

HJR

22

# COMMITTEE REPORT

## HOUSE

FURTHER:

February 20, 1979

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on JUDICIARY has had HJR 22

Requesting the federal grand jury to hear charges and complaints against the Secretary of the Interior and other Interior Department officials.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

*Larry Martin*

*Robert A. ...*

*...*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

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*...*

\_\_\_\_\_

**CHAIRMAN**

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House Judiciary Committee

To: HJR 22 HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. \_\_\_\_\_

PAGE: 2

LINE: 2

Page 2, line 5.

after "they" insert "present or"

It is settled that, as a matter of due process, a criminal statute that "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute" *United States v. Harris* 347 U.S. 612, 617 (1954) or is so indefinite that "it encourages arbitrary and erratic arrests and convictions," *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972) is void for vagueness. *Drayton v. City of Rockford*, 408 U.S. 104, 108-109 (1972). This appears to be especially true where the uncertainty induced by the statute threatens to inhibit the exercise of constitutionally protected rights. See, e.g., *Smith v. Goguen*, 415 U.S. 566, 573 (1974); *Keyishian v. Board of Regents*, 385 U.S. 589, 603-604 (1967).

*B.S. says the grand jury usually does criminal stuff  
not this — done on initiative of U.S. Atty.*

Introduced: 2/20/79  
Referred: Judiciary

1 IN THE HOUSE

BY ANDERSON BY REQUEST

2 HOUSE JOINT RESOLUTION NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 Requesting the federal grand jury to  
6 hear charges and complaints against  
7 the Secretary of the Interior and  
8 other Interior Department officials.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 WHEREAS the grand jury constitutes an ancient system for citizens to  
11 seek redress of their grievances against government and the abuses of govern-  
12 mental officers; and

13 WHEREAS a federal grand jury is expected to be in session in Alaska in  
14 the near future, either in Anchorage or Fairbanks; and

15 WHEREAS it is within the prerogatives of the grand jury to hear charges  
16 and complaints of affected Alaskans against the recent imposition of the  
17 Antiquities Act; and

18 WHEREAS the Secretary of the Interior and his agents have threatened to  
19 place in jail honest miners, hunters, trappers and others who live in the  
20 areas of the recently established monuments for continuing to pursue their  
21 livelihoods; and

22 WHEREAS residents of the state are being cut off and denied access to  
23 their property by the unreasonable regulations of the Secretary of the  
24 Interior; and

25 WHEREAS the regulations adopted by the Secretary of the Interior con-  
26 stitute a de facto confiscation of the property of residents of this state;

27 BE IT RESOLVED by the Alaska State Legislature that the foreman of the  
28 federal grand jury is respectfully requested to initiate an investigation  
29 into the charges and complaints of residents of this state and, if the

*WHEREAS the Sec. Interior <sup>has attempted</sup> to withhold info 1976 reports*

1 charges and complaints are determined to be well founded, to bring appro-  
2 priate charges against the Secretary of the Interior or his agents who may be  
3 shown to have violated the constitutional and other rights of residents of  
4 this state.

5 A COPY of this resolution shall be sent to the foreman of the <sup>present or</sup> next  
6 federal grand jury sitting in Anchorage or Fairbanks.

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ALASKA STATE LEGISLATURE

Legislative Affairs Agency

Pouch Y - State Capitol  
Juneau, Alaska 99811

REGIONAL INFORMATION OFFICE

1024 West 6th Avenue  
Anchorage, Alaska  
99501  
(907) 278-3668

Enclosed for your information and files are materials relating to the  
teleconference on HJR 22  
held March 5, 1979, including a copy of the witness and  
observer list.

Judy Hopkins  
Anchorage Moderator

# TELECONFERENCE HEARINGS



SUBJECT: HJR 22 - Grand jury - Andrus

COMMITTEE: House Judiciary (PARR, Anderson, Brown, Buchholdt, Malone,  
Barnes, Martin, O'Connell, Phillips)

DATE: Monday, March 5, 1979

TIME: 1:30 - 2:15 A.S.T. Anchorage  
2:15 - 3:00 A.S.T. Fairbanks

SITES PARTICIPATING: Anchorage, Fairbanks

CONFERENCE MODE: Audio

LOCATION: LIO

MODERATOR: *Sophia*

UAA ADVISED, CONFIRMED	<u>na</u>
Extra bills ordered	<u>        </u>
Register prepared	<u>3/1</u>

NOTES:

PUBLICITY:

INVITATIONAL

INVITATIONAL: Select direct contacts at direction of chairman. No publicity requested.

Leo Mark Anthony 279-4702 *contacted*  
Peg Tileston 274-3621 *contacted*

Date            Quantity

PSAs	<u>        </u>	<u>        </u>
Audio PSAs	<u>        </u>	<u>        </u>
Video PSAs	<u>        </u>	<u>        </u>
News releases	<u>        </u>	<u>        </u>
Direct mail	<u>        </u>	<u>        </u>
Phone contacts	<u>        </u>	<u>        </u>

Other:

Posted at LIO         

*Bob Dittman*  
*822-3315*  
*Glen Allen*

Copies to LTN Juneau	<u>        </u>
Copies to committee	<u>        </u>
Copies to sponsor	<u>        </u>

NUMBER IN ATTENDANCE	<u>15</u>
NUMBER TESTIFYING	<u>13</u>

Name

Ray Monk

Here to TESTIFY YES T

Representing

The Citizens Legislative Comm

Mailing Address

SRB 516 Palmer Zip 99645

Here to OBSERVE \_\_\_\_\_

Phone

245 4128

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Ray Monk  
(signature)

Have you participated in other legislative teleconferences? 74 (How many?)

Would you have participated in this hearing if the network were not available? 7

PLEASE PRINT

Name

David Harding

Here to TESTIFY ✓

Representing

Kantishna Miners

Mailing Address

2605 Est 50th Anch. Zip 99507

Here to OBSERVE \_\_\_\_\_

Phone

349-7219

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

David Harding  
(signature)

PLEASE PRINT

Name

Debbie Dale

Here to TESTIFY ✓ T

Representing

Kantishna Miners

Mailing Address

2605 E 50th Anch. Zip 99507

Here to OBSERVE \_\_\_\_\_

Phone

349-4219

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Debbie Dale  
(signature)

Have you participated in other legislative teleconferences? NO How many? \_\_\_\_\_

Would you have participated in this hearing if the network were not available? yes

Name

Paul R. Wheeler

Here to TESTIFY

Representing

Gold King Mines INC

Mailing Address

Box 15743 STRA ANCHORAGE zip 99502

Here to OBSERVE

Phone

344-7415

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Paul R. Wheeler

(signature)

Have you participated in other legislative teleconferences? No. How many?     

Would you have participated in this hearing if the network were not available? yes

How did you learn about this hearing?

If yes, did you use the network:

PLEASE PRINT

Name

Sam Kopperberg

Here to TESTIFY

Representing

Self

Mailing Address

St. Rt. Box 145 Palmer zip 99645

Here to OBSERVE

Phone

445-3068

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Sam Kopperberg

(signature)

PLEASE PRINT

Name

Gordon Kukowski

Here to TESTIFY

Representing

40 MILE MINING DIST.

Mailing Address

828 E St. zip 99501

Here to OBSERVE

Phone

272-3228

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gordon L. Kukowski

(signature)

Have you participated in other legislative teleconferences? Yes. How many? 1

Would you have participated in this hearing if the network were not available? No.

Name

Bonita B. Midgott

Here to TESTIFY

(T)  
X

Representing

CMA

Mailing Address

1011 W 12th #1 Zip 99501

Here to OBSERVE

Phone

272-3717

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Bonita B. Midgott  
(signature)

Have you participated in other legislative teleconferences? X How many? 1

Would you have participated in this hearing if the network were not available? No

PLEASE PRINT

Name

Gerald Courtney

Here to TESTIFY

(T)  
X

Representing

Kantishna Mines Ltd

Mailing Address

Box 648 Eagle River Zip 99577

Here to OBSERVE

Phone

688-2204

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gerald Courtney  
(signature)

Have you participated in other legislative teleconferences? No How many? \_\_\_\_\_

Would you have participated in this hearing if the network were not available? \_\_\_\_\_

PLEASE PRINT

Name

Eric E. Wheeler

Here to TESTIFY

(T)  
✓

Representing

Gold King Mines Inc

Mailing Address

Box 1574B Star RTA Zip 99502

Here to OBSERVE

Phone

344-7415

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

\_\_\_\_\_  
(signature)

Have you participated in other legislative teleconferences? \_\_\_\_\_ How many? \_\_\_\_\_

Would you have participated in this hearing if the network were not available? \_\_\_\_\_

PLEASE PRINT

(T)

Name A. L. Renshaw, Jr.  
Representing Al. Miners Assoc.  
Mailing Address \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_

Here to TESTIFY   
Here to OBSERVE \_\_\_\_\_

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

\_\_\_\_\_  
(signature)

Have you participated in other legislative teleconferences? \_\_\_\_\_ How many? \_\_\_\_\_ Would you have participated in this hearing if the network were not available? \_\_\_\_\_

PLEASE PRINT

(T)

Name LARRY McMASTER  
Representing ME  
Mailing Address 6237 E 21ST AVE ANCH Zip 99504  
Phone 337 4463

Here to TESTIFY   
Here to OBSERVE \_\_\_\_\_

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Larry McMaster  
(signature)

Have you participated in other legislative \_\_\_\_\_ Would you have participated in this hearing \_\_\_\_\_

Name Robert W. Johnson  
Representing Hamsters Local 959  
Mailing Address Box 2092, Anchorage Zip 99510  
Phone 276-4334

(T)   
Here to TESTIFY \_\_\_\_\_  
Here to OBSERVE \_\_\_\_\_

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Robert W. Johnson  
(signature)

