claims and the establishment of new national parks, wildlife refuges, forests, wild and scenic rivers, and wilderness.

As a result of this long closure, I believe a quick review and analysis is now needed of all BLM lands in Alaska which can be administratively opened under the public land laws, the mining laws, and the Mineral Leasing Act of 1920. Lands to be considered are primarily those currently withdrawn pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act.

This review and analysis should (1) attempt to identify specific lands which can be opened, (2) describe to what extent and under which form of appropriation these lands should be opened, (3) include a schedule showing the type and extent of the opening that can be completed within this calendar year, and (4) contain an explanation of why other areas which can be opened by administrative means should not, in your view, be opened.

The analysis should also take into consideration the impact that opening lands would have on entitlement yet to be satisfied under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and various provisions of the Alaska National Interest Lands Conservation Act. It should also take into account State, Native, and public views to the extent permitted within the review and analysis period.

It is my understanding that you have already initiated these actions. In an attempt to minimize the delays in State and Native conveyances that the review and analysis will precipitate, you are requested to complete them by April 15, 1981.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary, Land and Water Resources

From: The Secretary Jim Watt

Subject: Alaska Wilderness Reviews

As you are aware, Section 1320 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371, 2487) eliminates the wilderness review provisions of Section 603 of the Federal Land Policy and Management Act of 1976 for lands administered by the Bureau of Land Management (BLM) in Alaska. Section 1320 also gives the Secretary discretionary authority to identify and make recommendations to Congress regarding areas in Alaska which he determines are suitable as wilderness and for inclusion in the National Wilderness Preservation System.

In an exercise of the discretionary authority and in light of the exhaustive wilderness reviews that have taken place in Alaska over the past eight years, I have decided that no further wilderness inventory, review, study, or consideration by the Bureau of Land Management is needed or is to be undertaken in Alaska, except in those areas where study is mandated in legislation.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary-Land and Water Resources

From: The Secretary Jim Watt

Subject: Alaska State and Native Conveyance Programs

The President has committed this Administration to the goal of recognizing the rights of the States and private enterprises to manage their own affairs. In order to meet this commitment, it is imperative that we fulfill our obligations to these entities.

The State of Alaska and the Native corporations formed under the Alaska Native Claims Settlement Act have entitlements that have not yet been satisfied. Until these entitlements are fulfilled, the goals of this Administration cannot be realized. Therefore, the State and Native conveyance programs in Alaska must continue to be a top priority of this Department. To maintain this priority, the Department will provide a reasonable support necessary to achieve significant accomplishments in terms of acres conveyed.

In addition to whatever support the Department is able to provide, it is possible that the State of Alaska may authorize and appropriate funds to be contributed to the Department to assist and expedite the State conveyance program. These funds would constitute a supplement to the Department's present program. Efforts to develop a cooperative agreement with the State of Alaska should be undertaken immediately to permit the Department to accept funds for this purpose.

OFFICE OF THE SECRETARY
WASHINGTON, D.C. [illegible]

March 12, 1931

Memorandum

To: Solicitor

From: The Secretary

Subject: Alaska Litigation

I am most interested in establishing good relationships with the States as part of my "good neighbor" policy. In case of Alaska, the Department now has an excellent opportunity to work cooperatively and harmoniously with the State toward our mutual objectives. In this spirit, I am directing you to review carefully all ongoing lawsuits between the State or an individual or organization which affects the use of Alaskan lands and the Federal Government where the Department is a party with a goal of resolving the issues in litigation out of court. It is my hope that the Federal Government can now turn from past disagreements with the State in order to concentrate its efforts in assisting in the exciting future of the forty-ninth State.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 12, 1981

Memorandum

To: Director, Geological Survey
Director, Fish and Wildlife Service

Through: Assistant Secretary-Energy and Minerals
Assistant Secretary for Fish and Wildlife and Parks

From: The Secretary

Subject: Transfer of Lead Agency Responsibilities for the Arctic National Wildlife Refuge Report and Exploration Regulations

This is to designate the Director of the USGS as the lead Federal agency for preparing the Arctic National Wildlife Refuge Oil and Gas Report required under Section 1002(h) and the exploration regulations required under 1002(d) of Title 10 of the Alaska National Interest Lands Conservation Act (16 USC 3101). That responsibility was previously assigned to the Director of the FWS and is transferred to the Director of the USGS, effective immediately. I am taking this action based on a thorough review of the legislative requirements and in light of the respective mission and expertise of the USGS and FWS. Based on that review, I have concluded that the USGS is the most appropriate Interior Bureau for preparing the report, drafting the regulations, and preparing the EIS on exploration regulations. In the preparation of the report, USGS is directed to involve and utilize the Office of Minerals Policy and Resource Analysis.

The FWS shall retain responsibility for preparing the baseline fish and wildlife study required under Section 1002(c) and its concurrence shall be required on the regulations. That study is to include an analysis of the potential impacts of oil and gas exploration, on the wildlife and habitat of the study area. The exploration assumptions for that study are to be developed by the USGS and provided to FWS within 60 days. I recognize the need for a continuing inventory and assessment of fish and wildlife values to evaluate the changing dynamics of the study area ecosystem. That should not impede, however, the preparation of the baseline study. Such data is available and maximum utilization is to be made of the data collected relative to the Alaska National Interest Conservation Lands Act, the Alaska Natural Gas Line proposal and such other information as may be available. The baseline study is to be completed and the findings published, no later than December 1981. In view of the environmental nature of the study and the requirement for a formal EIS on regulations, an environmental analysis on the baseline study is unnecessary.

work is to begin immediately on drafting the exploration regulations. The principal objective of the regulations is to assure that exploration is carried out in a manner that avoids significant adverse effects on the fish and wildlife resources of the area. The Director of USGS shall prepare regulations which achieves that objective in the most cost efficient manner. Of course, these regulations shall be modified as necessary following completion of the Section 1002(c) study. It shall be the USGS Director's responsibility to approve exploration plans with concurrence of the FWS. It is my goal that the regulations be in place to allow for exploration to begin no later than December 1982. The regulations and EIS are to be final no later than July 1982. This should allow industry sufficient time to prepare and submit their plans prior to December 1982. Plans cannot be approved until after December 2,1982. The EIS shall pertain to decisions on plan and permit approval, as well as the regulatory aspects of exploration activities. In accomplishing this work the Directors shall assure that close consultation is effected between their respective bureaus and the State of Alaska, Native villages and regional corporations in the region and the North Slope Borough.

(5) The Interior Department Solicitor is being directed to review the pending State litigation against Interior (including that based on the 1978 national monument designations and subsequent withdrawals for wildlife refuges), with a view toward seeking out-of-court agreements to settle the cases.

(6) BLM is also being directed to cease work on any Alaska wilderness surveys under Section 603 of the Federal Land Policy and Management Act.

(7) Also expedited will be the Bureau of Land Management's oil and gas leasing program on Federal lands in Alaska outside the North Slope, as mandated by the new Lands Act.

(8) The Secretary determined that it is inappropriate to presently pursue the caribou treaty with Canada which was proposed in 1930. In addition, he affirmed the State's right to manage taking of wolves on BLM administered lands in Alaska.

"In addition, it is also vital that the people most affected by Federal policies in Alaska have an important role in the development of those policies," the Interior Secretary said. "I intend to make sure that is what happens in the years ahead."

Watt said it is important to all Americans that Alaska's great wild areas and vast resources be managed in an orderly way, adding, "That includes orderly and balanced development of vitally needed resources--to forestall the plunder that would result if another major oil or mineral shortage put the country in the grip of a crisis mentality."

