

SJR

3

SENATOR
ARLISS STURGULEWSKI

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99508
SENATE DISTRICT F, SEAT A

Alaska State Legislature



While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

MEMORANDUM

January 17, 1985

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff *MSK*

RE: SJR 3 Requesting that the State of Alaska pursue a land exchange with the U.S. Department of the Interior to exclude the Dunkle Mine Township from Denali National Park and Preserve.

SJR 3 Background

SJR 3 is a resolution introduced by Senator Fahrenkamp which urges the State of Alaska and the U.S. Department of Interior to pursue a land exchange to exclude the Dunkle Mine Township from Denali National Park and Preserve. A brief history of this issue follows.

The Dunkle Township is a highly mineralized township located on the southeastern border of the Denali National Park-Preserve. It was first proposed for inclusion in the park boundary in a 1974 environmental impact statement on the park. Dunkle Township was actually included within the park-preserve boundary by the passage of ANILCA in 1980. Section 202(3)(b) of that act authorized a study on the Dunkle Township to evaluate its resources and its inclusion within the boundaries of the park-preserve. The preliminary studies were completed in 1984 and urged that the status quo be maintained, leaving Dunkle Township within the park-preserve boundaries. More studies are ongoing and are due February 1, 1985.

On May 11, 1984, the Alaska Land Use Council Advisors Committee met and by a 10-1 vote, urged the Alaska Land Use Council to recommend the exclusion of Dunkle Township from the park preserve by means of a land exchange. On May 23, 1984, the Alaska Land Use Council met and considered this issue. The council voted to endorse the preliminary report's status quo recommendation and maintain Dunkle Township within the park-preserve.

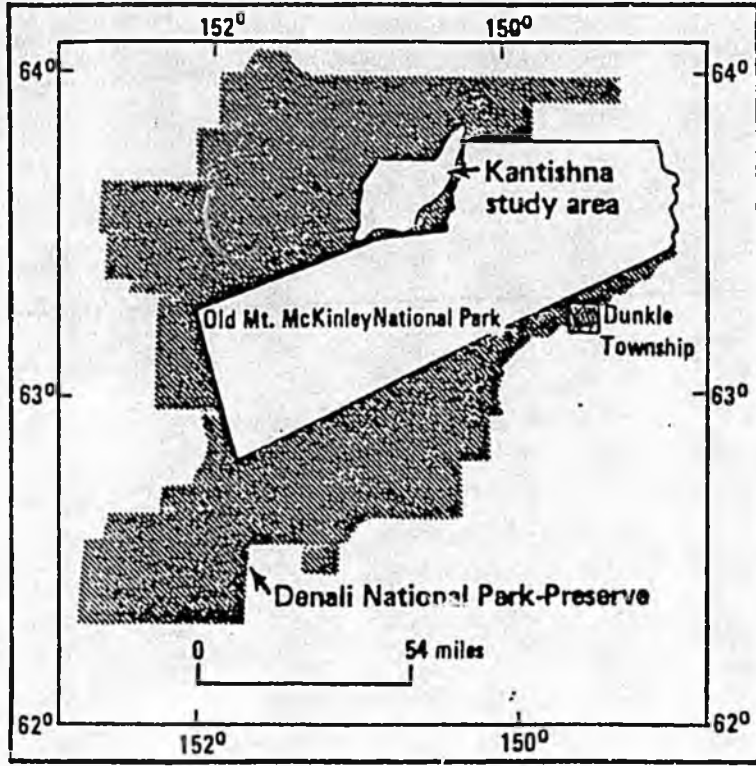
On October 30, 1984, the Alaska Land Use Council Advisor's Committee and the Citizens Advisory Commission on Federal Areas met jointly. At this meeting, the two groups unanimously passed a resolution urging the Alaska Land Use Council to rescind its prior action and recommend that the state and the Department of the Interior take the necessary action to exclude the Dunkle Mine area from Denali Park-Preserve by means of a land exchange. This would be permitted under section 1302(h) of ANILCA.

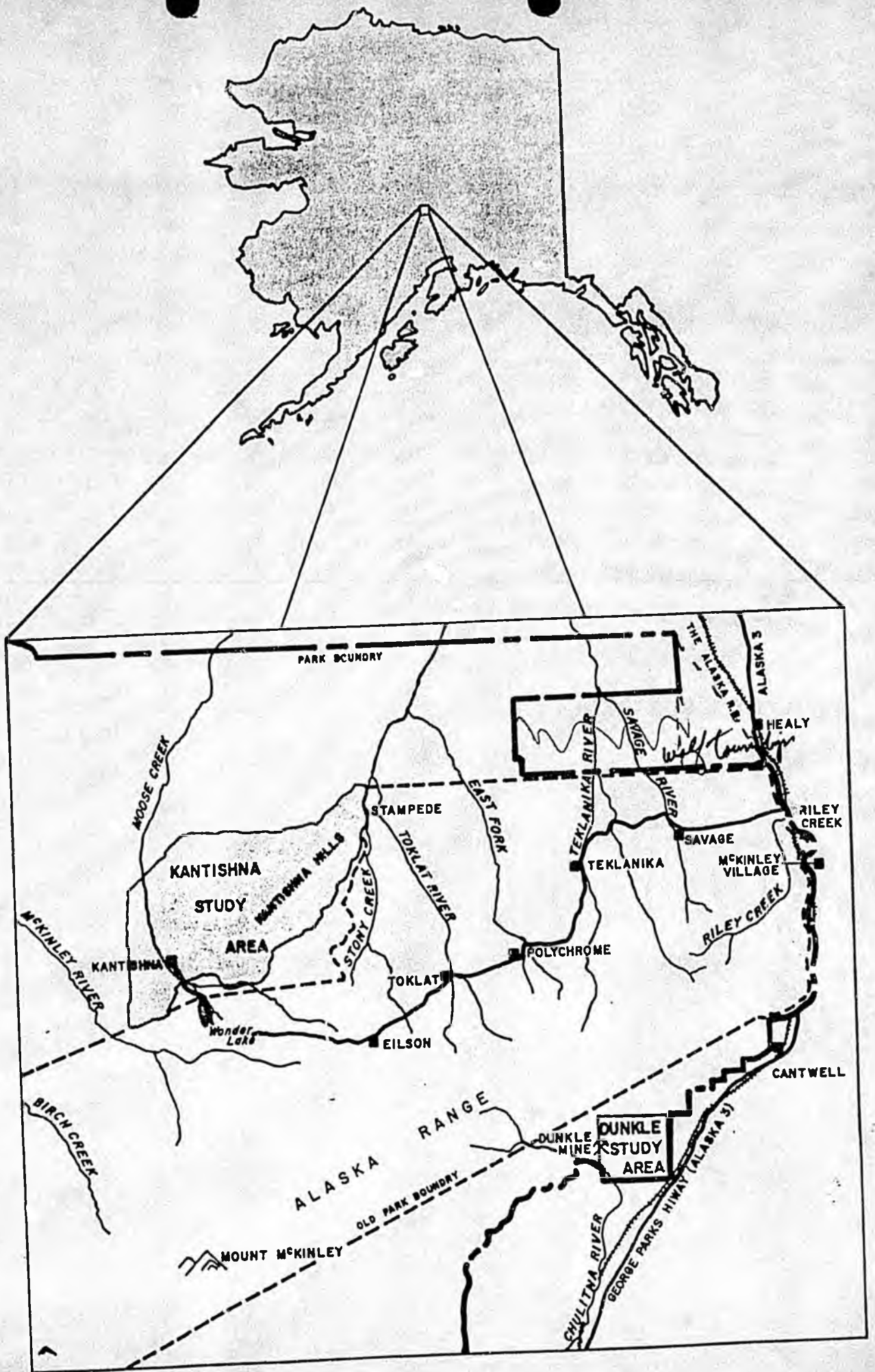
In 1978, it was thought that this area might be critical caribou calving grounds. Comments from the National Park Service and the Department of

Fish and Game indicate that this area is not used for calving. The Department of Fish and Game has adopted a neutral position on this exchange.

The Alaska Land Use Council is meeting on February 14th. The sponsors of this resolution feel it is important that it be approved in time for the Council's consideration. This land exchange is endorsed by the Department of the Interior, the National Park Service, the Alaska Department of Natural Resources, the Fairbanks Chamber of Commerce, the Matanuska Susitna Borough, the Alaska Miners Association, the Resource Development Council, the Office of Minerals Development in the Alaska Department of Commerce, and the federal co-chairman of the Alaska Lands Use Council. The Alaska Center for the Environment, the Sierra Club, the Trustees for Alaska and the Northern Center for the Environment have all been contacted regarding this exchange. While it is expected some of these groups may offer written or oral testimony at this meeting, no objections have been offered so far.