Have you participated in other legislative \_\_\_\_\_ Would you have participated in this hearing \_\_\_\_\_

Name Vicki L. Arnold Here to TESTIFY \_\_\_\_\_  
 Representing Alaska Miners Assn / The Sundust Co. / Alaska United  
 Mailing Address 8506 Corbin Zip 99507 Here to OBSERVE   
 Phone 344-3257

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Vicki L. Arnold  
 (signature)

Have you participated in other legislative teleconferences? no How many? \_\_\_\_\_ Would you have participated in this hearing if the network were not available? \_\_\_\_\_  
 PLEASE PRINT

Name Bob Strange Here to TESTIFY \_\_\_\_\_  
 Representing Libertarian Party  
 Mailing Address 5838 Rowan Zip 99507 Here to OBSERVE   
 Phone 344-3224

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Robert T. Strange  
 (signature)

Have you participated in other legislative teleconferences? no How many? \_\_\_\_\_ Would you have participated in this hearing if the network were not available? \_\_\_\_\_  
 How did you learn about this hearing? \_\_\_\_\_ If yes, did you use the network instead of travel? \_\_\_\_\_  
 PLEASE PRINT

Name Gary Donaldson Here to TESTIFY   
 Representing ALASKANS UNITED  
 Mailing Address 5705 DEBARR Rd. Zip 99504 Here to OBSERVE   
 Phone 337-9631

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Gary Donaldson  
 (signature)

Have you participated in other legislative teleconferences? \_\_\_\_\_ How many? \_\_\_\_\_ Would you have participated in this hearing if the network were not available? \_\_\_\_\_

MR. CHAIRMAN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE

MY NAME IS HOWARD McWILLIAMS - A SMALL PLACER MINE OPERATOR IN  
THE TALKEETNA DISTRICT

THE NUMBER OF MINING OPERATIONS BY SIZE, INDUSTRY AND TYPE AS OF  
FEBRUARY 16, 1977, STATISTICS OF THE DEPARTMENT OF THE INTERIOR,  
SHOW THAT 75% OF OPERATORS MINING LOCATABLE MINERALS IN THE  
UNITED STATES, FALL INTO THE SMALL MINER CATEGORY.

IN 1970 TO 1975 OVER 2700 MINE PROPERTIES WERE SUBMITTED TO 41  
MAJOR MINING COMPANIES. OF THESE 85% WERE SUBMITTED BY SMALL MINERS.

THE DEFINITION OF A SMALL MINE OPERATOR IS GENERALLY RECOGNIZED AS  
AN INDIVIDUAL, PARTNERSHIP OR CORPORATION WHICH IS NOT LISTED ON A  
MAJOR STOCK EXCHANGE: OR WHICH HAS A CAPITALIZATION OF LESS THAN  
ONE MILLION DOLLARS: OR EMPLOYEES LESS THAN 50 PERSONS, OR WHICH  
PRODUCES LESS THAN TWO HUNDRED THOUSAND TONS OF MINERAL ORES.

A SUCCESSFUL MINING OPERATION IS DEPENDENT UPON FAIRLY STABLE ECONOMIC  
CONDITIONS, PRUDENT BUSINESS MANAGEMENT, CARRIED ON OVER A LONG PERIOD  
OF YEARS, AND REQUIRES A SUBSTANTIAL INVESTMENT OF TIME AND MONEY,  
AND STABLE MINING LAWS.

THE FEDERAL MINING LAW OF 1872 IS A STABLE LAW UNDER WHICH MINING  
CAN BE CARRIED OUT IN A SATISFACTORY MANNER, WITHOUT INTERRUPTIONS,  
OVER A LONG PERIOD OF YEARS.

THIS LAW HAS NOT BEEN REPEALED AND IS THE LAW UNDER WHICH I ENTERED  
A COMPACT WITH THE FEDERAL GOVERNMENT, INCLUDING THE PATENTING  
PROCESS, WHEN I LOCATED MY MINING CLAIMS UPON FEDERAL LAND IN THE  
SPAN OF YEARS FROM 1948 TO 1968.

SINCE 1968, AND IN PARTICULAR SINCE 1976 WHEN THE VARIOUS LAND WITHDRAWALS AND LAND MANAGEMENT POLICIES WERE PROMULGATED, THE MINERS OF THIS STATE HAVE BEEN OPERATING UNDER AN EVER INCREASING MASS OF RESTRICTIVE AND CONFLICTING MINING REGULATIONS, SOME ARE LISTED HERE.

1. RESTRICTING ACCESS ACROSS FEDERAL LAND.
2. REQUIRING EXCESSIVE BONDING.
3. REQUIRING APPROVAL OF DETAILED MINING METHODS BY FEDERAL PERSONNEL.
4. RESTRICTING TOTAL MINING OPERATIONS TO ONE YEAR OR LESS. IF ANY OF THE DETAILS OF THESE REGULATIONS CANNOT BE MET, MAKES THE MINER SUBJECT TO FINES OR IMPRISONMENT, OR BOTH.

IT IS MY CONTENTION THAT THE FEDERAL LAND REGULATIONS AND THEIR IMPLEMENTATION BY THE DEPARTMENT OF THE INTERIOR THROUGH THE BUREAU OF LAND MANAGEMENT AND THE DEPARTMENT OF AGRICULTURE PLACE IN JEOPARDY THE VESTED RIGHTS OF MY MINING CLAIMS, BECAUSE OF THE UNFETTERED DISCRETION VESTED IN THE SECRETARY OF THE INTERIOR TO SUBDELEGATE TO THE LAW LEVEL "AUTHORIZED OFFICERS" OR OTHERS IN THE FIELD, THE RIGHT TO MAKE LAW ON THE SPOT AND TO ENFORCE IT WITH THE DEPARTMENT'S OWN MILITARY FORCE.

FURTHER, I AM APPREHENSIVE THAT THE DEPARTMENT OF THE INTERIOR WILL CAUSE THE DESTRUCTION OF MINE PROPERTY AND MACHINERY IN ALASKA, AS HAS BEEN REPORTED IN SEVERAL INSTANCES IN THE WESTERN UNITED STATES, BY THE DETERMINED APPLICATION OF THESE RULES AND REGULATIONS, CAUSING PERSONAL INJURY AND UNCOMPENSATED FINANCIAL LOSS TO MINE OPERATORS

AND THEIR EMPLOYEES.

THE IMPLEMENTATION OF THESE STRINGENT RULES AND REGULATIONS TO THE MINING INDUSTRY OF THE STATE HAS ALREADY CAUSED A GREAT LOSS OF REVENUE TO THE MINERS, SUPPLYING BUSINESSES, AND TO THE STATE.

THEREFORE, I STRONGLY SUPPORT HOUSE JOINT RESOLUTION NO. 22.

THANK YOU.

P.O. Box 1317  
Anchorage, Alaska.  
March 5, 1979

Senator Ted Stevens  
United States Senate  
Washington, D. C.

Dear Ted:

I am submitting the following statement, in brief form, that can be fully documented in detail, that may be of some use to you in your dealings with the Department of Interior in regard to their total inability to administer their assigned duty.

This is only one small example of a few of their bungling ways of handling an application for patent of a group of placer mining claims, causing a great waste of time and money to the Government and to citizens trying to work with them.

Statement:

1948 to 1968 - By hard work and expenditure of my own money I prospected for, explored and developed a 55 claim Placer Mining Operation located upon Federal Land under the conditions of the Mining Law of 1872, with proven ore reserves of ten million cubic yards of minable ground with values above three dollars a cu. yd. (mining costs, 1978 - \$1.27 cu. yd.)

1970 - Due to the Copper River Withdrawals and unrest in the Native claims a decision was made to delay investment in large scale mining equipment and start patent procedures on the claims to secure my interest in the land.

1971 - The patent process was started and resulted in four mineral surveys being made. Only the first survey is considered here.

Survey completed September 18, 1971. Approved by B.L.M., November 16, 1973. At this time I was told by B.L.M. to have ground prepared for Mineral Examination for their 1974 field season. This consisted of making crosscuts and test holes from surface to bedrock on the 15 claims of the survey. This preparatory work was accomplished at considerable time and expense.

1974 - Near end of field season B.L.M. cancelled Mineral Examination, rescheduled it for 1975.

1975 - After setting up Examination dates three times, finally cancelled out for year leaving me another year of expense of opening up the ground.

1976 - Near end of season B.L.M. sent out a mineral examiner who examined all 15 claims, returned to Anchorage and wrote out his report.

## FACT SHEET

In November, 1978 the Secretary of Interior announced to President Carter and publicly that bulldozers in Alaska were poised ready to begin the destruction of National Antiquities and that existing laws and regulations did not afford them adequate protection.

On December 1, 1978 on the recommendation of the Secretary of Interior, the President invoked public order #209 - The American Antiquities Preservation Act. This act created 56 million acres of new National Parks and Monuments in Alaska.

On December 8, 1978 the Secretary of Interior approved 4310-70-M Title 36 Part 9 of the federal regulations - The Mineral Management Comprehensive Regulations for Parks, Forests and Public Property. These regulations were placed in effect without review or public hearings and without the knowledge of any Alaska Miner.

Caught up in the vortex of all this are the small family miners of Alaska some of whom have been digging gold nuggets and dust out of Alaska's frozen earth for three generations.

The National Park Service Director for Alaska told the miners that valid existing rights to their claims would be honored and all the miners had to do was comply with the new Park Service regulations. However, the armchair bureaucrats who wrote the regulations effecting the livelihood of all these people created rules which are impossible for the miners to comply with.