The Secretary announced his intention to appoint William P. Horn as Deputy Under Secretary of the Interior, with responsibility for coordinating implementation of the many complex features of the Alaska National Interest Lands Conservation Act. Horn served for the past four years as a consultant on Alaska lands to the House Interior and Insular Affairs Committee.

"I have told Bill Horn and others with responsibilities under this new law that its implementation is not to create an oppressive Federal presence in Alaska," Watt said.

"I am directing that in our regulations and other management policies under the Act, we seek to avoid creation of a 'permit lifestyle' which burdens people with unreasonable paperwork requirements. The history of the Act is replete with assurances that Congress wants the people of Alaska to continue their traditional activities with a minimum of interference. I intend to honor those promises," said Watt.

"I am also fully cognizant of the State's expressed policy regarding the Lands Act, and our people are being directed to consider the State's position in our implementation of the Act, to foster good-neighbor relations with Alaska and its people," he said.

x x x

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

PLEASE NOTE

THE ORGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

Description: Fairbanks Daily News-Miner (newspaper)
"Locked Open' Policy Pushed", "Hammond Wants Greater 'use' Say", "Alaska Energy Resources Threatened by Lawlessness?"
November 18, 1975

Please read before Mar 28

STEERING COUNCIL FOR ALASKA LANDS
ALASKAN CONCERNS REGARDING COUNCIL ACTIVITIES

* Stated purpose of the Council: to present a "consensus" state position on the Alaska National Interest Lands issue. That position is, as yet, undelineated. The Council is promoting a position in Alaska and in Washington, D.C. which has not been formally established (~~see attached news stories~~).

* The Council itself is strongly divided. Predominant representation is of anti-HR 39 interests. Much Council momentum and direction is provided by Senator Stevens office.

* The Council was established by the legislature last year with a budget of $300,000. This year's budget request is for $831,000, to be used "if necessary", primarily for media work and influencing Congressional decision-making.

* The Council and its media and legal consultants maintain many personal and working connections with the Citizens for the Management of Alaska's Lands, an anti-HR 39 Alaska based lobby group and American Mining Congress (~~see attached letter, August 5, 1977, Birch to Cowper (Council chairman), reference Tony Motley, executive director of CMAL~~).

* The Council ran a public opinion survey of Alaskans re: the National Interest Lands issue (Rowna Media Group, consultants). Before conducting the survey the Council stated, "Our hypothesis is that Alaskans moved to the state to enjoy its rugged environment, want to see and experience all of it, but have not to date because of the time and money required as a result of lack of direct access." The slant of the questionnaire was corresspondingly directed toward misrepresentative questions regarding access to remore areas of the state.

* The Council film (Rowan Media Group) promoting National Interest Lands concerns was based on a preliminary draft script, the tone of which is indicated by the following excerpts:

> "...we see a thin line of pipe winding through miles of desolate mountain landscapes."
>
> "...man-made environments like the Prudhoe encampment, a radiant entity on the colorless North Slope, have become significant parts of the state's ecosystems."
>
> re: mineral access. "...How do you transport materials across such large tracts of wilderness, when by definition "wilderness" precludes that possibility? The endless

empty expanses passing ceaselessly before us echo our questions."

re: fish and game management. "...He (the warden) talks about the good record that the state has, and the earned respect from environmentalists and others for their well-done job."

This film, "Not Man Apart", is to be the basis for the Congressional interviews, January 30 - February 3, arranged for the Steering Council by Birch, Horton, Bittner and Monroe.

QUESTIONS

* How was the Alaskan "consensus" position arrived at?

* Did the Alaska public opinion survey, gotten underway in November, provide the basis for that position, or did the Council position (i.e. regarding access) precede survey completion?

* Is the Council lobbying for a particular interest (~~reference attached letter of August 5, 1977, Birch to Cowper~~)?

* Under the present Committee Print No. 4 of HR 39, doesn't it appear that careful processes are being provided to assure that mineral exploration and transportation needs are not "precluded"?

* Are there some positive examples which counterbalance the frustration and dissatisfaction shared by many Alaskans regarding fish and wildlife management in Alaska, i.e. Western Arctic caribou herd, wolf and moose management, and inadequate research programs?

D-2 Battle Unusually Bitter

Southeast Alaska Empire, Juneau, Alaska,
Monday, February 20, 1978—PAGE THREE

By LOIS ROMANO
Empire Washington Bureau

WASHINGTON — An unusually bitter verbal battle has emerged here between two of the key lobbying groups seeking to influence the outcome of landmark federal legislation on the future of Alaska's vast federal lands.

The month-old fight between the Alaska Coalition, an environmental umbrella group, and the Steering Council for Alaska Lands centers around allegations by the coalition that the Steering Council is pro-industry and has "misused public money."

Coalition members have charged that the Steering Council, established by the state Legislature last year to insure "Alaska's needs and future requirements" are made known to Congress, is spending nearly half of its $1 million state budget in media projects which push the industry point of view.

Particularly infuriating, they say, are two projects undertaken by the Steering Council: a 12-minute film on Alaska, and a statewide poll devised to survey opinion on the Alaska lands legislation.

At least one member of the Steering Council has gone public with his complaints about the inner workings of his group. In addition, at least two members of the Alaska Lands subcommittee believe the Steering Council has been pro-industry in its lobbying effort at the expense of the other — equally legitimate — points of views.

Against this backdrop, the Steering Council has lashed back at its critics, claiming they are performing the function they were created for: to represent the views of the people of Alaska.

"They (the Coalition) are just upset because we're showing a film to members of Congress that they think is pro-development," said Ron Birch, a high-powered Washington lawyer representing the Steering Council.

"Well, we think the film is neutral. They can't be the only ones that are right in this," he said in an interview.

"We think the goals of the Alaska coalition are compatible with ours," he added. I have tried to avoid stringent language and name calling."

The Alaska Coalition, however sees nothing compatible about their goals and those of the council — and has not been shy about saying so.

"I'm an Alaskan taxpayer and I feel gypped. It's as simple as that," said Celia Hunter, executive director of the Wilderness Society, one of the coalition's member groups. "They're representing themselves, not the people of Alaska. That film is just so one-sided. It's a complete sales pitch for the industry."

The 12-minute casette film Steering Council lobbyists are carrying around to congressional offices was made by the Rowan Group Inc., a prominent San Francisco-based advertising firm.

The first few minutes uses what has become a common propaganda technique here: showing Alaska's beautiful and vast lands, indicating how they must be preserved. The remainder of the controversial casette, however, subtly hints that Alaskans might be taken away from their land, and the need to preserve mineral development rights in Alaska.

Although Alaska legislators have thought the film to be pro-environment and Birch says the point is to show man can be compatible with the land, it has been viewed by several congressmen here as pro-industry and pro-development.

"I saw the film the other day and I told them I thought it was the essence of a pro-development push," said Rep. Paul Tsongas (D-Mass), a member of the Alaska lands subcommittee. "I think the developers could run away with this thing — there has to be a balance."

Another member of the Interior committee wishing not to be identified, thought the film to be "slick and back-handed. Well, if they were trying to give industry a big push, they certainly did a great job."

Tony Motley, a $500-a-day lobbyist for Citizens for Management of Alaska Lands, a conglomeration of industry interests, said he thought the movie was pro-environment.

"My people who have seen the film are upset because they think it is definitely pro-conservation and anti-industry," said Motley.

"The Alaska coalition can't stand anyone who doesn't agree with them," he added. "They're really a misnomer. They're not an Alaskan group, the Steering Council is."

The coaltion was established in 1971 and includes a lobbyist on loan from about 15 environmental groups, including the Wilderness Society, the Sierra Club, Friends of the Earth and the Audubon Society. Although the coalition's projected budget is only $15,000, that does not include dollars spent by the individual member organizations on the Alaska lands issue.