Included in this packet are several maps which show the Dunkle area; an excerpt from an E.I.S. which discusses the Dunkle mineral potential; a description of land exchange procedures from the Department of Natural Resources; an exchange of three letters between G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks, United States Department of Interior and Esther Wunnicke, Commissioner of the Department of Natural Resources which indicate the Department of Interior's interest in acquiring the Wolf townships; a copy of the resolution passed by the Alaska Land Use Council Advisor's Committee and the Citizens Advisory Commission of Federal Areas; a copy of Subsection H, Section 1302 of ANILCA; and a copy of a May 1984 letter to Governor Sheffield and Vernon R. Wiggins, federal co-chairman of the Alaska Lands Use Council by the members of the Interior Delegation urging support for this land exchange,





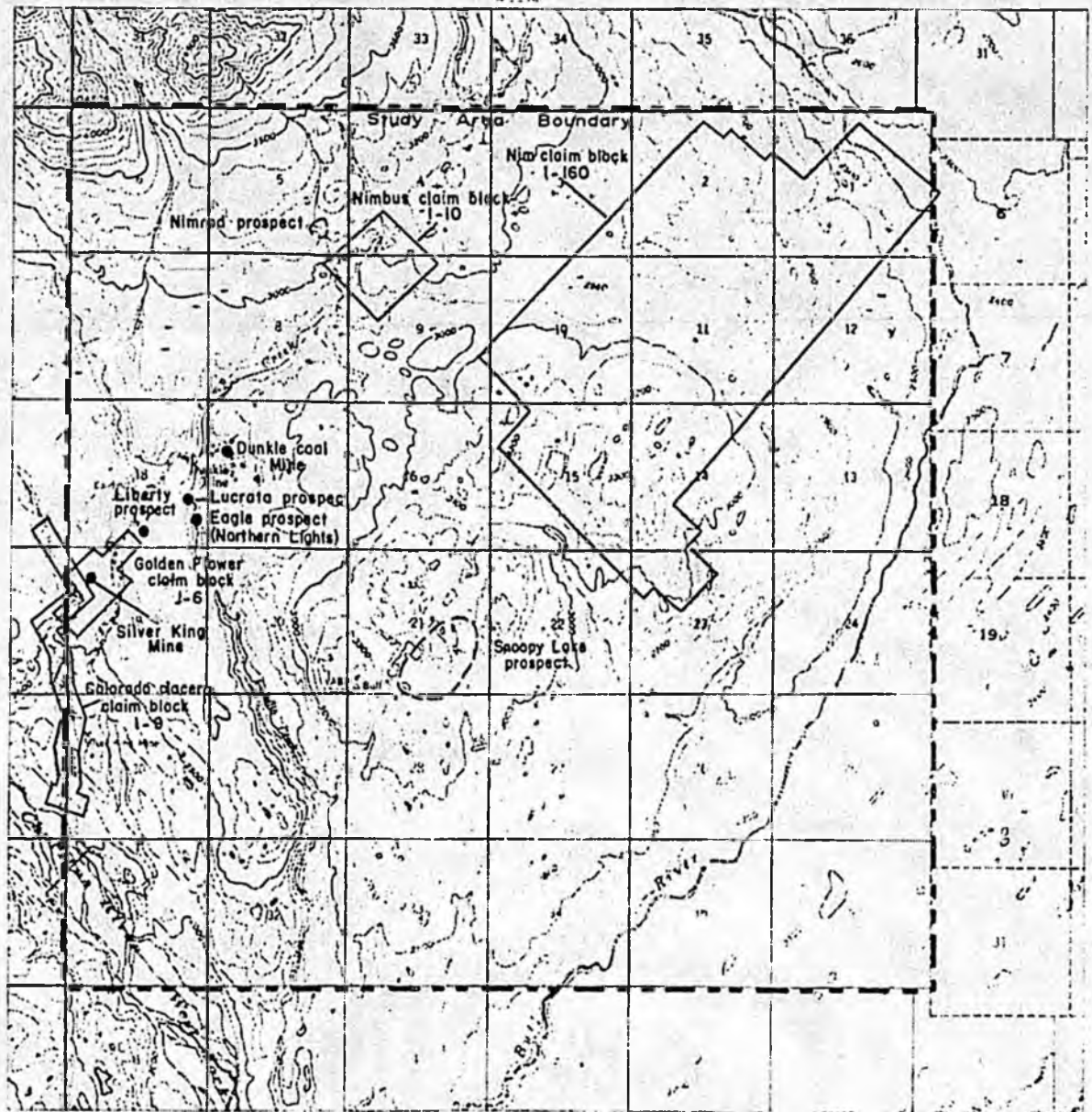


Figure 6 - Dunkle Mine Study Area - Claims, Mines, and Prospects

backups

DUNKLE AREA

At least four high-grade gold-silver vein deposits occur in the study area along the Chulitna structural zone (figure 6). Others as yet undiscovered probably exist along the zone or on associated structures. The vein deposits are narrow and strike lengths are unknown. This type of target is probably not attractive to major companies, but mining may be profitable on a small-scale for small companies or individuals.

The shear zones in which the high-grade veins are located may contain lower-grade precious metal mineralization across sufficient width to permit bulk-mining. Such deposits would be of considerably more interest to larger companies.

The Golden Zone Mine is a gold deposit associated with a breccia pipe located several miles west of the study area. The mine has produced in the past, and is currently being further evaluated. The deposit has a potential for several million tons of low to moderate grade gold ore. Geology, structure, and mineralogy associated with the igneous complex in the Dunkle Mine study area present an environment favorable for the occurrence of similar deposits. This interpretation is supported by geochemical and geophysical evidence (figures 7 and 8).

Associated with this igneous complex, several potential targets have been identified for copper/molybdenum or copper/precious metal porphyry-type deposits. These targets have not been adequately tested. Should an economic deposit be developed a mine scenario of plus or minus 100 million tons of low grade ore may be expected.

Good quality coal has been mined from the Dunkle Mine. Movable reserves in the range of 100,000 to 350,000 tons are drill indicated. Additional reserves may be identified with further drilling in the Costello-Colorado-Camp Creek basin in the magnitude of several million tons. Small scale mining by open cut development may be feasible.

The presence of auriferous gravels in several streams was confirmed. Small-scale mining may be feasible in some locations but physical conditions would probably prohibit any major placer mining development.

Some evidence exists for antimony and tin mineralization. The potential for these minerals has not been adequately determined.

The Dunkle Mine study area is a highly metalliferous, geologically complex environment (figure 9). If the land status were not restrictive, mining companies would consider the area an attractive exploration target. The proximity of the Dunkle area to the railroad and the Parks Highway further enhances the favorability of the areas mining potential.

FROM KANTISHNA HILLS/
DUNKLE MINE E.Z.S.

E.Z.S. 7 1/2 miles SW
1974
at Denali Natl
Park



Alaska Department of
**NATURAL
RESOURCES**

LAND EXCHANGE FACT SHEET

The disposal of state land or interests in state land by exchange is governed by Alaska Statutes - Title 38.50 and Alaska Administrative Code - 11 AAC 67.200 to 11 AAC 67.280. These statutes and regulations ensure that the commissioner may exchange state land or interests only to achieve public purposes, after proper consideration of alternatives, agency coordination, public notice and public hearing(s). Unless the land or interests which the state receives in an exchange equals, or exceeds, the appraised fair market value of the land or interests exchanged by the state, the Alaska legislature must approve the exchange. Legislative review is also necessary if a exchange involves state land having an appraised or estimated fair market value of more than \$5,000,000.

The land exchange process is usually detailed and time consuming. The department must adhere to the following chronological regulatory steps in order to complete a land exchange:

1. Initial pre-application discussions.
2. Application filed with department.
3. Department reviews application and responds within 60 days.
4. Land status checked.
5. Preliminary exchange agreement signed.
6. Notation of state title records to segregate land from third-party interests.
7. Fair market value appraisal report initiated.
8. Mineral closing order.
9. Land classification action.
10. Land survey completed, if necessary.
11. State agency coordination.
12. Appraisal report completed, reviewed and approved.
13. Preparation of alternative findings and exchange report.
14. Public notice.
15. Public hearing(s) and comment period.
16. Final exchange agreement signed.
17. Deed preparation and review.
18. Execution of exchange.