The miners are required to submit an 18 Item plan of operations which must be approved by the Park Service before they are allowed access to their property on valid existing roads which they constructed and have been using for years. The operating plan requires so many additional costs for registered surveys, social, economic and environmental studies that the operations cannot absorb the costs. Even if a few miners could qualify, the regulations require a \$200,000.00 blanket performance bond. It is impossible for any of the miners to obtain this kind of bonding in Alaska. Even if the bonding was available, the premium alone would exceed the earning power of most of the family operations where often the teen age boys grow up operating the equipment every day during the 3 month mining season.

The miners are now in a real quandary. They cannot plan for next seasons mining which begins in June without breaking the laws. If they can't mine, they can't pay their bills and lose their livelihood! If they mine, they face severe penalties and possibly could go to JAIL.

## OUTLINE OF EVENTS

U.S. Senate held hearings last February 1978 in Anchorage.

Sierra Club and Department of Interior contended Kantishna Mining District needed to be withdrawn to protect caribou.

Testimony by Will Troyer, USF&WS, State Fish and Game showed that Kantishna Mining area is not presently important to the Mt. McKinley caribou herd.

November 1978 - Secretary of Interior issued draft environmental statement for alternate land decision.

The total statement of 20 volumes was not made available. Deadline for public comment was too short and there were no public hearings in Alaska. We requested both. Interior furnished draft environmental supplement. We asked that environmental impact statement address the issues.

Valid existing rights:

livelyhood	living standards
investments	property rights
traditional life-	access
styles	cost/benefit to the government & taxpayers

Suitable period for study and to list our civil, economic and environmental rights which might be denied.

Registered letter was never answered.

December 1, 1978 - President, upon the recommendation of the Secretary of Interior, invoked Antiquities Preservation Act.

December 8, 1978 - Secretary of Interior placed into full effect 4310-70-M-Title 36. Minerals Management Comprehensive Regulations.

Taken together these actions deny access to every miner and claim holder. Regulations require an 18 item plan of operation and must

be approved by the Park Service before mining or access is allowed. Operating plan requires so many additional costs for registered surveys, social, economic and environmental studies, miners cannot afford the cost or comply. Even if a miner could comply, bonding requirements are too expensive, \$200,000 blank bond.

Park Service is now coming out with interim mining regulations but they beg the issues. Is it legal for the Secretary of Interior and his agents to deny any of our valid existing rights without due process and without proper indemnification?

WHEN YOU TOOK ME YOUNG AND TRUSTING,  
 FROM THE GROWLING RUSSIAN BEAR,  
 LOUD YOU SWORE BEFORE THE NATIONS,  
 I SHOULD HAVE THE EAGLE'S CARE.  
 NEVER YET HAS WING OF EAGLE  
 CAST A SHADOW ON MY PEAKS,  
 BUT I'VE WATCHED THE FLIGHT OF BUZZARDS  
 AND I'VE FELT THEIR BUSY BEAKS. Sam Dunham 1899

The wing of the federal eagle is surely casting a shadow on Alaska's peaks now and we are not only feeling its beak but those of the environmentalists. The state is being smothered by a flood of federal laws, statues, regulations and restrictions all designed to eliminate all forms of mining and prospecting. With the blessing of President Carter, Sec of Interior Carl Andrus pours it on. Urged by at least a hundred dedicated environmentalists in the White House, Dept of Interior and Bureau of Land Management, Andrus preaches sweet reasonableness to Rep Morris Udall, Chairman of the House Interior Committee and its members.

Again he urges passage of HR 39 which would set aside 118 million acres to the exclusion of miners and mining. At least 200 small and subsistence miners *ARE IN JEOPARDY* at Kantishna, Woodchopper, Forty Mile, Ophir and Bonanza Hill. For the most part they can't comply with the phalanx of regulations and are denied their property rights. They are being harassed by regulations, required to jump through procedural hoops, post bonds, prepare infinitely complicated plans of operations, and endure endless obstructionism and bureaucratic delay.

President Carter's promise of a populist, egalitarian, informal and operable government has turned into a government of intolerant zealots and bigots, clothed in self-righteousness. They have taken over and are fouling the processes of government. With virtually unlimited financing (OPEC ?) they include the Wilderness Society, the Sierra Club, the so-called Alaska Coalition (with a \$69,000,000 budget) with single minded lockup views to maintain hundreds of millions of acres in Alaska and the other western states in their pristine original state. These are then dedicated to the few people with the time, wealth and resources to view them.

The prosperity, and indeed the very security and survival of the nation is threatened. With a deficiency in the international balance of payments approaching \$100 billion in 1985, the probable loss of Iran's oil, and fiscal disaster due to inflation, Carter and Andrus are determined to prevent Alaska's oil and mineral development. The American Mining Congress estimates 70% of land rated highly favorable for minerals by the US Bureau of Mines would be closed under HR 39. Three major mining discoveries in SE Alaska included in national monuments designations made by the President in Dec '78 are closed off by HR 39: Greens Creek gold, silver, zinc and lead deposit on Admiralty Island; Yakobi deposit of Inspiration Copper, underlaid with copper, nickel and cobalt and Quartz Hill molybdenum deposit of U.S. Borax. U. S. Borax estimates molybdenum reserves in excess of 700 million tons, the second largest ore body of its kind in the world. The deposit estimated to be worth \$7 billion could be developed by the mid-80s. There isn't a single major mine operating or with a chance of operating in Alaska under the present administration. The following is a direct quote by Sec Andrus from a highly responsible source: "I am putting Alaska into wilderness to stop mining there."

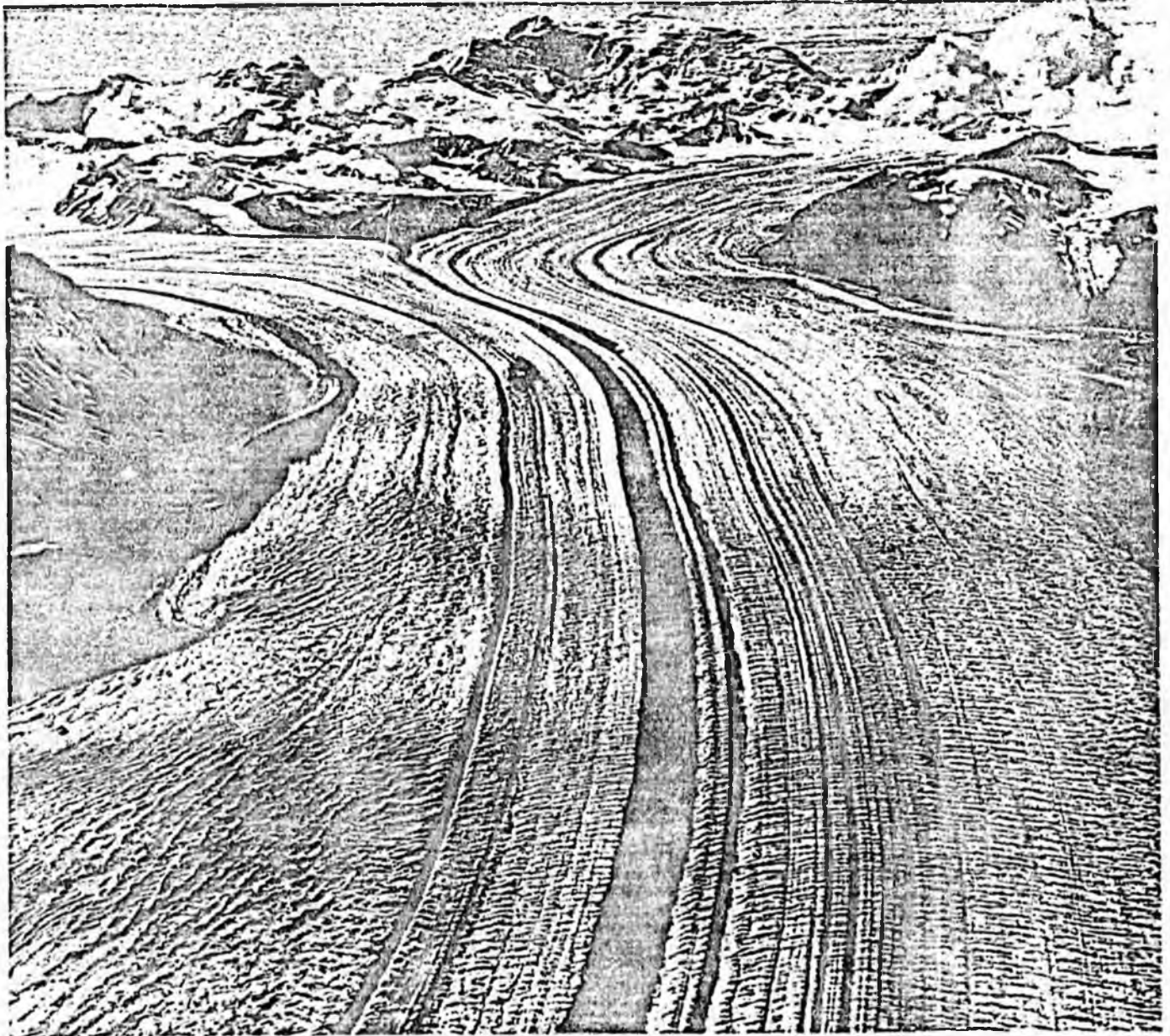
# ALASKA

## THE GREAT LAND WAR

by Susan Schiefelbein

Just below the Arctic Ocean, an awesome expanse of earth sweeps across five time zones: Alakshak, the great country, the land we call Alaska. Its northern lights shimmer over endless stretches of ice—one of the glaciers here is larger than all Holland—and yet its boundaries also embrace sand dunes and desert and a dense rain forest. Its three million lakes and ten thousand streams brim with rainbow trout, Arctic grayling, and five kinds of salmon. Bald

eagles and falcons ride the winds; below them wander the last great herds of caribou in the Americas. Valleys store oil, gold, and a dozen other precious minerals. McKinley, the highest mountain on the continent, presides over this domain, its craggy face a testimony to its native name—Denali, the Great One. No wonder Alaskan natives need only one word—gar-rundi—to express both "life" and "land." For here the two are entwined.