David Cline, the only environmentalist on the Steering Council, has also charged that the Steering Council did nothing to formulate state-wide consensus on the Alaska lands issue, and has instead created a "pro-development bias."

"The Steering Council likes to think of itself as a representative body but I'm not so sure that's true. No attempts were made to identify how Alaskans really feel about the (d-2) issue," said Cline, a member of the Juneau chapter of the Audubon Society.

"I think the Congressional hearings conducted throughout the state last year presented an accurate picture of what people think. People from all walks of life were able to come forward and say how they felt at that time. I thought the hearings should have been reviewed before we came out with our legislative position," Cline said.

"But instead," he said, "we had Mike Rowan conduct a poll at considerable expense that does not represent the total views of the Alaskans. Besides that, the council members formulated their position on the bill before the results of the poll were even in."

Rowan's direct-mail survey, sent to Alaskan households throughout the state, was based on the hypothesis that Alaskans want to see and experience the state "but have not to date because of the time and money required as a result of the lack o direct access."

Although most of the questions are geared towards this hypothesis, an attorney for Birch's firm said the survey is meant to poll the state on the entire Alaska lands issue, not just the question of access.

Paul Luftsky, of Bill Hamilton Associates, a polling outfit in Washington, said "it is a good academic survey if they wanted to find out what people thought about getting around the state and traveling. But I question how legitimate it is if they are trying to find out what the whole state feels about a particular type of legislation.

Another sore point concerning the Steering Council's lobbying effort is the decision to recruit a high-priced law firm for the job.

"It would have been more effective if Congress could hear the voices of Alaskans instead of the most expensive lobbyist we could find," said Cline.

According to a copy of the Steering Council budget obtained by the Empire's Washington Bureau, $100,000 will go to Birch's firm, and $50,000 to the firm of former U.S. Senator Frank Moss.

Although Birch denies being aligned with industry interests the controversy has been further aggravated with documents produced by environmentalists indicating Birch joined forces with Motley, the industry representative.

One internal memo, for example, shows Birch worked with Motley in refining a list of Congressmen to target for lobbying effort. The list was confined to "Congressmen who have shown some disinclination to vote along lines espoused strictly by the environmental movement."

Alaska Conservation Review Fall 1977

Editorial

Historic Moment

A significant amount of Alaskan wilderness is almost "home-free." At no other time in our history has so complete a set of natural wilderness been considered for enduring legal protection. Completion of the ANCSA section 17 (d) (2) legislation will undoubtedly be the high point of our nation's efforts to protect natural ecosystems. This is true of the past, we know, because no similar amount nor variety of untrammelled land has passed into conservation systems. What is true for the past will also hold in the future for the simple reason that our nation possesses no other large tracts of wilderness for future protection.

Many other nations of the world possess high-quality wilderness areas, but it would be risky to postulate that they will successfully recognize the values of their unexploited land and successfully implement long-range preservation systems. The Berger Inquiry into the Arctic Gas Pipeline proposal aroused a welcome groundswell of wilderness appreciation in Canada, but less political awareness of the values of wilderness is apparent in most areas of South America, Africa or Asia. Therefore, Alaskan wilderness could become one of the crown jewels of world-wide natural ecosystem protection. That is, if the efforts of environmentally aware citizens and the US Congress come to fruit in 1978. This is a moment not to be lost.

The primary tactic employed by most detractors of the Alaskan National Interest Lands legislation is the call for a "compromise." This tactic has so far missed the important issues of the (d) (2) legislation and, therefore, little damage has been done. The momentum for favorable legislation is steadily gaining.

To "compromise" the (d) (2) issues is not a viable alternative because complete protection of the natural ecosystems in certain parts of Alaska *is* the compromise. The state has selected the most generous endowment of lands ever. Oil industry has devoloped Prudhoe Bay and has access to a number of other areas. The descendents of the first human settlers of Alaska, the Indian and Eskimo natives, have received a bountiful settlement of their aboriginal claims including title to a great amount of land. Others such as loggers, fishermen, guides, miners, farmers and all the rest have both feet in Alaska and show no signs of turning away. The surging economic development of Alaska is a well established fact.

The wilderness ecosystems of Alaska are, in turn, making their "claim" for a piece of the remaining land. The natural wild plants and animals are in fact the original colonizers of Alaska. These inhabitants have adapted themselves genetically to this land and climate over millions of years and have made a success of their lives. The investment which industry has made in Alaska is minor compared to the investment the moose have made. The natural system is solar powered and converts some of that power into a most useful form of fuel for us all, oxygen. Alaska's wilderness will go on producing this as well as clean water, clean air, biologically diverse genetic materials, food, tranquility and the "Alaskan mystique" as long as the wilderness can survive.

Full protection for some good pieces of "the real Alaska" *is* the compromise of the day. Anything else would represent the ultimate in crass subrogation and could produce the eventual demise of the rich natural values which are presently abundant.

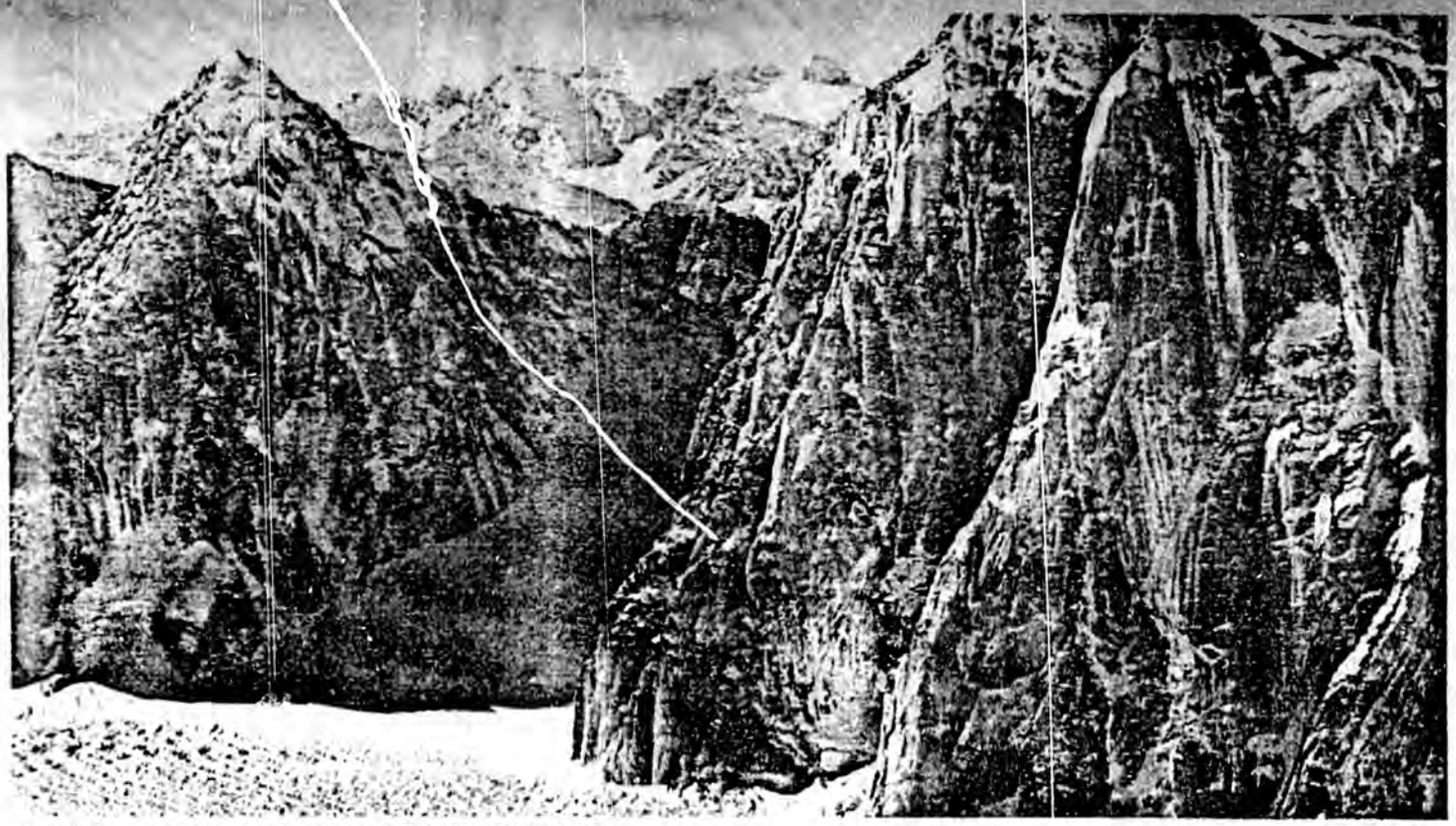
Another tactic of (d) (2) detractors *is* to attempt to invoke fear of a "lock-up." The reason that this has not worked either is that (d) (2) is based in hope, not in fear, and that "lock-up" is exactly the wrong term. Probably the closest we could come to the truth using such terms is "lock-open the land to foil those who would lock-up the resources." Wilderness is a place of freedom, there are no locks. Part of the locked-up society doesn't even know how to behave given such freedom; most would pick up 89 times more of anything that one needs, carry it away and either lock it up or take it to the Fairbanks Dump where scavenging is prohibited. If anyone has recently tried salmon fishing near a vacant oil tanker berth in Port Valdez, he will quickly discover the real meaning of "lock-up." Just your presence there (it doesn't really matter what you are or are not doing) would lead to your arrest. Such is the progress industry has handed us recently.