In addition, if the exchange requires legislative approval, the governor must transmit the proposal to the legislature within ten days of the convening of a regular legislative session. The department is authorized to conclude the exchange upon approval by the legislature of the proposed exchange agreement.

The commissioner may also revise a proposed land exchange to reflect comments or other information provided through the agency and public comment period [AS 38.50.130(b)].

Land Exchange Fact Sheet
Page 2

Land exchange application forms may be obtained and submitted at any of the Division of Land and Water's Regional Offices located in Anchorage, Fairbanks or Juneau. If the exchange proposal involves a small tract of state land it will usually be negotiated directly by the applicable regional office. If, however, the exchange proposal involves either a large tract of state land, a federal government agency or Native corporation, or is considered by the department to be unusually complex or sensitive, the exchange will be negotiated by the division's Central Office Land Management Section.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEPARTMENT OF
NATURAL RESOURCES

NOV 27 1984

COM. DIV. ONE S. 1000
JUNEAU

November 13, 1984

The Honorable Esther Wunnicke
Commissioner
Department of Natural Resources
Pouch M
Juneau, AK 99811

Commissioner Wunnicke,

With the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, Congress expanded Denali National Park for the purpose of including significant scenic and wildlife resources integral to the park. Congress also identified certain State-owned lands, adjacent to Denali National Park and Preserve not included by the Act and directed that these lands be considered for addition to the park at a later date. These lands include three townships owned by the State of Alaska presently managed by your department and surrounded on three sides by the park. The three townships are generally known as the "Stampede" or "Wolf" townships west of Healy. These lands contain nationally important habitat for sheep, caribou, and wolves integral to the park.

The Secretary of the Interior, under Section 1302(i)(1-2) of ANILCA has the authority to acquire lands that are contiguous to National Park Service units established or expanded by ANILCA by exchange or donation from the State of Alaska. Any such lands acquired pursuant to this section would become part of Denali National Park and Preserve.

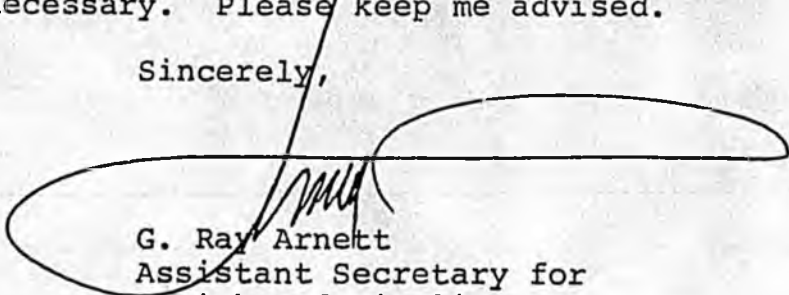
My staff in Alaska have advised me that the acquisition of these three townships from the State of Alaska is in the best interest of Denali National Park. Recent resource studies in the area clearly indicate that resident park wildlife migrate across and use these lands. The Superintendent of the park, the Regional Director of the NPS and my Assistant in Alaska believe the acquisition of these lands particularly important in providing park protection of wolf denning areas that are integral to the maintenance of park wildlife in their natural diversity.

*Exchange of letters re
interest in wolf
townships & exchange
land to accommodate*

Initial staff discussions have occurred between our respective offices and the National Park Service indicating a willingness by all parties to negotiate an exchange that would facilitate our acquisition of these lands. With the completion of the Kantishna Hills/Dunkel Mine Study by the Alaska Land Use Council along with the Council's Land Use Advisors Committee recommendations relative to this possible acquisition, I believe it timely we pursue this opportunity.

I have, therefore, requested that the National Park Service initiate formal discussions through a letter of intent between the State of Alaska and the National Park Service in Alaska for the purpose of outlining the specifics of this acquisition/exchange and establishing a schedule for completing this acquisition. My office in Alaska is available to you if necessary. Please keep me advised.

Sincerely,



G. Ray Arnett
Assistant Secretary for
Fish and Wildlife and Parks

Attachment

cc: Ric Davidge
Roger Contor
Vern Wiggins
Bill Horn

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

December 26, 1984

G. Ray Arnett
Assistant Secretary for Fish, Wildlife and Parks
Office of the Secretary
U.S. Department of the Interior
Washington, D.C. 20240


Dear Assistant Secretary Arnett:

Your correspondence of November 13, 1984 indicated the National Park Service (NPS) will soon initiate formal discussions with the State of Alaska regarding possible NPS acquisition/exchange of the so-called "Wolf Townships," adjacent to Denali National Park and Preserve. You further note that the Secretary of Interior has the authority to acquire land contiguous to National Park Service units under Section 1302(i)(1-2) of ANILCA through donation or exchange.

I wish to emphasize that the state has absolutely no intention at this time of donating land to NPS. However, the state is willing to entertain exchange negotiations pursuant to Section 1302(h) of ANILCA that may result in NPS acquisition of this state land. I expect, of course, that the NPS will correspondingly nominate land of commensurate interest to the state as a prerequisite to any exchange negotiations.

As you suggested, I now look forward to hearing from Roger Contor on this matter.

Sincerely,


Esther C. Wunnicke
Commissioner

cc: Ric Davidge, DOI
Roger Contor, NPS
Vern Wiggins, ALUC
Bob Grogan, OMB
Bill Horn, DOI
Tom Hawkins, DLWM



OFFICE OF THE
ASSISTANT SECRETARY

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON

DEPARTMENT OF
NATURAL RESOURCES

JAN 15 1984

COMMISSIONER'S OFFICE
JUNEAU

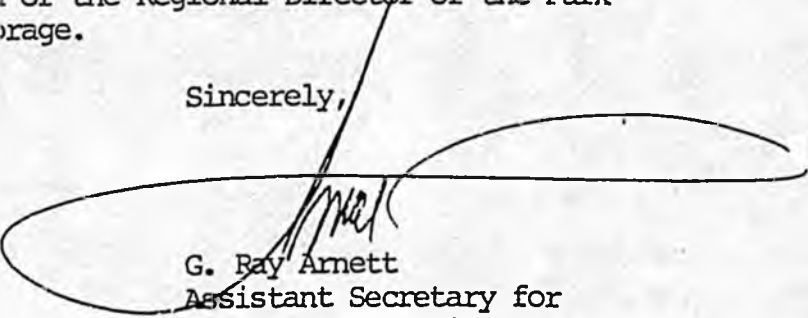
Ms. Esther C. Wunnicke
Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99801

Dear Ms. Wunnicke:

Your letter of December 26, 1984, regarding our acquisition of State lands adjacent to Denali National Park is appreciated. We are most interested in acquiring this important wildlife habitat for the park. We accept your offer to negotiate an exchange and would appreciate your letting us know what lands the State may be interested in acquiring in the area.

If you have any further concerns, please contact my office in Alaska or the Regional Director of the Park Service in Anchorage.

Sincerely,



G. Ray Arnett
Assistant Secretary for
Fish and Wildlife and Parks

January 10, 1985

TO SANORA / Dunkle file

RECEIVED
BCCVP

NOV 14 1984

Alaska Land Use
Council Advisors Committee
P.O. Box 100120
Anchorage, Alaska 99510-0120

Citizens Advisory Commission
on Federal Areas Alaska Land Use Council
515 Seventh Avenue, Suite 310 Anchorage, AK
Fairbanks, Alaska 99701

November 12, 1984

Governor Bill Sheffield
State Cochairman
Alaska Land Use Council
Pouch A
Juneau, Alaska 99811

Mr. Vernon Wiggins
Federal Cochairman
Alaska Land Use Council
P.O. Box 100120
Anchorage, Alaska 99510-0120

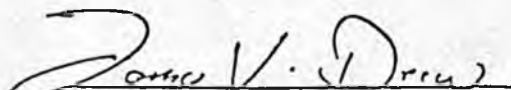
Gentlemen:

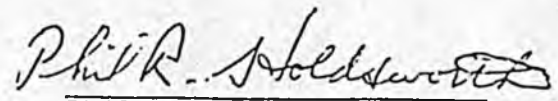
The following Motion concerning the Dunkle Mine area in Denali National Park, Alaska, was PASSED UNANIMOUSLY at the joint meeting of the Alaska Land Use Council Advisors Committee and the Citizens Advisory Commission on Federal Areas on October 30, 1984:

MOTION: THE LAND USE ADVISORS COMMITTEE AND THE CITIZENS ADVISORY COMMISSION ON FEDERAL AREAS, JOINTLY ASSEMBLED THIS 30TH DAY OF OCTOBER, 1984, RECOMMEND TO THE ALASKA LAND USE COUNCIL THAT IT RESCIND ITS PRIOR ACTION REGARDING THE DUNKLE MINE AREA AND, THAT UPON THIS RESCISSION, THAT IT URGE THE STATE OF ALASKA AND THE DEPARTMENT OF INTERIOR TO IMMEDIATELY TAKE SUCH ACTION AS IS NECESSARY TO EXCLUDE THE DUNKLE MINE AREA FROM THE DENALI NATIONAL PARK THROUGH A LAND EXCHANGE, AND THAT COPIES OF THIS RESOLUTION BE CIRCULATED TO THE FOLLOWING:

- The Honorable Ted Stevens, Senator
- The Honorable Frank Murkowski, Senator
- The Honorable Don Young, Congressman
- The Honorable William Clark, Secretary of Interior
- Mr. William Horn, Deputy Undersecretary, DOI
- Mr. Ray Arnett, Assistant Secretary, FWP
- Mr. Russ Dickenson, Director, NPS
- Mr. Roger Contor, Regional Director, NPS

Sincerely,


James V. Drew, Chairman
Alaska Land Use Council
Advisors Committee


Phil Holdsworth, Chairman
Citizens Advisory Commission
on Federal Areas

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were used on or before January 1, 1979, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1979, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(g) CONSIDERATION OF HARDSHIP.—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(h) EXCHANGE AUTHORITY.—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

USE OF CABINS AND OTHER SITES OF OCCUPANCY ON CONSERVATION SYSTEM UNITS

SEC. 1303. (a) IMPROVED PROPERTY ON NATIONAL PARK SYSTEM LANDS.—

(1) On lands not owned by the claimant within the boundaries of any unit of the National Park system created or enlarged by this Act, cabins or other structures existing prior to December 31, 1973, may be occupied and used by the claimant to these structures pursuant to a renewable, nontransferable permit. Such use and occupancy shall be for terms of five years each, provided that the claimant of the structure by application:

(A) Reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin and to remove all personal property from the cabin or structure upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no interest in the real property on which the cabin or structure is located.

(2) On lands not owned by the claimant, within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures, the occupancy or use of which commenced between December 31, 1973, and December 1, 1978, may be used and occupied by the claimant of such structure pursuant to a nontransferable, nonrenewable permit. Such use and occupancy shall be for a maximum term of one year, provided, however, that the claimant, by application:

(A) Reasonably demonstrates by affidavit, bill of sale, or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and to remove all personal property from it upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no legal interest in the real property on which the cabin or structure is located.

The Secretary may, on a case by case basis, subject to reasonable regulations, extend such permit term beyond one year for such reasons as the Secretary deems equitable and just.

(3) Cabins or other structures not under permit as specified herein shall be used only for official government business; provided, however, that during emergencies involving the safety of human life or where designated for public use by the Secretary, these cabins may be used by the general public,

(4) The Secretary may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, construction and maintenance of new

cabins or other structures if he determines that the use is necessary to accommodate subsistence uses or is otherwise authorized by law.

(b) IMPROVED PROPERTY ON OTHER UNITS OR AREAS ESTABLISHED OR EXISTING UNDER THIS ACT.—

The following conditions shall apply regarding the construction, use and occupancy of cabins and related structures on Federal lands within conservation system units or areas not provided for in section 1303(a).

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or necessary to provide for a continuation of an ongoing activity or use not otherwise allowed within the unit or area where the permit applicant has no real alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(2) Traditional and customary uses of existing cabins and related structures on Federal lands within a unit or area may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Secretary. Such special use permit shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the unit or area was established. No special use permits shall be issued to authorize the use of an existing cabin constructed for private recreational use.

(3) No special use permit shall be issued under subsections (b) (1) or (2) unless the permit applicant:

(A) In the case of existing cabins or structures, reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the existing or proposed cabin or structure and a map showing its geographic location.

(C) Agrees to vacate the cabin or structure and remove, within a reasonable time period established by the Secretary, all personal property from it upon nonrenewal or revocation of the permit; and

(D) Acknowledges in the permit application that the applicant has no interest in the real property on which the cabin or structure is located or will be constructed.

(4) The United States shall retain ownership of all new cabins and related structures on Federal lands within a unit or area specified in this subsection, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit authorized by paragraphs (1) or (2) of this subsection. Cabins or other structures not under permit shall be used only for official Government business; provided, however, that during emergencies involving the safety of human life or where designated for public use by the unit or area manager, such cabins may be used by the general public.

(c) PERMITS TO BE RENEWED FOR LIFE OF CLAIMANT AND IMMEDIATE FAMILY.—

(1) Whenever issuance of a nontransferable renewable five-year special use permit is authorized by section 1303 (a) and (b), said permit shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure, or unless the Secretary has revoked the special use permit in accordance with the criteria established in this section.

(2) Notwithstanding any other provision of this section, the Secretary, after notice and hearing, may revoke a permit provided for in this section if he determines, on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the unit was established.

(d) EXISTING CABIN LEASES OR PERMITS.—Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect at the time of passage of this Act for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings, following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the values for which the unit was established, he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he may prescribe in keeping with the management objectives.

Sec.
1302
ANILCA

Alaska State Legislature

Backup

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

May 19, 1984

Governor Bill Sheffield, State Co-chairman
Vernon R. Wiggins, Federal Co-chairman
Alaska Land Use Council
P.O. Box 100120
Anchorage, AK 99510

Dear Governor Sheffield and Mr. Wiggins:

A major item on the agenda for the May 23rd meeting of the Alaska Land Use Council will be the consideration of the recommended options for the Kantishna Hills and Dunkle Mine study areas in Denali National Park. The Interior delegation of the Alaska State Legislature is very concerned about the recommendations which have been made by the study group.

The study group's recommendations for a minerals leasing system in the Kantishna Hills area and the maintenance of the "status quo" for the Dunkle township are not realistic alternatives and we do not consider them an acceptable response to the mandate of Sections 202(3)(b) and (c) of ANILCA. The following alternative recommendations are presented for consideration by the Council:

- 1) Kantishna Hills: Because the National Park Service does not currently have a mechanism in place designed to accommodate a mineral leasing program within the national park system, the delegation would recommend that management of mining claims and mining activity continue under the current system. Federal regulations under 36 CFR, Part 9, as well as existing State regulations and standards, are more than adequate to manage mineral activity in this area. Institution of a minerals leasing system would simply add another, unnecessary, layer of regulation and constraint. In addition, acquisition of any claims should be only on a willing seller/willing buyer basis and not through condemnation.

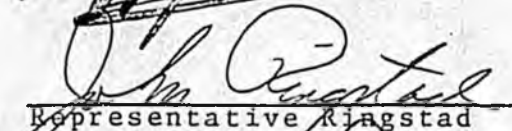
2) Dunkle Mines area: the best alternative for the Dunkle Township would be a land exchange which would remove it from the park. There has been no conclusive evidence presented during the study process that the Dunkle Township contains critical habitat for the Denali caribou herd. While realizing that the herd is a major attraction within the park, it is felt that, if necessary, any adverse effects from mining activity can be mitigated under the direction of State agencies. The Alaska Department of Natural Resources has indicated that it would consider exchanging the Dunkle area for the "Wolf Townships" located to the north of the park entrance. This would add an area of proven critical wolf habitat to the park.

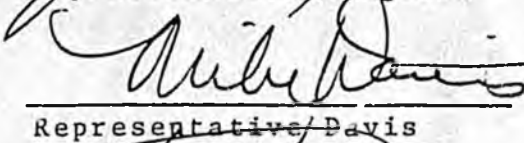
We strongly urge the Alaska Land Use Council to consider these proposed alternatives for the Kantishna Hills/Dunkle Mine Study areas. These alternatives can provide for both the protection of park resources and the continuation of mineral activity in these two valuable areas. Thank you for your consideration of these proposals.