The Nabesna Glacier in the Wrangell Range—"Lobbyists are snatching for such wilderness acres as though they were stashed in a bin at a rummage sale."

**T**ODAY, ALASKA FACES an uncertain future. The time has come to decide how much of its wilderness should be commercially exploited and how much should be preserved—and the dilemma has touched off a national debate. The issue first made headlines last year when the House passed legislation that would prohibit development on an Alaskan landmass the size of California. Although the bill never reached a Senate vote, the fact that congressmen have vowed to reintroduce it this session has fueled opponents' and proponents' fervor. Lobbyists are snatching for Alaska's acres as though they were stashed in a bin at a rummage sale—environmentalists want as much land as possible preserved and developers want it left open for extracting its resources. Senators have accused colleagues in Congress of sabotaging bills, spreading propaganda, and stooping to Watergate tactics; some have even threatened to oust the Secretary of the Interior for supporting a conservationist bill. In Alaska, a newspaper has suggested that environmentalists are in collusion with Arabs in a plot to lock up North Slope oil, and a state legislator has proposed that fires be set in the national parks.

For the moment, Alaska rests safely, the lands in question declared as monuments by President Carter in an effort to keep all hands off them until congressmen address the issue this year. Influential senators and the President himself say the congressional deliberations to come will be the most significant environmental debate of the century; for what legislators decide will in large part determine whether Alaska is wisely developed and its beauties preserved, or whether Lilliputian special-interest groups will carve this ancient giant into a crosshatch of land claims, squandering its wealth and disfiguring its face for all ages hence.

On one side of the coming debate stand those who cherish Alaska for its vast store of wealth—an estimated 12-49 billion barrels of oil (the U.S. consumes about 6 billion a year); 29-132 trillion cubic feet of gas; 130 billion tons of coal; and profitable amounts of 16 of the 18 minerals the Department of Defense calls "critical" to national security. The people who oppose such preservation efforts as last year's bill (H.R. 39) want to develop such riches to the fullest. Their numbers include the entire Alaskan congressional delegation (Senators Ted Stevens and Mike Gravel, and Representative Don Young); the oil, mining, and timber industries; and a great many of the Alaskans themselves.

On the other side are those who believe that the unspoiled wilderness is itself a precious resource that should be preserved. Leading spokesmen for this group include Representative Morris Udall (D-Arizona), who introduced last year's House bill; Representative John Seiberling (D-Ohio), who shepherded the bill through the subcommittee; Secretary of the Interior Cecil Andrus, who orchestrated the administration's monuments declaration; and most conservation groups—especially the Alaska Coalition, which is made up of more than two dozen environmental organizations that have banded together for the Alaskan wilderness battle. They contend first, that industry has plenty of resources to exploit in areas outside the parks they have proposed, on state acreage and non-restricted federal land. They also feel that oil and minerals—which, due to the nature of Alaskan ore deposits, would almost all require open-pit or strip mining—are not always the land's most valuable assets. "There are those who think that the only worth to the land is an extractable resource," says Andrus. "But some people are willing to consider living resources. To those who say 'oil is where you find it,' I say, caribou are where you find them, too. And unlike the oil, we know exactly where the caribou are."

Unfortunately, the issue is more complicated than even these two seemingly deadlocked positions suggest. The bill

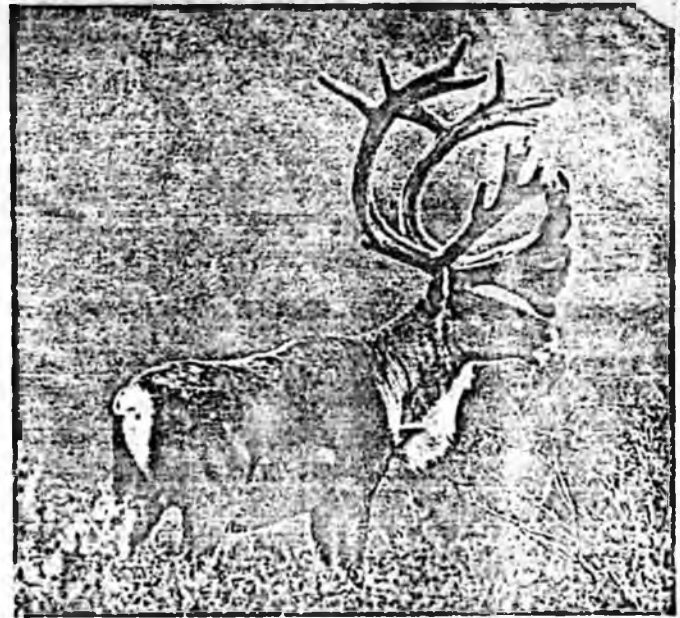


PHOTO RESEARCHERS INC.

Caribou—*"Magnificent beasts requiring millions of acres for feeding."*

introduced last year was crammed with all the details that must be considered when a state has not been fully settled—or, in Alaska's case, not even fully civilized. Future railway lines, provisions for sewer facilities, the rights of those who hunt for most of their food, the right of bush planes to penetrate the otherwise impenetrable wilderness—all are causes for contention between the developers and the preservationists. The complexities, however, must not obscure the fundamental issue: How much of America's last and largest wilderness will we sacrifice for present profit, and how much can we afford to protect in its natural state?

**T**HE LEGISLATIVE HISTORY of the Alaskan lands battle started more than a century ago, when the words *energy shortage* and *environmentalism* were not even in the common vocabulary. In 1867, when Seward purchased his "folly" from the czar, the Russian treaty specified how the United States was to treat the "uncivilized"—that is, the natives who had lived in Alaska since their ancestors crossed the Asian land bridge—but it never actually discussed the land rights of these people. The United States followed this lead, assuming ownership of a territory despite the fact that its native people, unlike the American Indians, had never been conquered, bought out, or even conned out of their lands. Native land rights were once again ignored when Congress granted Alaska statehood in 1958.

When the federal government grants statehood, it gives some land to the new state government and keeps some for itself, with its largest shares being in Nevada (where the United States owns 87 percent of the land), Utah (66 percent), and Idaho (63 percent). Although Alaska stands fourth in this line—with 60 percent of its land federally owned—its size is so awesome that the "leftovers" given to the state translate into a whopping 104 million acres, nearly five times the acreage granted to any other state. The state was also granted all navigable waters and its coastline, rich with oil and longer than the entire coastline of the lower 48 states.

These lands, though, were not divvied up all at once. The federal government proceeded to pick its acres at leisure, setting aside parks and national forests as the need arose. The state was given 25 years in which to choose any lands not previously claimed by the nation. Hoping to acquire land best suited for settlement and mineral exploitation, the state also made its choices slowly. In the first decade of statehood,



The last frontiersmen—Secretary of the Interior Cecil Andrus, Representatives Morris Udall and John Seiberling

Alaska selected only 26 million acres of the 104 million acres it had been granted.

Then, in 1968, came the impetus that forced all sides to cease their sluggishness on the lands problem. Atlantic Richfield struck black gold on the North Slope, some ten billion barrels of it. In short order, the natives, who had been claiming an aboriginal right to the entire state, filed suit, and a half dozen oil companies realized that the pipeline they had planned would trespass across native land if the natives won a sizable land settlement. Congress responded by passing the Native Claims Settlement Act, in 1971, which granted 44 million acres and \$1 billion to Alaskan natives and, not coincidentally, cleared the way for the pipeline.

**A**T THIS POINT, one more group joined the now burgeoning cast of characters in the play for Alaskan land. Environmentalists eyed the huge statehood grant, the huge native grant, and the huge corporate oil and mineral claims, and they began to fear that Alaska's wilderness would be exploited without forethought, that scenic values would be destroyed in the rush to make the last frontier our next Detroit.

To allay environmentalist fears, Congress included a special section—"17D(2)"—in the Native Claims Act that was intended to give some order to the confusion of land grabs. The section required that Congress examine up to 80 million acres of Alaska's lands for inclusion in the nation's park system. Section D2 had one hitch: Its temporary freeze preventing the state from claiming the rest of its land would end on December 18, 1978; if Congress was going to preserve any of the lands permanently, it would have to act before then.

D2 created an uproar. The fury in the state was only partially caused by the number of acres set aside; with or without D2, after all, the federal government would eventually own 60 percent of the state. Alaskans fumed instead over what the government was planning to do with those lands.

Unowned land in Alaska has always been overseen by the federal government; but it has been overseen with very little restriction by the Bureau of Land Management, an agency so pro-industry that Andrus has labeled it the "Bureau of Livestock and Mining." BLM land is open to the public for logging, road-building, hunting, mining, fishing, cattle grazing, and hydroelectric development. One of the four federal ownership classifications, national forest, is so open to "multi use"—an official euphemism, some say for multi-abuse. At the time of D2, the BLM and the Forest Service managed 90 percent of Alaska.

The reason why state and development interests found D2

**'Alaskans feel that they can dance around a bonfire refusing conservation and the issue will go away,' says Udall. It won't; he is reintroducing a bill this year.**

troublesome was that the 80 million acres set aside were to be considered for inclusion in the three other, more restrictive classifications—wild and scenic river; wildlife habitat; and national park—in which almost no development can take place. Any of these classifications can be made still more restrictive by giving them a "wilderness overlay," which prohibits even the building of roads and permanent structures.

Thus the pro-development interests were especially outraged when, early in 1977, Congressman Udall introduced H.R. 39, which was even stricter than the authors of D2 had envisioned. The bill put aside 121 million acres in the strict classifications, about half of which were also given a wilderness overlay. The legislation passed the House.