By contrast, the establishment of permanent federal protection for the natural ecosystems of Alaska, the (d) (2) legislation, will allow a wide variety of land uses by this and future generations of people of all nationalities. Alaska is a world resource. These uses will be restricted, however, to uses which will not diminsh the natural values. Now perhaps we have arrived at the real substance of the (d) (2) debate. There are those who can and there are those who cannot conceive of their deriving any happiness from this world without significantly degrading their natural surroundings. For those who *can*, the legislation will provide a rich resource base.

Most importantly in this historic time, we wish the continued success to you wolverine and raptors, tu-tu and sic-sic, birch and lichens; for you will soon be guaranteed similar legal protection as humans and industry.

L. R. M.

ALASKA RANGE — Larry Mayo



RUTH GLACIER — McKINLEY SOUTH ADDITION

Larry Mayo

Friend or Foe?

OF SILLY SURVEYS

The award for the Silliest Survey Of The Season goes to the Rowen Group, Inc. and the Media Group of California. For the sum of $74,000 from the Alaska state coffers Californians are going to tell congressmen how Alaskans feel about the (d) (2) National Interest Lands.

You see, The Groups have sent out a questionnaire to 500 selected residents of the state after already being sure of the results.

In a memorandum dated Oct. 8, 1977, to the Steering Counsel the Rowan Group stated: "The concept is to gather irrefutable data about the experience of the Alaskan people in seeing and experiencing their own state including national parks. Our hypothesis is that Alaskans move to the state to enjoy its rugged environment, want to see and experience all of it, but have not to date because of the time and money required as a result of the lack of direct access . . . this hypothesis will be proven out by the study." The TV spots, "hopefully moderated by Lowell Thomas, Sr., will be quite effective since the Alaskans we select will fit the American dream of what real frontier Alaska is all about.

The survey asks the informant how many of Alaska's 320 communities, how much of Alaska's 300 million acres, and how many of existing and proposed national parks he has visited. Also, "name any wildlife refuge system you have hunted, fished or entered for that purpose in the past year."

Then there are the "when-did-you-stop-beating-your-wife?" type questions, like do you want development of Alaska's oil, gas, minerals, and timber without despoiling its natural environment; or to preserve its habitat for undisturbed nature, the migratory wildlife, recreation and scenic values without despoiling its economy?

Absurd? Yes, but scary, too, when you stop to think that the decisions made in government, the candidates we elect, the opinions we form are largely shaped by the propaganda media "Groups" up for hire by whomever has the money.

Now wouldn't you think that after all the rhetoric that flowed at Ketchikan, Juneau, Sitka, Anchorage and Fairbanks last August, to say nothing of the hearings Rep. Udall and Seiberling also held in bush communities that both Congress and the Steering Committee would already have a pretty fair sampling of Alaskan's opinons?

Everyone who wanted to testify had his day. Hundreds of Alaskans told it like they saw it, from angry loggers and miners, angrier sports hunters, self-serving businessmen and rambling politicians to articulate Natives, ardent preservationists and bearded drop outs from the bush. If you were a Big Shot you could have all the time you wanted. Us "little people" got cut off at two minutes. But everyone had his turn, and it's all taped for the public record. Of course the testimony wasn't exactly what our Alaskan representatives in Washington, CMAL and Kennicott Copper wanted to hear. Except at Sitka, now almost a company town (Japanese owned Alaska Pulp Co.) where workers were let off to testify provided they came out against protecting (d) (2) lands, the dominant message was loud and clear — "don't let exploitation and development spoil the wilderness, endanger the wildlife or ruin our Alaska life style."

Apparently the Steering Committee has also chosen to overlook the survey of Alaskan opinion which the State paid for two years ago. A map of Alaska showing the state administration proposal of that time was published in all major newspapers statewide along with a series of questions aimed at bringing forth citizen appraisal of the (d) (2) questions.

Federal-State
Land Use Planning Commission
For Alaska

733 W. FOURTH AVENUE, SUITE 430
ANCHORAGE, ALASKA 99501

March 25, 1977

MEMORANDUM

TO: Commission

REVIEWED BY: John W. Katz, Counsel

FROM: Liz Matthews, Legal Extern

SUBJECT: What Impact Can the Federal Regulation of Public Lands Have on Adjoining State and Private Land Use?

This survey memorandum will examine: (1) the constitutional basis of the Clean Air Act and the Federal Water Pollution Control Act; (2) certain substantive requirements of these Acts; (3) State regulation of Federal lands; and (4) State regulation of private lands. One purpose of this survey is to explore the interrelationship between the designation of areas pursuant to Section 17(d)(2) of the Settlement Act and the use of adjoining State and private lands. In addition, other aspects of the regulatory regime affecting Federal, State, and private lands will be briefly examined.

Constitutional Basis

Congress has power over Federal lands as both proprietor and legislature. The "Property Clause" of the Constitution expressly delegates power to Congress over Federal territory and property:

> "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."1/

By reason of the Supremacy Clause, no state may interfere with the exercise of this power by Congress:

> "This constitution and the laws...which shall be made in pursuance thereof...shall be the supreme law of the land; and the judges in every state shall be bound thereby...."2/

The Supreme Court has repeatedly interpreted the Property Clause as a complete and unfettered grant to the Federal government of jurisdiction over the public lands.3/ A state may not interfere with or inhibit any use which the Federal government may lawfully make of its lands. In fact, to protect its use of Federal lands, the Federal government may even exercise substantial control over the property of others. It may prohibit the erection of fences on private land.4/ A railroad traversing Federal land need not comply with a state fencing law if such a fence would interfere with Federal use of the land.5/ A Federal law making the lighting of fires on private land adjacent to Federal forest lands a penal offense has been upheld.6/