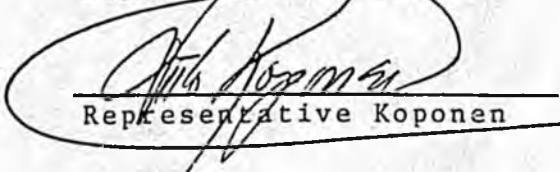
Sincerely,

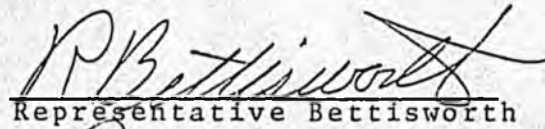

Senator Fahrenkamp

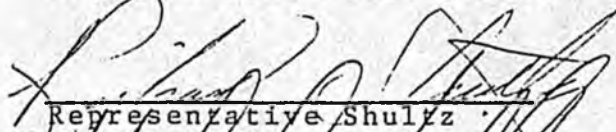

Senator Moss

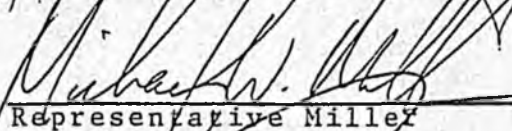

Representative Ringstad

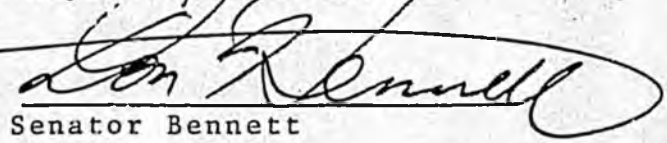

Representative Davis


Representative Koponen


Representative Bettisworth


Representative Shultz


Representative Miller


Senator Bennett



United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

IN REPLY REFER TO:

D18(ARO-SA)

Mr. Richard C. Swainbank
Geoprize Ltd.
Box 81315
Fairbanks, Alaska 99708

Dear Mr. Swainbank:

DEPARTMENT OF
NATURAL RESOURCES

26 DEC 1985

DEC 31 1985

COMMISSIONER'S OFFICE
JUNEAU

In answer to your recent inquiry about the status about the status of a proposed exchange of lands out of the Dunkle Township within Denali National Park, both the National Park Service and the State of Alaska are working in good faith to develop a preliminary exchange agreement. We've isolated specific issues and are trying to resolve them.

Assuming we are able to accomplish the preliminary exchange agreement, we then need to appraise the properties involved and to prepare a series of studies that are mandated as part of the federal record of decisions. These will include an environmental assessment updating the environmental impact statement prepared for the Kanthishna Hills/Dunkle Mine Study.

The National Park Service and the State plan to hold public hearings on the exchange while it is still in preliminary form to provide a full opportunity for public comment. After we have the benefit of public input, the studies are completed and the lands are appraised, we will negotiate with the State to develop a final exchange agreement. Depending on the acreage and the values involved, the exchange and related boundary adjustments may require the approval of the State Legislature and of Congress.

Needless to say, this will take time, but we intend to work diligently on this project with the goal of developing a mutually acceptable land exchange. Meanwhile, I'd be happy to meet with you when mutual opportunity permits.

Sincerely;

Boyd Evison
Regional Director
Alaska Region

cc:

Assistant Secretary, Fish and Wildlife and Parks
Director, National Park Service
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Commissioner, Department of Natural Resources
Senator Bettye Fahrenkamp
Representative Pat Pourchot

EW → BA → MV
cc NF
Molly
Kie Campbell

EOPRIZE Ltd.

BOX 81315
FAIRBANKS, ALASKA, U.S.A. 99708
(907) 479-6093

Mr. Boyd Evison,
Director,
National Park Service,
2525, Gambell Street, Suite 107,
Anchorage,
ALASKA, 99503-2892.

Dec. 12th., 1985.

Dear Mr. Evison,

Recent information regarding the proposed exchange of the Dunkle Township area out of the Park suggests a recent 'sea-change' in the attitude of the Park Service.

According to informed Interior Department officials, much of the foot-dragging was by the State of Alaska in the past. With the unanimous support of the State legislature in favor of the exchange in February 1985, the State has apparently accepted this expression of public interest and has been actively pursuing the exchange in good faith.

I am aware that groups such as the Wilderness Society oppose any and all exchanges, despite the fact that this and a few, (very few), other provisions such as the access and 'no-more' concessions, had to be accepted in ANILCA to enable its passage. Without these minor concessions I believe that the Congressional Delegation would have been united in their opposition to ANILCA, and could have had enough support to stall or kill the legislation. For the Wilderness Society to now focus selectively on these parts of ANILCA which were accepted as part of the compromise process, and to try to revoke these minor concessions shows considerable lack of good faith, and in my opinion Monumental greed.

Perhaps you could explain the present status of the negotiations, and the present position of the Park Service relating to the Dunkle exchange? Should you be in Fairbanks, I would appreciate the opportunity to meet with you and more fully explain the situation and historical developments from my perspective,

Very Sincerely,

Richard C. Swainbank
Richard C. Swainbank.

xc: Senator Stevens,
Senator Murkowski,
Congressman Young.
Deputy-Undersecretary Horn,
Senator Fahrenkamp,
Representative Pouchot.

Alaska Region Office	
DEC 16 '85	
	Initial Date
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DD	12/21
A	12/16
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STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

SENATE RESOURCES COMMITTEE

1/18/85, 1:30

" "

1/21/85, 1:30

Introduced: 1/14/85
Referred: Resources
and Finance

BY FAHRENKAMP, FAIKS
AND COGHILL

1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Requesting that the State of Alaska
6 pursue a land exchange with the U.S.
7 Department of the Interior to exclude
8 the Dunkle Mine Township from Denali
9 National Park and Preserve.

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

11 WHEREAS the boundaries of Denali National Park and Preserve were
12 expanded by the passage of the Alaska National Interest Lands Conservation
13 Act in 1980 to include the historic Dunkle Mine Township; and

14 WHEREAS the Dunkle Mine Township contains good quality coal deposits,
15 at least four high-grade gold/silver vein deposits, placer gold deposits,
16 and large low grade copper/precious metal deposits; and

17 WHEREAS the proximity of the Dunkle Township to the Alaska Railroad
18 and the Parks Highway enhances the favorability of the area's mining poten-
19 tial; and

20 WHEREAS claimholders had established rights to the minerals in the
21 area before the time the park was expanded to include the claims; and

22 WHEREAS in recognition of the fact that the Dunkle Township has known
23 mineral potential, Section 202(3)(b) of ANILCA mandated that a study of the
24 relationship of mineral resources and mining activity to the other resourc-
25 es of the area be done by the Alaska Land Use Council in cooperation with
26 the Secretary of Interior; and

27 WHEREAS a primary reason for including the Dunkle Township in the park
28 was protection of habitat for the Denali caribou herd and there has been no
29 conclusive evidence presented during the study process that the area

1 contains critical habitat for the herd or that increased mining activity
2 will necessarily have a significant adverse effect on the herd; and

3 WHEREAS the potential for mineral development of the Dunkle Township
4 will be lost if the area stays within the park, as park status will not
5 allow new mining claims and may invalidate many of the present claims; and

6 WHEREAS one of the alternatives offered in the 1983 Draft Environ-
7 mental Impact Statement of the Dunkle Mine Study was to remove mineralized
8 areas and mining activity from the park boundaries and place them under the
9 jurisdiction of the State of Alaska; and

10 WHEREAS there is no conclusive evidence that deletion of the Dunkle
11 Township from the park would result in a lack of protection for the caribou
12 herd, as any adverse effects that may occur from increased mining activity
13 could be mitigated under the direction of the state; and

14 WHEREAS there is state owned land contiguous to Denali National Park
15 and Preserve with scenic and wildlife values equal to the Dunkle Township;
16 and

17 WHEREAS Section 1302(h) of ANILCA clearly authorizes exchanges in
18 conservation units; and

19 WHEREAS public testimony solicited during the study process was in
20 strong support of an exchange; and

21 WHEREAS the Department of Interior has indicated that it regards a
22 land exchange as one of the better solutions for the problems identified in
23 the Dunkle Mine Study, and initial discussions have occurred between the
24 State Department of Natural Resources, the National Park Service, and the
25 Office of the Assistant Secretary for Fish, Wildlife and Parks indicating a
26 willingness by all parties to negotiate and exchange;

27 BE IT RESOLVED by the Alaska State Legislature that the State of
28 Alaska and the Department of Interior take whatever action is necessary to
29 exclude the Dunkle Township from the Denali National Park and Preserve

*Back Service
lands? equal value
O'Neil still disagree.
lands of lower
mineral values
D not want.
equal value*

1 through a land exchange that would allow the National Park Service to
2 acquire a nonmineralized township with high scenic and wildlife habitat
3 values and allow the state the opportunity to develop the mineralized lands
4 in the Dunkle Township; and be it

5 FURTHER RESOLVED that the land exchange be as simple and uncomplicated
6 as possible, preferably for lands of equal value to the Dunkle Township and
7 adjacent to the Denali National Park and Preserve.