But when the bill reached the Senate, it hit a snag. Although the House had reviewed the bill thoroughly and conducted thousands of hearings, industry sympathizers felt they had not had their day in court.

While Udall claimed that 70 percent of Alaska's mineral wealth lay outside his proposed parks, as well as 95.5 percent of the favorable oil and gas deposits and all of the coal, developers saw the statistics differently. They contended that while most of the deposits were outside boundaries, they felt the best ones were inside. Worse, they said, Udall's estimates were based only on known deposits—and Alaska has not yet been fully explored.

Udall, of course, had an answer for these objections: "If you want a final resource analysis," he said, "drill up the whole state. We didn't know everything there was to know about the Grand Canyon, either, but we knew enough to be justified in setting it aside." Seiberling, for his part, felt that the problem had little to do with whether most resources were outside proposed parks. "The problem," he said, "is that developers don't want 95 percent of the resources; they want them all. The selfishness of the industries involved in this issue would blow your mind."

Andrus also argued against the industry lobby. To those developers who claimed that preservation would devastate Alaska's economy, he pointed out that southeast Alaska's biggest employer, the fishing industry, would stand only to benefit if streams and spawning beds were protected; and he



Boomtownt triumvirate—Alaska's Representative Don Young, Senators Mike Gravel and Ted Stevens

**Stevens has pledged that if an environmental bill passes, he will in the future use his Senate vote for revenge. 'I don't get mad any more,' he says; 'I get even.'**

emphasized that Alaska's tourism—which is expected to burgeon if a bill passes—brought in \$150 million just last year. And as for the industry claim that an area the size of California was being "locked up" in parks, Andrus pointed out that the land left open to exploitation would be *twice* the size of California. Finally, Andrus stressed, preserves could be opened for exploitation in the future if the need arises.

But the bill's opponents found postponed extraction almost as objectionable as no extraction. Said Alaskan Congressman Don Young: "What will happen if there's a war or a world shortage of resources? They'll go in and tear up the wilderness for copper and bauxite. There will be no controls and they will destroy the fish and pollute the air. A bill like H.R. 39 could be the worst environmental bill in history."

Environmentalists, however, were not worried by Young's dire predictions; nor, for that matter, was the administration—which, represented by Interior Secretary Andrus, had submitted a lands proposal that was very much in the conservationist spirit of H.R. 39. Nevertheless, in the end, the string of haphazard events that surrounded the bill's Senate stay led to a far different conclusion than Udall, Seiberling, or Andrus had hoped for. First, Alaskan Senator Mike Gravel threatened to filibuster any Alaskan lands bill that was brought to the Senate floor. He even arrived at the Senate one day prepared to read the entire two-volume biography of Gerald Ford, boasting to the press that he could "bring the Senate to its knees on the subject." He did not attend any of the subcommittee meetings at which the Senate bill was drafted. Despite the antipathy of some Senators and heckling in the press (which has been a thorn in his side ever since he nominated himself for Vice President in 1972 and, on another occasion, proposed that a domed metropolis be built at the base of Mt. McKinley), he stood firm on his filibuster plan. "Where the survival of the state of Alaska is at stake, I feel morally justified." His popularity in Alaska soared.

Alaska's Republican Senator, Ted Stevens—the minority whip, who was recently critically injured in a plane crash—did push the bill along, despite the fact that he considered H.R. 39 "an abortion" and Congressman John Seiberling a "dilettante." He readily admitted that his eagerness to pass a

bill stemmed only from the fact that Andrus had publicly warned that the administration would declare the land as monuments if Congress failed to meet its December deadline. Stevens thus attended virtually every meeting of the Senate Interior Committee, although some observers say that his bickering did more to delay the bill than to push it forward. Editorialists went so far as to say that the great conservation record of Senator Henry Jackson, who chaired the committee, was in danger of being shattered, so amenable was he to Stevens's suggestions. The bill that finally was reported was considered, by some, to be a chaotic mess of land divisions. Seiberling described the Senate plan as "unacceptable." Andrus called it "less than desirable." No compromise was made, and the bill was never brought to a vote.

The lands proposal did not evaporate in total ignominy, however. The President, as Andrus had urged him, declared some 56 million acres as national monuments—which gives them virtually the same protection as parks. And Andrus has used his own power to set an additional 50 million acres aside for three years, making them ineligible for state, native, and mining claims. Both actions are revocable by Congress—which is exactly what Andrus had intended: "I am not superimposing my personal beliefs over Congress. But on December 18, the land would have been unprotected, and I wasn't going to let the rape, ruin, and run boys exploit it before Congress could act again."

However temporary these designations may be, they do not suit the state. Alaskan Congressman Young insisted—in a flood of angry comments about "bearded backpackers" and environmental "zee-lotts"—that the state was being subjected to colonial rule from Washington. "We'll do something," he said. "We'll get rid of the Secretary of the Interior in two years." Gravel called the executive declaration an "abuse of power" by which he is "horrified." And while Stevens at least prefers the President's action to a bill as strong as H.R. 39—he says he can undo what the President does, but not what Congress legislates—he promised that if an environmental bill ever does pass, he would use his Senate vote as a mechanism for revenge. "I don't get mad anymore," he said; "I get even. The rest of the country would never get over it."

**N**EITHER UDALL nor Seiberling is worried about the Alaska delegation's accusations or their tactical plans for the coming years. Both hope to reintroduce a proposal this session. "There is a feeling in Alaska," Udall reflected recently, "that they can dance around a bonfire refusing to accept any land conservation proposal and the whole thing will go away. But every major land bill of this

kind has taken more than one Congress. I worked my tail off for eight years on the strip-mining bill; so be it with this one.

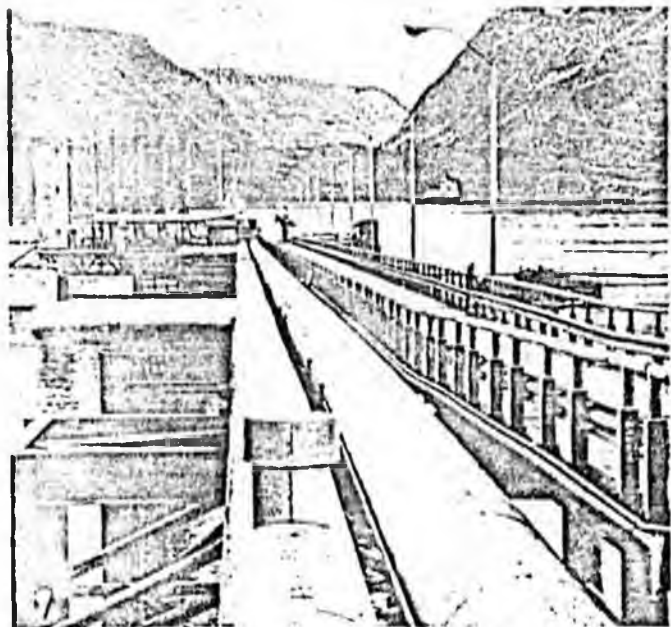
"And I want tickets to next year's filibuster," he concluded serenely. "Because it's going to have to last 20 months. We'll see if Senator Gravel can succeed in tying up the Senate that long for his selfish reason."

**H**OWEVER HEATED the debates, the issue looks a bit cut-and-dried in the colorless corridors of Washington. Maps, statistical graphs, and postcard-pretty photos lie piled on desk tops, and it seems that one need only look at the figures objectively to make a cold but rational decision. While bureaucrats draw their boundaries across government maps, the concept of sacrificing profits to preserve birds, glaciers, and caribou seems like silly sentimentality.

But it isn't that way at all when viewed from the heights of a mountain in Alaska, where the wilderness stretches out before you to eternity. The most frustrating experience in a visit to Alaska, in fact, is the difficulty one has absorbing its magnificence. The land is more than primitive; it is primordial, one of the last corners of earth that remains the way it was in the days before man was even created. Every time the eye moves it comes upon another spectacle. The pageantry of the landscape, brilliantly colorful in the clear air—the awesomeness of the distances and heights—are so overwhelming that one has the desperate impulse to wear blinders so that the beauties can be appreciated one by one.

Which of these panoramas have created the deadlocks in land decisions? One of the areas most bitterly disputed is the Arctic National Wildlife range. About 60 miles east of Prudhoe Bay, the area overlies the eastward extension of the geologic structure now producing the prodigious amounts of North Slope oil. Energy czar James Schlesinger's staff claims that the area is one of the largest potential onshore petroleum fields in America.

But this range is also the winter home of the great, galloping Porcupine caribou herd. Each year 120,000 of these magnificent beasts migrate between the Arctic Wildlife range and its extension in Canada—a distance equivalent to a round trip between Washington, D.C. and Chicago—requiring millions of acres for feeding on the tundra's sparse vegetation. The Canadians, hopeful that Americans would share in the responsibility of guarding the herd, have already prohibited a gas pipeline across their share of the grounds, knowing that



The Alaska pipeline—With construction came theft, larceny, prostitution.

some 250,000 animals in the only other arctic herd have died in the past seven years, a loss that some zoologists say was caused in part by the construction of the Alaskan pipeline.

The Tongass rain forest in southeast Alaska is another legislative battleground. The region erupts with dark mountains that loom from fjords whose silver waters serve as reflecting pools for the rugged terrain at their edges. One of the first areas settled by Caucasians, the land is dotted with historic remains of the early Indian cultures, the Russian period, and the Klondike gold rush. Environmentalists say these lands should not serve as an open pit for copper-miners who wish to extract a mineral that is already a drag on the market.

The Noatak River has posed another conflict. The river drains the largest undeveloped and unpolluted watershed in the nation; the United Nations has declared it an International Biome Reserve—a river qualified to give scientists the opportunity to study a water system that is entirely untouched by man. If one stream feeding into it becomes polluted, the reserve's worth to scientists disappears.