Congress derives its legislative power over Federal and nonfederal lands partly from a combination of the Commerce Clause and the Supremacy Clause. Because of the far-reaching nature of pollution legislation, the Federal Water Pollution Control Act 7/ and the Clean Air Act 8/ are prime examples of the exercise of this power. For years, the mainstay of Federal water pollution control was the Rivers and Harbors Act of 1899, 9/ under which regulatory jurisdiction was limited to waters deemed "navigable." The concept of navigable waters was given a fairly narrow definition within the context of determining title to submerged lands. Since much of 19th century interstate commerce was by water, it was an early enunciated principle that the commerce power necessarily included the power to regulate navigation.10/

This 19th century concept of "navigation" lingered in Commerce Clause legislation until passage of the Federal Water Pollution Control Act of 1972. The Act employs the term "navigable waters," but it defines such waters as "waters of the United States." The Fifth Circuit Court of Appeals in Zabel v. Tabb 11/ stated "...the destruction of fish and wildlife...does have a substantial effect on interstate commerce...." and in United States v. Holland,12/ the District Court, after extensive analysis of the legislative history of the Act, concluded that it was the intent of Congress to break away from the Rivers and Harbors Act and legislate directly under the Commerce Clause power:

> "Congress has widely determined that Federal authority over water pollution properly rests on the Commerce Clause and not on past interpretations of an Act designed to protect navigation. And the Commerce Clause gives Congress ample authority...."13/

The original 1955 version of the Clean Air Act contained language which seems addressed directly to the Commerce Clause:

> "The predominate part of the nation's population is located in its...urban areas, which...often extend into two or more states...."14/

That air pollution has an effect upon commerce, and hence can be validly regulated by Congress under the Clean Air Act is clear.15/ Most of the cases center on implementation and enforcement. In Commonwealth of

Pennsylvania v. EPA,16/ the court found that requiring Pennsylvania to establish transportation controls and systems, such as inspections and maintenance programs, bikeways, car pools, busways, and on-street parking restrictions, was a valid exercise of the commerce power and did not unconstitutionally infringe on the state's sovereignty or the principle of federalism:

> "...there can be little doubt that Congress intended sweeping changes to be made in transportation and land use policies where that was necessary to achieve air quality standards...."17/

The Environmental Protection Agency's promulgation of transportation controls that restrict use of off-street parking spaces and regulate construction of new parking facilities does not constitute an unconstitutional taking of the parking facility operator's property:

> "The garage owners may argue that it is as if the government had taken title to 40 percent of their spaces; it would matter little if thereafter the government kept the space idle...or found some other use for it. However, the government has not taken title to the spaces and the decision about alternative uses of the space has been left to the owner. The taking clause is ordinarily not affected by regulation of uses, even though the regulation may severely or even drastically affect the value of the land or real property. If the highest-valued use of the property is forbidden by regulations of general applicability, no taking has occurred so long as other lower-valued, reasonable uses are left to the property's owner...."18/

SUBSTANTIVE REQUIREMENTS OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

Clean Air Act

In Sierra Club v. Ruckelshaus,19/ the District Court construed § 101(b) of the Clean Air Act:

> "To protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population."20/

The court found that

> "on its face, this language would appear to declare Congress's intent to improve the quality of the nation's air and to prevent deterioration of that air quality, no matter how presently pure that quality in some sections of the country happens to be...."21/

Pursuant to court order in Sierra Club v. Ruckelshaus, the Environmental Protection Agency promulgated regulations designed to prevent "significant deterioration" of air quality in areas where air is already cleaner than

the national standards.22/ These regulations employ a classification scheme under which areas may be designated as class I, II, or III. Generally speaking, a class I designation means an area with no development permitted; class II permits moderate development; and class III permits general development. All areas are initially class II, which would allow a certain amount of increase in sulfur dioxide and particulate matter. State land, Federal land, or Indian territory may be redesignated class I after a public hearing and an application to the Administrator of EPA Designation as class I implies an area of very clean air in which practically any increase in air pollution would be considered significant deterioration. Since Federal land managers of class I lands could prohibit activities on adjoining lands if such activities might degrade the air quality over the Federal area, these regulations could have great restrictive impact on private and state landowners whose holdings are contiguous to such Federal lands.

The applicable regulations 23/ contain the following significant features regarding the procedure for effecting a redesignation:

1. at least one public hearing must be held at or in the area affected;

2. other states, Indian governing bodies, and Federal land managers whose lands may be affected must be notified at least 30 days prior to the public hearings;

3. the proposed redesignation must be based on the record of the hearing, which must include consideration of: (a) growth anticipated in the area; (b) the social, environmental, and economic effects of such redesignation on the area and on other areas and states; and (c) the impact of the proposed redesignation on regional or national interests; and

4. any proposed redesignation which is protested to the Administrator of the Environmental Protection Agency will be approved only if he determines that the redesignation appropriately balances the considerations referred to in number 3.

The constitutionality of these regulations was upheld in Sierra Club v. EPA,24/ and the case is presently on appeal to the U.S. Supreme Court. In Sierra Club v. EPA, the Court of Appeals found that although prohibition of significant deterioration of air cleaner than the national standards is not an express requirement of the Clean Air Act, the legislative history of the Act expressed a policy of nondeterioration. The court also found that the EPA acted within the discretion granted it in choosing this manner of preventing significant deterioration of air quality:

"The need to prevent significant deterioration of air cleaner than the national standards, and the statutory authorization therefor, was settled by the Sierra Club v. Ruckelshaus litigation."25/

The state government and the industrial petitioners had protested that this authority violates the delegation to the states of authority over air quality within their boundaries, as provided in § 101(a)(3) and § 107(a) of the Clean Air Act, and that the authority to redesignate can create a tremendous impact on neighboring areas which might be hindered in their development because of designation of Federal lands as class I areas. The court declined directly to address the latter point:

> "We pretermit this question, as we find that the issue is not yet ripe for review. No Federal or Indian land has yet been redesignated, and to that extent we cannot be certain how a conflict may evolve...we note that reservation of power to Federal land managers and Indian governing bodies should have no effect on present conduct; there appears to be no reason why economic development of any area should be hindered by the possibility that a nearby area may be redesignated in the future to a more restrictive classification. We therefore do not foresee any irreparable injury which may arise from deferral of this question until it arises in a more concrete context."26/

Yet, many are concerned about the possible hinderance of economic development. In Alaska, 83 million acres have been proposed by the Secretary of the Interior for inclusion in one of four Federal land systems. Other (d)(2) bills have also been introduced. In addition, several units of the Federal land systems already exist. Under the present regulations, some of these lands could be proposed for class I designation, which, depending upon wind conditions and other factors, could preclude development on nearby Native and State lands. Some argue that such a prohibition would defeat the purposes of the Alaska Native Claims Settlement Act and the Alaska Statehood Act by depriving Native groups and the State of the economic use of lands granted them.

Two possible solutions to this problem have been proposed in the form of amendments to the Clean Air Act.* One proposed amendment would class all existing Federal lands as class II, but would permit the governor of the affected state, after public hearings and other procedural safeguards, to reclassify particular lands to a higher classification if desired. A second proposal specifically regarding (d)(2) lands is to allow Congress rather than the EPA to classify areas on a unit-by-unit basis. A third solution, which involves the pending (d)(2) legislation instead of the Clean Air Act, calls for the establishment of buffer zones around class I parks and refuges. Such buffer zones would be of a lower classification than the adjacent core areas.

* A number of other proposed amendments to the Clean Air Act also deal with air quality standards for parks, wilderness areas, and other Federal land classifications. Because of the rapid changing legislative situation in Congress and because we have not yet received copies of all the proposals, I have confined my summary to the two discussed below.