8 COPIES of this resolution shall be sent to the Honorable William
9 Clark, Secretary of the U.S. Department of Interior; the Honorable Bill
10 Sheffield, Governor; the Honorable Ted Stevens and the Honorable Frank
11 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
12 members of the Alaska delegation in Congress.

*delete
Fish & Game*

13 or 4

*equalizing of wildlife value
as well as economic*

denote

*lands of equal
value*

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 485-4907

Senate Committee on Resources

January 30, 1985

Ernest Woolff
P.O. Box 80989
College, AK 99708

Dear Ernest:

Thank you for your message of support for Senate Joint Resolution 3, Requesting that the State of Alaska pursue a land exchange with the U.S. Department of the Interior to exclude the Dunkle Mine Township from Denali National Park and Preserve.

The Senate Resources Committee has considered this resolution and passed out a committee substitute with a "Do Pass" recommendation. The resources committee substitute makes only minor wording changes that were agreed to by all concerned parties.

CS for SJR 3 (Resources) passed the Senate yesterday and will now go to the House for concurrence. I feel this land exchange will be of benefit to all parties and I will continue to support the resolution as it progresses through the legislature.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Arliss".

Senator Arliss Sturgulewski
Chairman, Senate Resources Committee

mc:bh

JAN 21 1985

Kie

*
 * DELIVER TO: JPOM *
 * *
 * ORIGINAL *
 * SENT: 01/18/85 TIME: 11:53 *
 * FROM: PAULA GRAY *
 * SUBJECT: POM-FAIRBANKS *
 * PRINT DATE: 01/18/85 TIME: 11:53 14 *
 * *

TO: SENATE RESOURCES COMMITTEE

SENS: STURGULEWSKI, FAHRINKAMP, ELIASON, ZHAROFF, HALFORD,
 COGHILL, V. FISCHER

INTERIOR DELEGATION

SENS: BENNETT

REPS: FRANK, DAVIS, KOPONEN, M.W. MILLER, RINGSTAD

FROM: KATHY MARCOUILLER/NERCO MINERALS
 122 1ST
 FAIRBANKS, AK, 99701

PHONE: 456-8056-W

RE: SJR 3 - DUNKLE LAND EXCHANGE

MSG: I ENDORSE SJR 3.

Kil

JAN 21 1985

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*****
*
* DELIVER TO: JFOM
*
*
* ORIGINAL
* SENT:          01/18/85  TIME: 12:11
* FROM:          FLORENCE CARNAHAN
* SUBJECT:       POM
* PRINT DATE:   01/18/85  TIME: 12:11      3
*
*****

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TO: SENATORS STURGULEWSKI AND FAIKS

FROM: EARL FOSTER
 7330 BAILEY DR.
 ANCHORAGE, AK 99502
 (H) (W) 243-4618

RE: SJR 3

I AM A CLAIM HOLDER IN THE DUNKLE BLOCK FOR THE PAST 12 YEARS AND STRONGLY URGE APPROVAL OF THE ELIMINATION OF THE DUNKLE BLOCK FROM THE PARK. ROAD ACCESS INTO THIS AREA BY EXISTING STATE RIGHT-OF-WAY MAKES MINERAL DEVELOPMENT AND POTENTIAL VERY ATTRACTIVE. YOUR APPROVAL WILL BE GREATLY APPRECIATED.

JAN 18 1985

*
* DELIVER TO: JPOM *
* *
* ORIGINAL *
* SENT: 01/18/85 TIME: 10:32 *
* FROM: MICKI HENSON *
* SUBJECT: POM *
* PRINT DATE: 01/18/85 TIME: 10:32 *
* *

TO: SENATOR STURGULEWSKI

FROM: ROGER MECHON
12830 SUMMER DRIVE
ANCHORAGE, AK. 99516
PHONE: 345-6608 HOME

RE: DUNKLE MINE LAND EXCHANGE

I URGE YOU AND YOUR COMMITTEE TO PURSUE A LAND EXCHANGE WHICH WILL KEEP KNOWN MINERALIZED AREAS OPEN TO PRIVATE EXPLORATION AND DEVELOPMENT. THIS WILL BENEFIT THE ENTIRE STATE AS WELL AS THOSE DIRECTLY INVOLVED. THANK YOU FOR YOUR EFFORTS.

JAN 1 2 1005

E.O.M.

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*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/18/85 TIME: 11:04 13
* FROM: PAULA GRAY
* SUBJECT: POM-FAIRBANKS
* PRINT DATE: 01/18/85 TIME: 11:04
*
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TO: SENATE RESOURCES COMMITTEE

SENS: STURGULEWSKI FAIKS, SACKETT, BENNETT, COGHILL, FAHRENKAMP

SENS: INTERIOR DELEGATION BENNETT

REPS: FRANK, DAVIS, KOPONEN, M.W. MILLER, RINGSTAD

FROM: STAN RYBACHEK
P.O. BOX 55698
NORTH POLE, AK, 99705

PHONE: 488-6453-H & W

RE: SJR 3 DUNKLE LAND SWAP

MSG: I STRONGLY SUPPORT SJR 3. THIS IS A KNOWN HIGHLY MINERALIZED AREA WITH RAILROAD ACCESS. I ALSO SUGGEST THE RESOLUTION THAT NO KNOWN MINERALIZED AREAS BE LOCKED UP FOR SINGLE USE.

JAN 18 10 25

*
* DELIVER TO: JPOM *
* *
* ORIGINAL *
* SENT: 01/18/85 TIME: 10:02 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE. 01/18/85 TIME: 10:02 *
* *

TO: SENATOR STURGULEWSKI

FROM: JERRY DUNN, STAR ROUTE 1, BOX 2374, CHUGACH, 99567,
688-3469 (HM), 276-3770 (WK), RE: DUNKLE MINE LAND EXCHANGE

I EXPRESS MY STRONG SUPPORT FOR THE PROPOSED EXCHANGE.

RECEIVED IN POM

*
 * ORIGINAL
 * SENT: 01/17/85 TIME: 16:40
 * FROM: MICKI HENSON
 * SUBJECT: POM
 * PRINT DATE: 01/17/85 TIME: 16:40
 *

TO: SENATOR STURGULEWSKI

FROM: GARY LEVIN
 3406 ARCTIC BLVD.
 ANCHORAGE, AK. 99503
 PHONE: 561-5237 WK.

RE: DUNKLE MINE LAND EXCHANGE

I STRONGLY SUPPORT THE PROPOSED LAND EXCHANGE.

FROM JOHN STEERE, 3406 ARCTIC, ANCHORAGE, 99503, 561-5237

RE: DUNKLE LAND MINE EXCHANGE

I STONGLY SUPPORT THE PROPOSED EXCHANGE.

FROM: DARLENE SHACKLEFORD, 4703 ROCHELLE, HOMER, AK. 99603 PH.
 235-8296

RE: HEARING FRIDAY ON DUNKLE MINE LAND EXCHANGE

I STRONGLY SUPPORT THE PROPOSED LAND EXCHANGE AND URGE THE COMMITTEE APPROVAL OF THE SAME.

EOM*****

FROM: JIM HILLIER, 6032 PTARMIGAN, EAGLE RIVER, 99577, 694-3371
 (HM), 276-3770 (WK), RE: DUNKLE MINE LAND EXCHANGE

I STRONGLY SUPPORT THE PROPOSED EXCHANGE BETWEEN STATE AND FEDERAL LANDS.

JAN 17 1985

 *
 * DELIVER TO: JPOH
 *
 * ORIGINAL
 * SENT: 01/16/85 TIME: 13:01
 * FROM: PAULA GRAY
 * SUBJECT: POH FAIRBANKS
 * PRINT DATE: 01/16/85 TIME: 13:00
 *

McKee

TO: SENS STURGOLEWSKI, FAIKS, BENNETT, SACKETT, COGHILL,
 RENKAMP

FROM: EARL H. BEITLINE
 P.O. BOX 80148
 FAIRBANKS, AK 99708

RE: S.J.R. 3 BUNKLE MINE TOWNSHIP LAND EXCHANGE

MSG: I COMPLETELY FAVOR SURS AND ENCOURAGE RECOMMENDATIONS FOR APPROVAL BY THE SENATE RESOURCES AND FINANCE COMMITTEES AND THE 1985 LEGISLATURE. ONLY GOOD WILL COME TO THE STATE OF ALASKA BY COMPLETING THE LAND EXCHANGE PROPOSED IN THE RESOLUTION.