The remaining conflicts are too extensive to catalog here, but descriptions of the areas in question read like letters from Shangri-la. They include the Yukon Delta, which is the breeding ground for most of the swans, ducks, geese, and other waterfowl that eventually migrate throughout North America; the Wrangells, the most expansive stretch of glaciers in the nation; and the Gates of the Arctic, awesome, needlelike granite peaks that stand at the doorway to the Yukon.

But in the end, oil and minerals, caribou and eagles, mountains and glaciers and tundra are really not the most important considerations in the Alaska issue. More important is the effect the decision will have on the people involved—in Alaska and the nation, now and in the future.

How do Americans feel? Of the 2,000 individuals who testified on H.R. 39—a greater number of people than has testified on any legislation since the civil-rights bill of 1964—the overwhelming majority supported conservation of Alaska, with an intensity that, as John Seiberling described it, was stunningly philosophic, sometimes almost biblical.

But despite the fact that testifiers came from all age-groups and hundreds of occupations, many Alaskans dismiss the outcome of the hearings, due mostly to their conviction that anyone who would support conservation in Alaska must be a bearded berry-picker—that old hippies never died, they just faded into environmentalists.

One might think that Alaskans—the people who have actually seen the wilderness—would be the first to protect it from developers. Not so. While they appreciate the scenic beauties of the bush, many residents came to Alaska to share in the singular experience of building a state. Despite the low ratio of people to land—the population of the city of Buffalo, living in a state twice the size of Texas—most Alaskans live in towns. And the atmosphere in those towns is fiercely independent; they want to do things on their own—construct more roads, more rail, more buildings—conquer the wilderness. Anchorage is a displaced boomtown from the Old West, complete with saloons that still erupt with brawls.

Contributing to this frontier spirit is the fact that Alaskan towns must be self-sufficient; they are cut off not only from the rest of the nation but from each other as well. Only 3,062 miles of road have been paved in the entire state—17 percent of the paved mileage of Connecticut. Three-quarters of the post offices can be reached only by air. Teenagers don't ask to use the family car—they want the family bush-plane.

As a result of this isolation, a camaraderie has grown up among Alaskans, a "them against us" spirit reflected even in the everyday speech. The rest of the country is referred to as "the lower 48" or "the United States." A non-Alaskan—whether from Chicago or Tokyo—is an "outsider." When the

telephone company finally managed, in the not-so-distant past, to bypass operator assistance in calls from Alaska to the rest of the nation, newspaper ads read, "Now you can dial America direct." Alaskan humor, too, is touched by the same sort of independent spirit. A favorite Klondike prank entails covering hard moose droppings with gold paint, then sending the package off to outsiders as a gift of "gold nuggets."

As the prank suggests, Alaskans tend to think of outsiders as ignorant when it comes to the Alaskan lifestyle—and they resent what they consider to be an "uneducated" intrusion into their state. "We voted for statehood because we thought we'd get some rights and not be run out of Washington like we were a territory," says John Miscovich, a gold-miner at Flat who is planning a 25-square-mile open-pit mine with four major corporations. Miscovich adds that environmentalists he has spoken to are "sly foxes who can't be trusted"; and as for their precautions—well, if his claims were on federal ground, he'd have to be replanting his exploration sites "so some moose wouldn't trip over them." Walter Magnusen, another rough-hewn miner, who once found a single nugget worth \$400,000, claims, "There are already lands set aside for

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### Fairbanks now has the singular distinction of being the most polluted city in the United States.

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birds. It's okay to draw those section lines as long as they show the birds where the boundaries are."

There are Alaskans, of course, who think differently. One poll, for example, revealed that 61 percent of the people questioned supported a "wilderness concept." Says gold-miner John Fullerton, "I don't think preservation of some lands would be so bad, but I hesitate to say anything. I'm always looking over my shoulder to see who is coming into the room." His comment underlined a remark Udall once made—"You're not part of Anchorage society if you support a preservationist bill."

That society is led, as well as recorded, by the *Anchorage Times*, the most widely read paper in the state. The *Times* is flamboyantly antipreservationist, and its editorial philosophy frequently slips off the opinion pages and into the headlines, a habit that may at least partially explain why many Alaskans are so misinformed about last year's legislation. John Seiberling, for example, describes a press conference arranged for him when he went to Anchorage to conduct hearings last year. The *Anchorage Times* reporter wasn't there, but afterward, he approached Seiberling, apologized for being late, and proceeded to ask the congressman if it were true that he wasn't interested in the opinion of Alaskans. Seiberling says he answered, "If all we were doing was taking a poll of Americans, 400,000 Alaskans wouldn't count for much next to the population of the rest of the nation. But it's obvious that we're interested in Alaskans by the very fact that I'm here in Anchorage to conduct hearings." The next day the *Times* headline read: *400,000 Alaskans Don't Count*.

If one wonders how Alaskans could be influenced by such distortions of fact, it is all the more puzzling to discover that the truth about the biggest development project yet to hit the state—the construction of the Alaskan pipeline—has been all but forgotten. That story may hold the key to the issues surrounding the great Alaskan lands lockup.

On September 10, 1969, Alaska opened bidding to North Slope oil land; by the end of the day the state had taken in nearly \$1 billion in cash. Construction of a pipeline started a few years later. Personal income in Alaska rose quickly by 20 percent; unemployment went down by 3 percent. The field is capable of

producing some 10,000 barrels of oil a day, compared to the average 11 barrels pumped by a well in the lower 48, and the oil is now gushing to West Coast buyers. It would appear that everyone has what he wanted.

But what happened to the state in the years of pipeline construction? In 1974, the year that pipeline work began—three years before any oil was piped—construction workers were responsible for 177 spills. Creeks were filled with mudslides. In one "incident," on a day when government environmental supervisors were off duty, pipeline workers rechanneled 2,300 feet of the Dietrich River to make room for a road. When the federal overseers returned, they were shocked to find a river that suddenly had an "appalling resemblance" to a ditch. "The new channel," their report read, "is straight and fishless; destruction is total and permanent." One supervisor added, "These guys are in a hurry. They have a lot more money than they do time."

INDUSTRY, HOWEVER, claims that it spent most of that money—millions of dollars—protecting, not destroying, the Alaskan environment. But no sum they could spend could change the pipeline's effects on the Alaskan people.

Shortly after construction was begun, 16,000 workers descended on a state that at the time was prepared to support only its 200,000 residents. Alaska was hit by the worst inflation in the nation. Auto theft, larceny, juvenile arrests, and prostitution soared. In Fairbanks, which served as headquarters for pipeline employees, 8,000 more vehicles were registered in 1974 than the year before; and concurrently, inhabitants' blood levels of toxic exhaust substances rose to nearly twice the amount the federal government says is safe. Today, ice fog—the frozen version of smog—is getting dangerously severe as pollution intensifies. Fairbanks, which now produces 10 times more pollution per capita than Los Angeles, has gained the singular distinction of being the most polluted city in the nation. All to exploit an oilfield that will be dry in 25 years.

The experience is a sobering one; and it is difficult to understand why so many Alaskans have already forgotten it. "Every Alaskan should be taken on a tour of Appalachia," says John Seiberling. "It still stands as the great symbol for what happens when an industry comes into an area, uses it, abuses it, then leaves it. Appalachia is the symbol of poverty. We don't want to repeat that error in Alaska."

Some Alaskans have accused preservationist congressmen of trying to pay for past environmental sins with Alaskan penance. It may not be a bad idea. "Suppose that a century ago," says Udall, "Abe Lincoln sent you West, that he said, 'Go, bring me 100 million acres to preserve.' What would you have picked? Jackson Hole? The Grand Tetons? All of Arizona? Before they burned the land, before they chopped the timber? What would you pick if you could turn the clock back, see the tall grasses blowing on the prairies in Kansas; see the Rockies looming; see the land the way God made it? If we save parts of Alaska, people can have that experience."

As Udall's vision and the pipeline debacle suggest, there are deeper questions at the heart of the Alaskan problem than how much land to develop and how much to preserve. First, what is progress? If it is a studied march toward a mechanized, profitable, but undesirable and uninhabitable world, some of us may wish to fall out of the parade. And even more important, to whom does Alaska belong? Is it the property of the people who live there? Is it the property of industries that pay taxes on the resources they withdraw? Is it the property of the state, of the nation? Or is it a property that belongs to the past and should be willed to the future? Perhaps the *Anchorage Times* headline wasn't all wrong. Perhaps 400,000 Alaskans don't count—not any more than the rest of us, not any more than the generations who will follow us. ●

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Now, I want to submit two thoughts in this regard. No. one, the—there is a need, this is a policy question, but it relates directly to the resource issue, there is a need to delineate the proper use or nonuse, noncommodity use, of the fish and wildlife resource from the use or nonuse of the mineral commodities. There is no present classification in the Congress that does that. What the administration and the Alaska Coalition have proposed is that the national preserve concept be used for essentially creating national parks with hunting, in other words, that a National Park Service area would be preserved in its natural state, with no commodity extracted uses other than existing rights, open to recreational as well as subsistence hunting.

Mr. HARVEY. That concept does exist and there are preserves now.

Mr. GORDON. But they're open to oil extraction. But the preserve concept, as it now is applied and as the House subcommittee wants to continue to apply it, it would say that in the preserve, you can mine and you can hunt. In the park, you can't mine and you can't hunt. What I'm suggesting, and this is the best illustration of it in the State of Alaska, you need to do a helluva lot more refined planning, and let me give the example. The Kantishna Hills area is a mineralized zone. One can debate on how important it is. If the tradeoff is to be made, I don't support this, that continued mineral entry is to be allowed in that area, OK. Let's set up that preserve, that particular segment of national preserve, to be open to continued mineral entry, but closed to all hunting, because the—practically the sole purpose for the northern extension is as one of the five major sanctuaries, major no hunting zones in the State. If you have the Kantishna Hills open to hunting, you defeat the whole purpose of adding it to the park.