Federal Water Pollution Control Act

The objective of the Federal Water Pollution Control Act is:

> "to restore and maintain the chemical, physical, and biological integrity of the nation's water. In order to achieve this objective, it is hereby declared that... it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985...."27/

This is to be achieved through the adoption by individual states of water quality standards which the Administrator of the Environmental Protection Agency has determined meet the criteria of the Act.28/ In this regard, 40 C.F.R. § 130.17 provides:

> "The state shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions...at least once every three years and submit such revisions to the appropriate regional Administrator... existing high quality waters which exceed those levels necessary...shall be maintained and protected... additionally no degradation shall be allowed in high quality waters which constitute an outstanding national resource, such as waters of national and state park and wildlife refuges and waters of exceptional recreational or ecological significance...."29/ (emphasis supplied)

Thus, depending upon the classification, the (d)(2) lands could have a great effect on the use of adjacent State and private lands.

STATE REGULATIONS OF FEDERAL LANDS

At the same time, the states have certain powers to regulate Federal lands within their borders. Since the memorandum to the Commission entitled, "State Police Power Jurisdiction on Federal Lands"30/ examines this subject in detail, I will confine my examination to certain matters involving the Clean Air Act, the Federal Water Pollution Control Act, and the Solid Waste Act. With respect to the first two laws, Executive Order 11752, § 1 (1973) specifically states that all Federal facilities must comply fully with state and local "substantive" regulations, but that in light of the Supremacy Clause, such facilities need not comply with state and local "administrative procedures". The doctrine of sovereign immunity and the Supremacy Clause do not allow suit to compel Federal facilities to obtain state permits, although in other respects such facilities must comply with state regulatory plans. This permit exemption applies even though the only method of enforcement under a state's plan is through the permit system.31/

In further regard to the doctrine of sovereign immunity, the Clean Air Act specifically provides:

"...each...instrumentality...of the Federal government having jurisdiction over any property...in the discharge of air pollutants, shall comply with Federal, state, interstate, and local control and abatement of air pollution to the same extent that any person is subject to such requirement...."32/

But in construing this section, the court in Greater Anchorage v. Johnson 33/ found that although Congress had waived sovereign immunity, this waiver did not extend to criminal prosecution of Federal employees.

On June 2, 1976, the U.S. Supreme Court handed down two related decisions applying the principles discussed in this section. "Federal installations are subject to state regulations only when and to the extent that Congressional authorization is clear and unambiguous...."34/ and neither the Clean Air Act nor the Federal Water Pollution Control Act showed "clear and convincing" Congressional intent to subject Federal installations to permit requirements.

However, the Federal Resource Conservation and Recovery Act of October 21, 1976 ("Solid Waste Act")35/ states that in regard to solid waste disposal, Federal agencies must comply with all state and local requirements, including any permit requirements, and that Federal personnel are not exempt from any sanction including criminal penalties. The Solid Waste Act emphasizes that "...the collection and disposal of solid waste should continue to be the function of state, regional, and local agencies...."36/ Under § 18.60 of the Alaska Administrative Code, only a few categories of users, for example, farms, may operate a solid waste disposal facility without a permit.

STATE REGULATION OF PRIVATE LANDS

Of course, it must be emphasized that in most cases, the state is still the primary regulator of private land use. The law of zoning is the most classic example of this type of regulation. In Alaska, boroughs are to provide for planning, platting, and zoning on an areawide basis. (The legislature acts as the assembly for the unorganized borough. Zoning authority for unorganized areas has been delegated by the legislature to the Director of the Division of Lands.) A borough planning commission, consisting of local residents, is to prepare and recommend to the assembly (1) a comprehensive plan for the systematic development of the borough and (2) a zoning ordinance to implement the plan.37/ In accordance with the comprehensive plan, the assembly shall regulate and restrict the use of land and improvements by district. Such zoning regulations may include, but are not limited to, restriction of land use, building location and use, the height and size of structures, the number of stories in buildings, the percentage of the lot which may be covered, the size of open spaces, population density and distribution, and all other regulations which may be necessary.38/

Another important example of state regulation of private and governmental land use occurs under the Anadromous Fish Act.39/ The Act provides that

all rivers, lakes, and streams which are specified by the Fish and Game Commissioner to be important for the spawning or migration of anadromous fish are to be protected:

> "If a person or governmental agency desires to...use, divert, obstruct, pollute, or change...a specified river, lake, or stream, or to use wheeled, tracked, or excavating equipment... the person or governmental agency shall notify the commissioner... before the beginning of the construction or use....If the commissioner determines...he shall...require...full plans... and specifications for the proper protection of fish and game in connection with the construction or work...and shall require the person or governmental agency to obtain written approval from him as to the sufficiency of the plan or specifications before the proposed construction or use is begun."40/

Footnotes

1/ U.S. Const., Art. IV, § 3, cl. 2.

2/ U.S. Const., Art. VI, cl. 2.

3/ United States v. San Francisco, 310 U.S. 16, 84 L. Ed. 1050 (1940); McKelvey v. United States, 260 U.S. 353, 67 L. Ed. 301 (1922); See "Power of the Federal Government to Regulate State-owned Submerged Lands," memorandum to the Federal-State Land Use Planning Commission for Alaska, Lee D. Morrison, Legal Extern, December 7, 1976.

4/ Camfield v. United States, 167 U.S. 518, 42 L. Ed. 260 (1897).

5/ Anderson v. Chicago & N.W. Ry., 168 N.W. 196 (Neb. Sup. Ct. 1918); United States v. Unzeuta, 281 U.S. 138, 74 L. Ed. 761 (1930).

6/ United States v. Alford, 274 U.S. 264, 71 L. Ed. 1040 (1927).

7/ 33 U.S.C. 1251 et seq.

8/ 42 U.S.C. § 1857 et seq.

9/ 33 U.S.C. § 403, 407.

10/ Gibbons v. Ogden, 22 U.S. 1, 6 L. ED. 23 (1824).

11/ 43 F. 2d 199, 204 (5th Cir., 1970).

12/ 6 E.R.C. 1388 (1924).

13/ Holland, supra., 1395.

14/ 42 U.S.C. § 1857.

15/ United States v. Bishop Processing Co., 287 F. Supp. 624 (D. Md. 1968), Katzenbach v. McClung, 379 U.S. 294, 13 L. Ed. 2d 290 (1964).

16/ 6 E.R.C. 1769 (1974).

17/ Pennsylvania v. EPA, supra., p. 1776.

18/ South Terminal Corporation v. EPA, 6 E.R.C. 2025, 2044 (1974).

19/ 344 F. Supp 253, 4 E.R.C. 1205 (1972).

20/ 42 U.S.C. § 1857(b)1(a).

21/ Ruckelshaus, supra, p. 1206.

22/ 40 C.F.R. § 52.21.

23/ 40 C.F.R. § 52.21(c)(3) (1976).

24/ 9 E.R.C. 1129 (1976).

25/ Sierra Club v. EPA, supra, p. 1144.

26/ Sierra Club v. EPA, supra, p. 1148.

27/ 33 U.S.C. 1251, as amended.

28/ 40 C.F.R. 120.1, 120.10.

29/ 40 C.F.R. 130.17(a), (e)(2).

30/ "State Police Power Jurisdiction on Federal Land," memorandum to the Federal-State Land Use Planning Commission for Alaska, Steve Silver, Staff Attorney, September 20, 1976.

31/ Ruckelshaus, supra., p. 1645.

32/ 42 U.S.C. § 1857f.

33/ 6 E.R.C. 1989 (1974).

34/ Environmental Protection Agency v. California, 8 E.R.C. 2093 (1976); Hancock v. Train, 8 E.R.C. 2100 (1976).

35/ 42 U.S.C. § 6901 et seq.

36/ 42 U.S.C 6901(a)(4).

37/ A.S. § 29.33.080.

38/ A.S. § 29.33.090.

39/ A.S. § 16.05.870.