-----EOM

JAN 17 1985

Maki

 *
 * DELIVER TO: JPOM
 *
 * ORIGINAL
 * SENT: 01/17/85 TIME: 09:35
 * FROM: LANA TRUJILLO
 * SUBJECT: POM
 * PRINT DATE: 01/17/85 TIME: 09:35
 *

TO: SENATOR STURGULEWSKI:

FROM: RAY KREIG, 3818 CLAY PRODUCTS RD., ANCHORAGE, 99503, 243-8951(HM), 276-2025(WK)

RE: DUNKLE LAND MINE EXCHANGE

I STRONGLY SUPPORT THIS PROPOSED EXCHANGE. I AM DISAPPOINTED THAT THE DEPT. OF NATURAL RESOURCES HAS NOT STRONGLY PRESSED FOR THIS SELECTION UNTIL RECENTLY.

JAN 17 1985

* DELIVER TO: JPM
 * ORIGINAL
 * SENT: 01/16/85 TIME: 10:36
 * FROM: LANA TRUJILLO
 * SUBJECT: PCM
 * PRINT DATE: 01/16/85 TIME: 10:37

Make

TO SENATOR STURGOLENSKI
 FROM: WALTER PHILLIPS, BOX 3304, HONOLULU, HI 96803, 235-6746 (HM),
 276-3770 (WK)
 RE: DUNKLE MINE/FRIDAY MEETING
 I WANT TO REGISTER STRONG SUPPORT IN FAVOR OF THE EXCHANGE

*
* DELIVER TO: JPOM *
* *
* ORIGINAL *
* SENT: 01/17/85 TIME: 16:45 *
* FROM: PAULA GRAY *
* SUBJECT: POM-FAIRBANKS *
* PRINT DATE: 01/17/85 TIME: 16:45 * 14
*

TO: SENATE RESOURCES COMMITTEE

SENS: STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF, HALFORD,
COGHILL, V. FISCHER

INTERIOR DELEGATION

SENS: BENNETT

REPS: FRANK, DAVIS, KOPONEN, M.W. MILLER, RINGSTAD

FROM: RANDY ROGERS-DIRECTOR NTHN AK ENVIRONMENTAL CTR.
218 DRIVEWAY
FAIRBANKS, ALASKA, 99701
PHONE: 452-5021-W

RE: SJR 3, DUNKLE LAND SWAP

MSG: WE OPPOSE SJR 3. MINING CAN CONTINUE IN THE DUNKLE
TOWNSHIP ON VALID CLAIMS REGARDLESS OF NATIONAL PARK STATUS.
CONTINUED N.P.S. MANAGEMENT WILL INSURE THAT MINING IMPACTS ON
CARIBOU AND SCENIC QUALITIES WILL BE MINIMIZED PROTECTING THE
INTEGRITY OF THE PARK FOR FUTURE GENERATIONS.

-----EOM

FROM: ERNEST N. WOOLFF, P.O. BOX 80989, COLLEGE, AK 99708

PHONE: 457-7640

RE: SJR 3 DUNKLE MINE LAND SWAP

MSG: I SUPPORT SJR3, THE DUNKLE MINE TOWNSHIP LAND TRADE
BECAUSE IT WILL LEAVE VALUABLE AND NEEDED MINERAL LAND IN
PRODUCTION. I AM FAMILIAR WITH THE DUNKLE MINE AREA AND KNOW
THAT IT IS NOT A RICH CALVING AREA AS CLAIMED.

*only
opposition
so far*

JAN 18 1985

*
* DELIVER TO: JPOM *
* *
* *
* ORIGINAL *
* SENT: 01/17/85 TIME: 10:34 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 01/17/85 TIME: 10:34 *
* *

TO: ALL LEGISLATORS

FROM: ROGER FRENZEL, BOX 772341, EAGLE RIVER, 99577, 694-4213
(HM), 263-4914 (WK), RE: SJR 3

I EXPRESS MY SUPPORT FOR SJR3.

JAN 18 1985

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/17/85 TIME: 11:14
* FROM: MICKI HENSON
* SUBJECT: POM
* PRINT DATE: 01/17/85 TIME: 11:14
*

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*
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*

TO: SENATOR STURGULEWSKI

~

FROM: NEIL HAWTHORNE
2813 IRIS
ANCHORAGE, AK. 99503
344-4711 WORK

DUNKLE MINE LAND EXCHANGE

IF A NATIONAL PARK SERVICE OR OTHER STUDIES INDICATE THAT BOTH PARCELS ARE EQUIVALENT AS FAR AS WILDLIFE USE THEN I SUPPORT THE EXCHANGE.

Kid
Are you doing letter?

JAN 18 1985

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/17/85 TIME: 10:25
* FROM: LANA TRUJILLO
* SUBJECT: POM
* PRINT DATE: 01/17/85 TIME: 10:25
*

TO: SENATOR STURGULEWSKI

FROM: KYLE BROWN, 12320 HERITAGE RD., BOX 111165, ANCHORAGE,
99511, 345-6643 (HM), 561-1088 (WK), RE: PARK LAND EXCHANGE

I STONGLY SUPPORT THE PROPOSED EXCHANGE.

JAN 18 1985

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*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/17/85 TIME: 11:58
* FROM: BARBARA NORRELL
* SUBJECT: POM
* PRINT DATE: 01/17/85 TIME: 11:58
*
*****

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TO: SEN. STURGULEWSKI

FROM: JOHN SWANSON, 12301 GINAMI, ANCHORAGE 99516, 345-6318

SUBJECT: DUNKLE MINE

I SUPPORT THE PROPOSED DUNKLE MINE LAND EXCHANGE.

kie

PRIMARY DISTRIBUTION	DATE/TIME SENT
JPOM	01/17/85 11:58
LIOA	01/17/85 11:58

JAN 18 1985

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/17/85 TIME: 13:27
* FROM: MAXINE WALTON
* SUBJECT: POM/FBX
* PRINT DATE: 01/17/85 TIME: 13:27
*

19

[Handwritten signature]

TO: SENATE RESOURCES COMMITTEE
SENS: STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF, HALFORD,
COGHILL, V. FISCHER

INTERIOR DELEGATION

~~SEN: BENNETT~~
REPS: DAVIS, KOPONEN, M.W. MILLER, RINGSTAD, FRANK
FROM: MARK RINGSTAD, 502 MONROE ST., FBX 99701
PHONE: W) 456-5734, H) 456-5734

RE: SJR 3, DUNKLE MINE LAND SWAP

MSG: I WOULD LIKE TO GO ON RECORD SUPPORTING SJR 3. I AM THOROUGHLY FAMILIAR WITH THE DUNKLE MINE TOWNSHIP HAVING CROSSED IT ON FOOT AND HELICOPTER MANY TIMES. I AM FAMILIAR WITH THE MINERAL POTENTIAL OF THE AREA AND THE TREMENDOUS LACK OF WILDLIFE.

FROM: ALFRED SKONDOVITCH & REBECCA MCCAULEY, 721 GAFFNEY RD.,
FBX 9970 1
PHONE: W) 452-8141 H) 452-4570

RE: SJR 3 DUNKLY MINE LAND SWAP
MSG: WE SUPPORT THE EXCHANGE OF THE DUNKLE MINE TOWNSHIP.....EOM

FROM: ROGER BURGGRAF, 499 ST. PATRICKS ROAD, FBX 99701
PHONE: W) 479-2169 H) 479-2596
RE: SJR 3 DUNKLE MINE LAND SWAP

MSG: THE MINING COMMUNITY OF INTERIOR ALASKA SUPPORTS SJR 3. WHICH REQUESTS A LAND EXCHANGE WITH THE DE PT. OF INTERIOR TO EXCLUDE THE DUNKLE MINE TOWNSHIP FROM DENALI NAT'L PA RK.
.....EOM

JAN 18 1985

 *
 * DELIVER TO: JPOM
 *
 *
 * ORIGINAL
 * SENT: 01/17/85 TIME: 12:17
 * FROM: TCHOM
 * SUBJECT: POM
 * PRINT DATE: 01/17/85 TIME: 12:17
 *

TO: SENATOR ARLISS STURGULEWSKI

FROM: JOHN D. KOSCH, BOX 1163, HOMER, AK. 99603 PH. 235-8488
 AND
 JOHN P. CALHOUN, 422 RANGEVIEW AVE., HOMER AK. 99603
 PH. 235-7214
 AND
 LORETTA MARX, 57920 GLACIER VIEW DRIVE, HOME R, AK. 99603
 PH. 235-6871

RE: HEARING FRIDAY ON DUNKLE MINE LAND EXCHANGE

I STRONGLY SUPPORT PROPOSED LAND EXCHANGE AND URGE COMMITTEE'S APPROVAL OF SAME. THANK YOU

EOM*****

JAN 18 1985

*
* DELIVER TO: JPOM *
* *
* *
* ORIGINAL *
* SENT: 01/17/85 TIME: 13:43 *
* FROM: PAULA GRAY *
* SUBJECT: POM/FBX *
* PRINT DATE: 01/17/85 TIME: 13:43 *
* *

TO: SENATOR STURGULEWSKI
FR: JUDY GERAGHTY, 405 JUNEAU ST., FBX 99701
PH: W)456-8570 H) 456-6063
RE: SJR 3 DUNKLE MINE LAND SWAP
MSG: I WUPPORT THE DUNKLE LAND SWAP. I THINK IT IS ABOUT TIME.