The second concept, and here I am speaking for myself, not the Alaska Coalition, in the westernmost portion of this area, you have probably the best wildlife productive habitat, the best fur bearer population. It is near an area which is locally used for trapping and wildlife subsistence, but not legally subsistence hunting. I would argue—the Coalition disagrees, that in that immediate area, this is along the northwestern fringe, the area should stay in the park complex, it should be preserved. I don't think there's any disagreement about preserving that habitat. But in consideration of the local needs, I would suggest that that area, that fringe, I'm not talking about very many townships, be preserved, open to hunting, but closed to mineral entry. So I'm suggesting to you that the House has done an insane job of planning. If you're going to make the tradeoff, make the tradeoff to fit the need. Thank you.

Mr. HARVEY. Thank you. All right. We're going to adjourn until 2 o'clock.

[The committee reconvened at 2 p.m.]

Mr. HARVEY. The workshop will come to order. We were in the course of discussion of the wildlife values of the McKinley area. There's been considerable discussion. Does anyone have anything to add? Yes, sir?

Mr. TROYER. I'm Will Troyer, National Park Service. I am a wildlife biologist, and I mentioned that I had some maps of the movement of the McKinley caribou herd, which I have up there

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now, and I'd like to make a presentation of them, if I may. I think I'd probably better come forward to do that. OK. The information I'm presenting here today is based on the last 2 years of research study that we have done on the McKinley caribou herd. The McKinley caribou herd, of course, is one of the major herds in Alaska, and like a lot of the other herds in this area, has had a drastic decline. In the forties, we had 20,000 to 30,000 animals, depending on who you were speaking to, and we probably don't have over about 1,200 left today. But I'd like to, in general, kind of point out the general movement pattern of these animals as we know it today, where their major calving areas are and so forth. This particular map here is the major calving areas that were used in the last 2 years and usually the calving areas and the post calving aggregation areas are pretty traditional, and these have probably been in use for a good many years. The most important area is the so-called stampede area, which basically lies between the Toklat River and the Sushana River, and from the foothills out just past the Stampede Road.

The south side, what we call the Cantwell area, includes some of the mountains and lays out and includes the Dunkel Hills area over to the Cantwell Creek. Last year, we didn't detect any calving east of the west fork of the Chulitna River, but this year we did. That's why this little black area is added. Basically, what happens here, in about the first week in May, caribou move over these passes here, the ones that are going to calve in this area, and a portion of the herd calves here, the rest of them—some of them are already wintering in this area and calve in here and once they're through calving, by early June, then they also come through these passes and move—there's two major passes going from the Tetlanika over, some of these are almost 6,000 feet high, but they all—the cows and calves, after calving, concentrate in this area for a period of time. The ones that get over there and calve in the beginning there, from the first of May, and the rest get over there in early June and then they stay in this area until about July the 15th and move back out over the mountains then move out along the road and that's when you hear about the migrations that the tourists all look for.

And then what I have here is the July, August, September, and October uses of the area, and as you can see, the last 2 years, the basic—this year's pattern was basically the same as last year. They stay within the park boundaries here, and then both last year—and I should say that this—these movements are based on visual observation as well as radioed caribou. We had 16 radioed caribou, which allowed us to follow the herds on this, so I felt we got a pretty good information on the total herd, because our radios were distributed well within the total population. In November of both the last 2 years, they split right here at Wonder Lake. The herd concentrated here in October, early November. About two-thirds of the herd went over into this area in the north, along the north boundary, and last year they wintered primarily south of the Stampede Road in the Sushana Hills and so forth. This winter, this group is wintering primarily north of the Stampede Road, and I'm not sure what you call these hills in here, but in that hilly region in there. The ones to the west were again about a third of the

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PART C

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population, both last year and this year are wintering in this area here. There's a small group that's wintering around Bearpaw Creek here in the Kantishna Hills.

Now, there has been some movement through these hills here, but it's primarily going from this area to that, although during the calving season, there were some in here. This is actually a small calving area. It's not near as important as these two. But I'd like to emphasize here that as far as the caribou population goes, these two areas are the critical areas. the calving areas and the postagregate calving concentration areas. I would be the first to point out that as far as their wintering ranges are, they won't necessarily continue to follow this. Historical information and past observation indicates sometimes—and like Clark Engle indicated this morning, they move out to the westward here and it's also been known that they've been going up as far as Minchumina Lake. We haven't detected that in the last year, none of our radioed caribou have been up there, but probably small groups have moved. I'm talking about the herd that's followed this pattern in the last few years. And also in talking about caribou populations, usually when a herd is large, then they expand their boundary uses and I would guess that then they would probably tend to more likely go out toward Minchumina Lake and so forth. When they're small, of course, their movements usually aren't quite as far. This area here, I suspect that when the herding is large, that's a very confined area, that possibly they may expand that and go further south. I don't know. We don't really have any records that indicate for sure that that's the case, because the Nelchina caribou herd is just across the way and there may be some intermixing in there, and there's no doubt about probably some intermixing out this way, too, amongst some other populations in the wintertime. But I wanted to emphasize these two areas on this.

Mr. BEVINERRO. What caused the decline of the caribou herds?

Mr. GORDON. I don't think anybody knows what caused the decline and I'd like to point out here, because I'm sure some of the hunter people are going to jump on me about that. I don't feel it was the hunting that caused this decline. I think it's a combination of natural factors. There's very little hunting pressure been on this herd, as near as we can tell. There is, as somebody pointed out, a little bit of hunting out here in the Kantishna Hills, but it's been minor, considering the total population of the herd and possibly up around Minchumina and out to the westward, but as near as we can tell, hunting wasn't a big factor in this decline. Caribou populations, as a whole, do fluctuate somewhat over a long period of time and some biologists try to—and people say, well, it's wolves, it's range, it's migration from one herd to the other and it's—you know, various factors I believe it's a combination of factors and we don't understand the entire reasons behind these declines at the present time. So I'm not blaming it on the hunting. That's about the only thing I have to say on the caribou, unless somebody else has some questions on it.

Mr. HARVEY. Thank you very much. Does anyone else have any comments on the wildlife? Yes, sir?

Mr. BISHOP. I'd like to use the board, if I may, also.

1/2 GALLEY  
PART C

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be considered also. I think that although this may seem periferal to wildlife management, there should be a general curtailment of mining within the north extension. Otherwise, I think this will tend to have a great effect on wildlife habitat and on what could happen to the integrity of the wildlife habitat, as well as the scenic habitat that we've already discussed. And that's really all I have to say right now. Thank you.

Mr. HARVEY. Thank you. Any other comments? All right.

Mr. ANTHONY. Someone from State Fish and Game?

Mr. BISHOP. Yes.

Mr. ANTHONY. How many caribou were killed in the Kantishna area this past year?

Mr. BISHOP. This past season, I don't have the figures for. Last year, I believe it was about five or so.

Mr. ANTHONY. The year before?

Mr. BISHOP. Oh, I don't recall, but—

Mr. ANTHONY. Last year it was low?

Mr. BISHOP. I'm speaking of—let's see, last year was '76.

Mr. ANTHONY. So it was the year before?

Mr. BISHOP. It was five the year before that.

Mr. ANTHONY. 1975?

Mr. BISHOP. That is the last year it was open, yes. I don't have anything to show when it was closed.

Mr. BISHOP. Mr name is Dick Bishop. I'm with the Department of Fish and Game in Fairbanks. The north extension of McKinley Park falls in Region Three of our administrative regions for the Department of Fish and Game and my position is Regional Supervisor for that region. Some comments I'll make will be based on the information that the Department has, my own experience living a couple of years at Lake Minchumina, and the results of a subsistence use study sponsored by the Parks Service and done by the University of Alaska, on which I worked in this area last year.