40/ A.S. § 16.05.870.

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ALASKA GEOGRAPHIC

WILDERNESS PROPOSALS

— which way for Alaska's lands?

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Cover — The raw Arrigetch Peaks in the Brooks Range and the clam-digging beach at Clam Gulch on the Kenai Peninsula exemplify areas where one would, and would not, want to take a truck. Right — Seal hunting at Cape Krusenstern. (Cover and page 1 National Park Service photos by Robert Belous; cover inset photo by Neil and Elizabeth Johannsen.)

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To teach many more to better know and use our natural resources

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WETA ARCTIC Project Brings D-2 Issue "Home"

Washington State business-labor interests and national resource-dependent industries have joined Alaskans in mounting a WETA-Washington administered action project to counter the grandiose wilderness scheme of the national preservationist groups.

Shortly after the Seattle Alaska d-2 hearing, a WETA-Washington ARCTIC Committee (Alaska Resource Committee To Influence Congress) was formed to communicate the natural resource, energy, mineral and job tradeoffs at stake in the Alaska National Interest Lands (d-2) issue.

Larry Keenan, Project Coordinator, prepared an analysis of the 46 members of the House Interior and Insular Affairs Committee. From this analysis, 26 Congressmen and their "home" districts were selected for the attention of Project ARCTIC.

The project centered around WETA-Washington member labor and business counterparts within the 26 Congressional Districts. Between August 15th and September 2nd, meetings were held in 17 cities in 13 states, reaching 18 Congressional Districts.

In each city, counterparts from **Building Trades Councils, Carpenters, Operating Engineers, Electricians, AGC Chapters,** etc., met with **Larry Keenan** to hear and discuss the Alaska d-2 lands issue.

The result of these meetings has been unanimous support through resolutions, position papers, etc., to: (1) limit the Congressional d-2 Act to 80 million acres; (2) protect land selection rights and benefits of Alaska Natives and the State of Alaska; (3) provide a generous allocation of multiple use lands; and (4) endorse the need of land use studies and mineralogical surveys as "guides" to Congressional land allocation.

ARCTIC is intended to allow another segment of the public, and another aspect of the Alaska d-2 lands issue, to be considered by the Congress.

The contact phase of ARCTIC will conclude with a Montana, Wyoming and California trip in late October.

Alaska Wilderness Scheme Sidetracked by WETA Members

The best laid plans of national preservationists groups to make Seattle just another stop of their "Alaska Wilderness Express" were derailed by WETA-Washington members and concerned resource spokesmen at the June 18th National Interest Lands (d-2) hearing.

Wilderness advocates piled off buses from Oregon, Washington, Idaho, and California confident that they would dominate the Seattle hearing as they had in Washington, D.C., Chicago, Atlanta, and Denver. They were met on the sidewalk of the Federal Building by over two dozen picket signs opposing HR 39, the preservationist Alaska wilderness proposal. Inside the building they were shocked by the posted registration of 583 (490 WETA-Washington) representatives opposing "HR 39," out of the total 1,200 registrants.

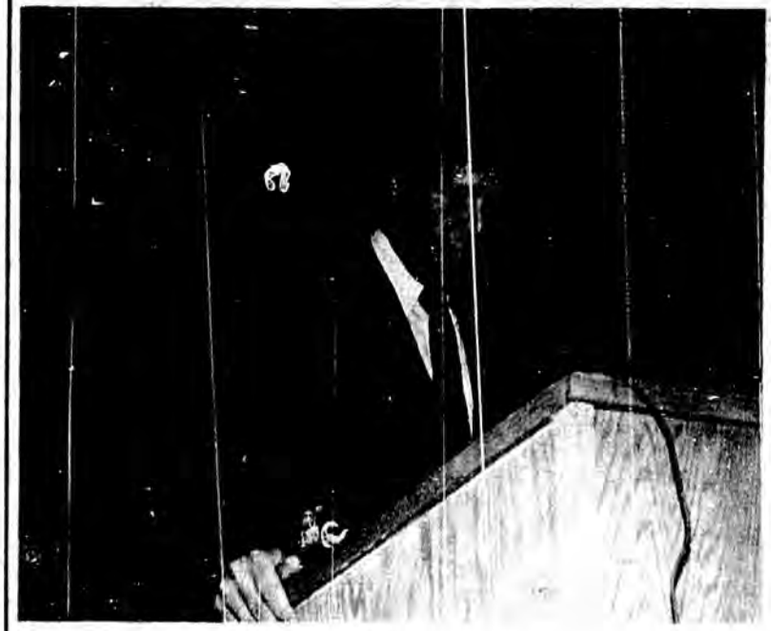
The Subcommittee on General Oversight and Alaska Lands selected Seattle as a regional hearing site for public involvement prior to the Congressional setaside of Alaska Federal lands as Parks, Wildlife Refuges, Wild and Scenic Rivers, and National Forests.

This Congressional activity stems from the Alaska Native Claims Settlement Act (ANCSA) of 1971 which granted Alaska Natives selection rights of 44 million acres of Alaska Federal land to establish a noncontested right of way for the Prudhoe Bay-Valdez Alaska Oil Pipeline. A provision of ANCSA, Clause d-2, authorized the setaside of up to 80 million acres as National Interest Lands to benefit all Americans in the land use forms of National Parks, Wildlife Refuges, Wild and Scenic Rivers and National Forests.

Proposals to satisfy the "d-2" provisions range from the Alaskan's "go slow" approach of joint state-federal supervision requiring more thorough study of lands prior to formal dedication, to the "instant wilderness" of as much as 146 million acres as proposed by the preservationists' bill, HR 39. To apply some perspective to these figures, 146 million acres represents an area larger than the States of Washington and California combined.

The Chairman of the Alaska Lands Subcommittee, Congressman **John F. Seiberling,** Democrat-Ohio, a cosigner of HR 39, was very tolerant at the hearing of pro-wilderness testifiers and songsters, while being short and demanding of those testifying in opposition to HR 39.

In response to testimony by a business/labor panel at 7:00 p.m., Seiberling announced that "jobs is a phony issue on HR 39; labor has been sold a bill of goods by management." His remarks were countered by **Morris D. "Whitey" Langberg,** Business Manager of Operating Engineers Local [illegible]; Clyde Hupp, Pierce County Labor Council; Ralph Spoore, Laborers Local 252; and Carl



Congressman Norman Dicks delivers a report from Washington, D. C. to the Red Tape Seminar luncheon crowd.

WETA-Washington Red Tape

Langberg presented the Chairman with a T-shirt proclaiming "HR 39 is An Environmental Octopus," while Mr. Speare explained to the Ohio legislator that his members must have energy resource availability and land use flexibility to make the environmental improvements needed by the public. Carl Williams corrected Selberling's "no jobs will be lost" statement by saying his local had sent him to testify against HR 39, and "If I were not here to oppose HR 39, my members would put me out of a job." Clyde Hupp advised, "my contacts within management are constantly reminding me (Hupp) that they cannot sell labor anything."

Representatives of oil and mining interests who had followed the national hearings said that the Seattle hearing was the first opportunity to present their information for the Congressional Record. "In Chicago and Denver we were limited to two (2) minutes each. Then we were questioned on our credentials, which occupied the bulk of our alloted time."

The Seattle hearings represented WETA spokesmen whose activities affected the entire spectrum of Washington's economy, and provided the Congressional Record with evidence of Alaska's resource and economic impact on Washington, and on the U.S. economy.