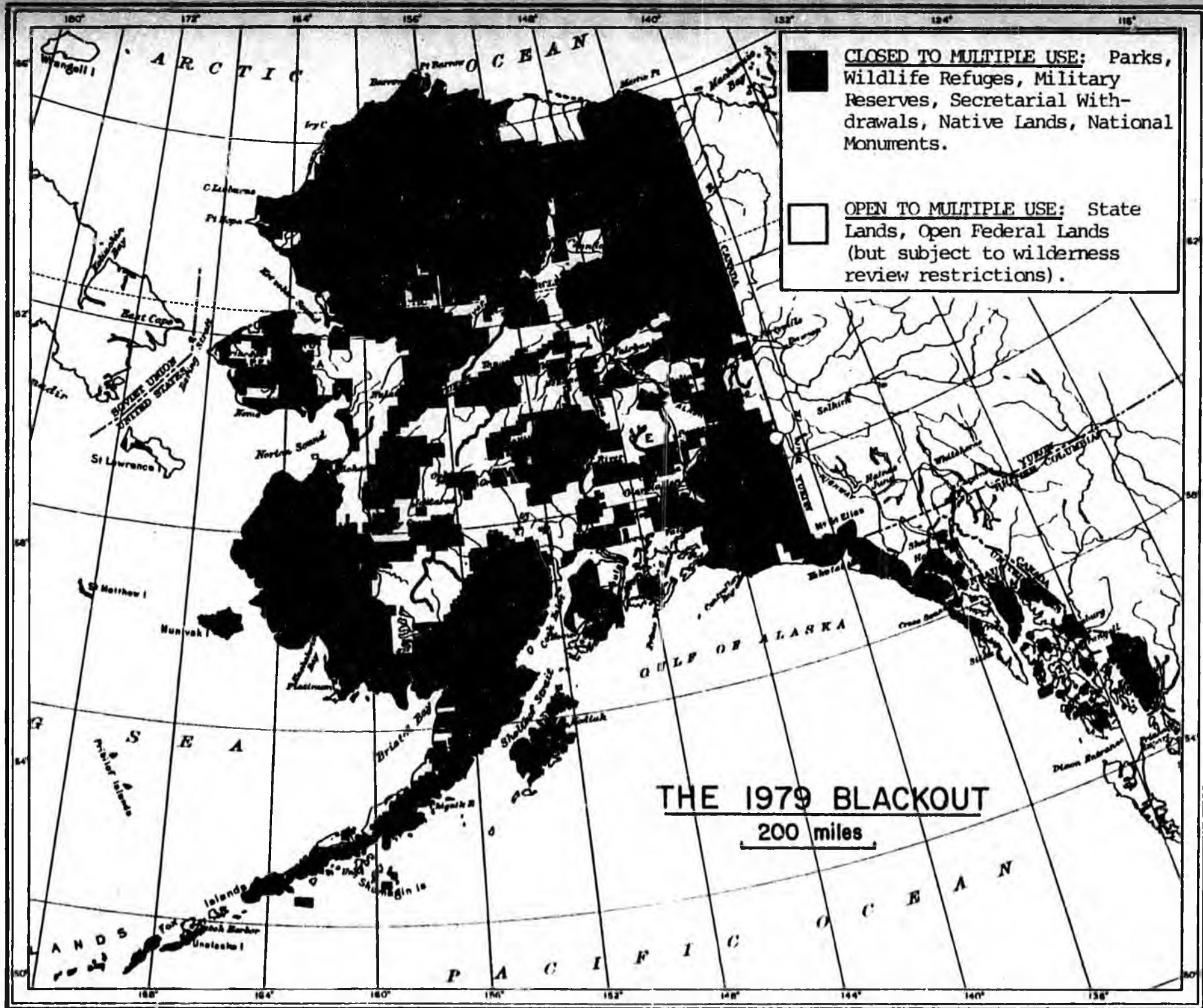
I'd like to add a little historical perspective, because I think it's important in the consideration of the wildlife and its habitat here, and that is that there's archeological and anthropological evidence that people existed in this area for thousands of years prior to the advent of white use. There have been people in this area for roughly 70 years, that is, white people, and there have been residents in the Minchumina area and various other localities here, principally in relation to gold seeking, since the early 1900's. At Minchumina, the first permanent settler was about 1914, and there have been people there permanently and in varying numbers since that time. By and large, the Native population has shifted from there, due to various reasons which I don't fully understand, but they include migration and disease. So it's principally, at this time, a white settlement.

To the west lies Telida, 14 miles off this map, and as you can see from these lines here, they do use this area and have in the past. Most of these lines represent trapline trails and they have existed for various lengths of time. Many of them since around 1914. The bulk of them were developed in the 1920's when trapping, as an accessory to, in some such cases in place of prospecting, was very active. Many of these same lines have been used until the present time, but by a succession of people.

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PART C



**CLOSED TO MULTIPLE USE:** Parks, Wildlife Refuges, Military Reserves, Secretarial Withdrawals, Native Lands, National Monuments.

**OPEN TO MULTIPLE USE:** State Lands, Open Federal Lands (but subject to wilderness review restrictions).

**THE 1979 BLACKOUT**

200 miles

# Kantishna Miners Association

President: JIMMIE DALE  
Secretary Treasurer: JOHN McCLAIN  
2605 East 50th, No. 1 • Anchorage, Alaska 99507  
907-349-4219

We Kantishna Miners come to you with heavy hearts, for we have pondered long before coming to you and requesting that you help us to obtain a grand jury investigation of the deeds and actions of the U.S. Secretary of Interior and his agents. This is not a proud day in our lives, but it is a solemn and profound duty born from an injustice which threatens to make law breakers out of honest citizens.

All our lives we have tried to comply with the maximum intent of the law but when laws have been distorted by people in high office until the intent is clearly to deny us the rights of citizenship it is time to ask who should be charged the victims or the victimizers.

Most of you are aware that the U.S. Secretary of Interior publicly stated late last fall that in mid-winter the bulldozers in Alaska would be destroying national treasures. You all know it wasn't true. The Secretary of Interior proceeded to issue "Alternative Administrative actions for Alaska National Interest Lands." We requested a copy of the draft environmental impact statement and were informed that the entire statement consisted of 20 odd volumes which could not be furnished. Instead we were given a copy of the draft environmental supplement, a totally inadequate document. It did not address the issues of environmental impact upon the people and lands involved.

In a letter to the Sec. we begged the Sec. to address the issue of our livelihoods and investments. The effects upon our traditional lifestyles, our families, our moral values and living standards. Our registered letter was never answered.

On Dec. 1st 1978 upon the recommendation of Sec. Andrus President Carter invoked Public Order No.209, The Alaska Antiquities Preservation Act. This act as you know created 56 Million acres of 10 new national parks and monuments, including Denali National Monument which enveloped the Kantishna Mining District. Seven days later the Sec. of Interior issued 4310-70-M Title 36 The Minerals Management Comprehensive on Dec. 8, 1978. Copies of these regulations were not available in Alaska to miners until after they were promulgated. These regulations place so many obstacles in the way of mining and access that no Kantishna miner with valid existing rights can comply. With total disregard for valid existing rights the Sec. proceeded to deny miners access to these claims by requiring an approved plan of operations as a pre-request for access. This was done with total disregard for valid existing property rights and valid existing access. It even includes fee simple land inside or outside the monument.

The approved plan of operation requires thousands of dollars in additional expense for surveys studies of social economic and environmental impacts and other items.

Even if we could afford the cost they then require an expensive bond for us to mine on our own property. The blank bond is 200,000. I'm just a small miner I have four kids and I owe on more than 100 thousand dollars worth of equipment. I need to prepare for the mining season right now and I need to start mining as early in May as I can.

If the Park Service doesn't allow me to earn my livelihood I'm going to try to go to my ground and they could either fine me or arrest me. I want you to send House Joint Resolution No. 22 to the Grand Jury as soon as possible and let them decide if I should be arrested or Cecil Andrus indicted.

# Kantishna Miners Association

President: JIMMIE DALE  
Secretary Treasurer: JOHN McCLAIN  
2605 East 50th, No. 1 • Anchorage, Alaska 99507  
907-349-4219

November 11, 1978

The Honorable Cecil Andrus  
U.S. Secretary of Interior  
Washington D.C. 20510

Dear Mr. Secretary:

We wish to enter the following statements and objections to the record of your draft environmental impact statements concerning alternative administrative actions proposed for your so-called "Alaska National Interest Lands".

1. In 1971 the congress suggested that other congress' decide the fate of Alaska lands withdrawn under section 17 D-2 of the Alaska Native Lands Claims Settlement Act. Congress in it's wisdom has not acted before expiration of the withdrawal deadline and has not acted to extend it.
2. The U.S. Department of the Interior, acting in collusion with various environmental groups, has falsely created the impression that most of the wilderness lands in 17 D-2 classification will suddenly lose their wilderness values if the Secretary of Interior does not place most of these lands in national monuments.
3. In truth, the 17 D-2 lands will automatically revert to a withdrawn 17 D-1 status and they will not be open under the few remaining land location laws of the U.S. (The government and the U.S. Department of Interior in particular has systematically socialized and collectivized the land location laws and suspended the rights of U.S. citizens to acquire land in Alaska.)
4. I appeared in person at your Anchorage office and requested a complete copy of your draft environmental impact statement. I was informed that the total statement consists of 28 volumes and they could not be furnished. I was given a copy of the draft environmental supplement instead. This is inadequate for a full and proper study and response by the Kantishna Miners Association.
5. The deadline for public comment concerning the draft environmental impact statement is November 20, 1978. This does not allow sufficient time for proper consideration and comment. The period should not only be extended but the Dept. of Interior should make an honest effort to hold public meetings, for citizens comments, in all the principal and affected Alaskan communities since the impact of your proposed actions would be statewide and serious.
6. The mineral assessment listed in the draft environmental supplement under "Cumulative Impacts of Alternative Actions-111-28 is totally inadequate and does not address the issue of environmental impact upon the people and lands involved.
7. The Kantishna Miners Association and individual miners have not been approached by the Dept. of Interior or it's agents concerning the economic impact of these drastic actions upon us. For example, a monument status will force the immediate closure of all our mines and suspension of our mining efforts. We will lose our livelihoods and our investments. We must insist upon intelligent and detailed study of these matters.

# Kantishna Miners Association

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8. The effect of some of these proposals upon our traditional life styles, our families, our moral values and our living standards has not been addressed.

9. Figure 17, Appendix A of the draft environmental supplement, which outlines the Denali study area, claims to show areas geologically favorable for occurrence of mineral deposits. It is very small scale, lacks detail, does not address or classify properties and is of little or no value from evaluation.

10. The environmental statement fails to address the cost benefit ratio of the various alternate government proposals pertaining to the Kantishna or any other of the areas. Just how much are these schemes going to cost the taxpayers and just how much and what types of mineral production will be denied to the U.S. economy as a result of the various actions. (I suspect that within a matter of a few years this action could cost the U.S. taxpayer hundreds of millions of dollars in unnecessary expenditures while at the same time denying billions of dollars worth of needed raw materials to the U.S. economy.

11. We request, under the freedom of information act, a complete copy of the environmental impact statement and all data concerning the Kantishna mining district. We also request a suitable period of time to list other civil, economic and environmental rights which we might be denied from these proposed courses of action by you.

May I hear from you soon?

Sincerely,

Jimmie Dale, President

c.c. Senators Stevens & Gravel  
Alaska Miners Association  
Anchorage Times