No-growth advocates, imported by the busload from as far away as California, were greeted by a WETA-Washington demonstration as they entered the Federal Building in downtown Seattle to attend Congressman Selberling's Alaska d-2 land hearing. Pictured above, in earnest discussion no doubt, are, left to right, ***John Murphy,*** *Operating Engineers Local 302,* ***Tony Motley,*** *CMAL;* ***Ralph Speare,*** *Laborers' Local 252; and* ***Morris D. "Whitey" Langberg,*** *Operating Engineers Local 302. (Photograph courtesy of the Seattle Times.)*

Seminar Highlights

Spokespersons representing government and industry presented important insights into national, state, and local regulations affecting land, residential, and commercial development at the Red Tape Seminar sponsored by WETA-Washington and the Washington Land Use Association.

Assembling in Bellevue August 24th, developers, government officials, legislators, and labor and business representatives heard a series of presentations by experts regarding the promises and perils of laws, regulations, and procedures affecting development activities.

The seminar was keynoted by **John Thompson,** Georgia-Pacific, who addressed national and local land use control legislation.

The morning program was highlighted by an ingenious presentation simulating an actual project relating the real world legal complexities of completing a successful project. The panel consisted of **Chuck Blumenfeld,** Bogle & Gates; **Jon Schneidler,** Cartano, Botzer & Chapman; **Stan Schultz,** Fish & Schultz; and **Bill Vetter,** Attorney at Law.

Closing the morning session was a down-to-earth presentation by representatives of the Washington Real Estate Licensing Division, **Ethel Williams** and **Lawrence Kirchoff.**

The featured luncheon guest speaker, **Congressman Norman Dicks,** addressed a packed luncheon crowd, and related his activities in Washington, D.C., on behalf of his constituents in the area.

Another unique part of the seminar heard a panel of "real live" developers, **Benjamin Clifford,** Lake Tapps Development Company; **Dave Morris,** Purdy Realty; **Jack Swanson,** Pacific Lands Associates, and **Larry Wieber,** Ponderosa Northwest, Inc., tell it like it is. They related the difficulties and challenges of bringing a project from an idea to fruition in today's regulated world. They also presented practical advice to the audience on the art of successful development.

From Washington, D.C., **Alan J. Kappeler,** Associate Administrator, Department of Housing and Urban Development, presented the agency's views on development regulations, and described the reasons for some of the actions of HUD.

Mr. Kappeler's presentation generated the greatest quantity of questions, and stimulated extensive discussion.

Wrapping up the session was a success story. **Doug Gray** and **Ron Buzard** held the attendees spellbound in describing the extraordinary success of The Glen at Maple Falls, and described all the correct ways of achieving a successful and profitable project.

Copies of the Red Tape Seminar Summary will make a valuable addition to the library of anyone who is concerned with or interested in development. For a copy of the Summary, send a request for "The Red Tape Seminar Summary", along with a check for $3.50 (for actual printing and mailing costs), to the WETA-Washington office.

Celebration!

The featured panel enjoyed spaghetti and politics. Seated, left to right, are: **Dr. Gene L. Woodruff,** University of Washington; **Professor David Bodansky,** University of Washington; **Bruce Wood,** Westinghouse Campus America; **Jack Vanderbeek,** Grays Harbor PUD Commissioner; **Chuck Witt,** Laborers Local 374; **Bob Dilger,** Washington State Building & Construction Trades Council; **David Jenkins,** Special Assistant to Governor Dixy Lee Ray; and **Charles T. Keenan,** WETA-Washington.

A good time was had by all September 25th in Aberdeen. Three hundred citizens enjoyed spaghetti, music, and speeches during an event celebrating 20 years of safe use of nuclear power to generate commercial electricity in the United States.

Sponsored by the **Citizens For Energy & Jobs,** an ad hoc committee of WETA-Washington, the Celebration marked the beginning of on-going activities by citizens to support needed energy production, and the jobs and growth which result from adequate energy supply.

While kiddies were playing with balloons, and volunteers were dishing out spaghetti and all the trimmings, a battery of featured speakers presented facts and figures regarding the need for energy, conservation, safety, and the many other factors and issues surrounding energy production.

Guest speakers included **David Jenkins,** Special Assistant to Governor Dixy Lee Ray; **Professor David Bodansky,** University of Washington; **Dr. Gene Woodruff,** University of Washington; **Bob Dilger,** State Building and Construction Trades Council; **Bruce Wood,** Westinghouse Campus America Program; **Chuck Witt,** Laborers' Local 374; **Jack Vanderbeek,** Grays Harbor PUD Commissioner; and **Charles T. Keenan,** WETA-Washington.

Following the program, a lively question and answer period proceeded well into the afternoon. The speakers, sitting as a panel, fielded a battery of questions by some 20 to 30 members of the Crabshell Alliance who attended the Celebration. The question and answer period was so well received by all involved, that plans for a future seminar on energy will be discussed by the Grays Harbor area Citizens For Energy & Jobs Committee. The location of the Celebration was near the site of the Washington Public Power Supply System's #3 and #5 planned nuclear generating facilities at Satsop.

Raise High Ross Dam

In the late 30's, when High Ross Dam was designed and built on the Skagit River, everyone was gratified, including the Canadians, into whose territory

Paralleling efforts to raise High Ross Dam is an effort by members of the City Council to negotiate with the Canadian government a contract to provide an amount of electricity equivalent to that which would be generated by the Ross Dam expansion.

The WETA-Washington Board of Directors reaffirmed its

Three hundred attendees partake of **Joe Tolomei's** famous spaghetti recipe, served by the WETA-Washington Citizens For Energy & Jobs crew.

A receptive crowd heard a battery of speakers discuss energy, jobs, etc., at the September 25th Celebration. **Dr. Gene Woodruff** makes a point while **David Jenkins** (left) and **Charles T. Keenan** contemplate Dr. Woodruff's comments.

up. People then and now also applauded City Light's forward-looking design. The dam was structured to be raised in the future for added capacity, the rights of way carrying the power into the Seattle area were also designed for future use, and an agreement was signed with the Canadian government to assure permission to contain the added water necessary to generate the electricity which the larger dam would obviously generate.

Caught in the hysteria of the mid-70's environmental backlash, High Ross became an issue more in style than in substance. Canadian and American protestors generated well publicized opposition to the Ross Dam expansion, claiming that wildlife habitat would be irreparably destroyed.

At the same time, opponents to High Ross generated and then exploited the issue as an American grab for Canadian resources. Though the ploy was discounted by the more enlightened observers of the international political scene, it did succeed in stampeding the British Columbia provincial government into supporting abatement of the American-Canadian agreement.

Meanwhile, back in Seattle, the Energy 1990 Study resulted in an ambitious conservation policy, which all but assured that future electric energy needs would be "generated" by various conservation means.

With the realities of a drought upon us, and faced with the spiraling cost of electricity obtained by other sources, there is renewed interest in raising High Ross Dam and obtaining the electricity which an expanded facility could generate.

Dam. The Board considers flooding 5,710 acres to be not irreparable damage to wildlife habitat, but a small and reasonable price to pay for added power resources, and for the added assurance that industry will be able to maintain its production and thus provide needed employment.

The Board also supports Seattle City Light's conservation efforts, and approved WETA-Washington's continued and vigorous activities in promoting conservation throughout the state.

Permit Process Charted

On the theory that lawmakers don't always appreciate the regulatory impact of their legislative decisions, WETA-Washington has embarked on a project named Federal Regulations Analysis Project (FRAP).

FRAP is the analysis and schematic representation of permit processes related to specific actions such as developing a housing project, constructing a highway, preparing a timber harvest, etc.

Phase I of FRAP, which is being initially sponsored by the **National Forest Products Association** (NFPA), addresses the regulatory process pertaining to building a logging road from a shoreline area, through federal timber, and into a forest product firm's private timber stand. The process includes the procedures of a Corps of Engineers Section 404 Dredge and Fill Permit, the State Forest Practices Management Act, the

(Continued on Page 8)