NORTHWEST MINING ASSOC
633 PEYTON BLDG
SPOKANE WA 99201 17AM



Mailgram®



4-0361855017 01/17/85 105 1PMRRCZ CSP AHCB
5096241158 MOMB TDRR SPOKANE WA 64 01-17 0513P EST

Makie

*Betty -
Stock SJR3
response*

SENATOR A STURGULEWSKI CAPE SENATE RESOURCES
COMMITTEE
POUCH V
JUNO AK 99811

OUR ASSOCIATION WAS FOUNDED IN 1895 TO SUPPORT THE MINING INDUSTRY OF
THE NORTHWEST INCLUDING ALASKA, AND NUMBERS APPROXIMATELY 2200
MEMBERS. WE URGE YOU TO SUPPORT SJR3 THE LAND EXCHANGE WHICH WOULD
REMOVE THE MINERALIZED DUNKLE TOWNSHIP FROM THE DENALI NATIONAL PARK.
KARL W MOLE, EXECUTIVE DIRECTOR NORTHWEST MINING ASSOCIATION
SPOKANE WA

1714 EST

MOACOMP MOA

TESTIMONY

BY THE NATIONAL PARK SERVICE ALASKA REGIONAL OFFICE

TO THE SENATE RESOURCES COMMITTEE

ALASKA STATE SENATE

REGARDING SENATE JOINT RESOLUTION NO. 3

January 17, 1985

We are pleased to hear of the Senate Resource Committee's interest in support for ~~and~~ equal value land exchange that would substitute lands of high wildlife and scenic value for mineralized lands in the Dunkle Township area. We believe an exchange of this nature could be feasible and mutually beneficial and we are committed to working with the Department of Natural Resources to develop the terms of such an agreement.

The National Park Service has long been interested in acquiring state lands at the northeast boundary of the old park, commonly known as the Wolf Townships. Wildlife which inhabit and travel through this region are a major source of the attraction of Denali National Park and Preserve for Alaskan visitors and residents. The proposed park addition would, in the long run, benefit the state and its economy by enhancing one of the state's prime visitor attractions.

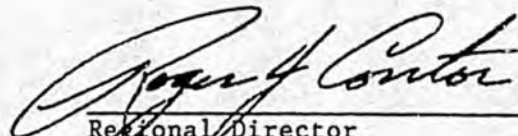
For similar reasons, in negotiating this exchange, we will seek an agreement with the State of Alaska which will assure that the caribou herds which use the Dunkle Township are protected from further decline. The National Park Service is in the process of completing a study of the caribou herds in this part of Alaska and by the first of February we will be able to release the results. There is ample documentation that the Denali caribou herd has used

have used

the Dunkle area since at least 1939. In many years, the Dunkle Township ^{has been} is used as a calving and post-calving habitat. I believe we are in agreement with the state Department of Fish and Game, as well as the Department of Natural Resources, that protection of the herd is an important goal that must be addressed in the exchange.

We are also appreciative of the mineral values of the Dunkle Township. We are fortunate to be able to start our negotiations on a sound basis of ^{recent} research and documentation for both mineral and wildlife values in the region and we look forward to developing an exchange which improves the overall pattern of land ownership in Alaska.

Though we find that the proposed resolution is generally well written, there are several changes we would recommend. These are as follows:



Regional Director
Alaska Region

Noted to indicate changes recommended by the National Park Service, January 17, 1985

Introduced: 1/14/85
Referred: Resources and Finance

BY FAHRENKAMP, FAIKS AND COGHILL

1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Requesting that the State of Alaska
6 pursue a land exchange with the U.S.
7 Department of the Interior to exclude
8 the Dunkle Mine Township from Denali
9 National Park and Preserve.

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

11 WHEREAS the boundaries of Denali National Park and Preserve were
12 expanded by the passage of the Alaska National Interest Lands Conservation
13 Act in 1980 to include the historic Dunkle Mine Township; and

14 WHEREAS the Dunkle Mine Township contains good quality coal deposits,
15 at least four high-grade gold/silver vein deposits, placer gold deposits,
16 and large low grade copper/precious metal deposits; and

17 WHEREAS the proximity of the Dunkle Township to the Alaska Railroad
18 and the Parks Highway enhances the favorability of the area's mining poten-
19 tial; and

20 WHEREAS claimholders had established rights to the minerals in the
21 area before the time the park was expanded to include the claims; and

22 WHEREAS in recognition of the fact that the Dunkle Township has known
23 mineral potential, Section 202(3)(b) of ANILCA mandated that a study of the
24 relationship of mineral resources and mining activity to the other resourc-
25 es of the area be done by the Alaska Land Use Council in cooperation with
26 the Secretary of Interior; and

Delete.
Study will
be completed
Feb. 1

27 ~~WHEREAS a primary reason for including the Dunkle Township in the park~~
28 ~~was protection of habitat for the Denali caribou herd and there has been no~~
29 ~~conclusive evidence presented during the study process that the area~~

-1- NPS - submit only correct
SJR 3
Follow up herd at low
alt.

1 ~~contains critical habitat for the herd or that increased mining activity~~
2 ~~will necessarily have a significant adverse effect on the herd; and~~

3 WHEREAS ^{some} ~~the~~ potential for mineral development of the Dunkle Township
4 will be lost if the area stays within the park, as park status will not
5 allow new mining claims and may invalidate many of the present claims; and

6 WHEREAS one of the alternatives offered in the 1983 Draft Environ-
7 mental Impact Statement of the Dunkle Mine Study was to remove mineralized
8 areas and mining activity from the park boundaries and place them under the
9 jurisdiction of the State of Alaska; and

10 WHEREAS there is no conclusive evidence that deletion of the Dunkle
11 Township from the park would result in a lack of protection for the caribou
12 herd, as any adverse effects that may occur from increased mining activity
13 could be mitigated under the direction of the state; and

14 WHEREAS there is state owned land contiguous to Denali National Park
15 and Preserve with scenic and wildlife values equal to the Dunkle Township;
16 and

17 WHEREAS Section 1302(h) of ANILCA clearly authorizes exchanges in
18 conservation units; and

19 WHEREAS public testimony solicited during the study process was in
20 strong support of an exchange; and

21 WHEREAS the Department of Interior has indicated that it regards a
22 land exchange as one of the better solutions for the problems identified in
23 the Dunkle Mine Study, and initial discussions have occurred between the
24 State Department of Natural Resources, the National Park Service, and the
25 Office of the Assistant Secretary for Fish, Wildlife and Parks indicating a
26 willingness by all parties to negotiate and exchange;

27 BE IT RESOLVED by the Alaska State Legislature that the State of
28 Alaska and the Department of Interior take whatever action is necessary to
29 mineralized lands in area exclude/the Dunkle Township from the Denali National Park and Preserve

1 through a land exchange that would allow the National Park Service to
2 acquire ^{lands} ~~a non-mineralized township~~ with high scenic and wildlife habitat
3 values and allow the state the opportunity to develop the mineralized lands
4 in the Dunkle Township; and be it

5 FURTHER RESOLVED that the land exchange be as simple and uncomplicated
6 as possible, preferably for lands of equal value to the Dunkle Township and
7 adjacent to the Denali National Park and Preserve.

8 COPIES of this resolution shall be sent to the Honorable William
9 Clark, Secretary of the U.S. Department of Interior; the Honorable Bill
10 Sheffield, Governor; the Honorable Ted Stevens and the Honorable Frank
11 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
12 members of the Alaska delegation in Congress.

*national park - lands of equal value
preserved here w/ not be disturbed*

GEOPRIZE Ltd.

BOX 81315
FAIRBANKS, ALASKA, U.S.A. 99708
(907) 479-6093

TO: SENATE RESOURCES COMMITTEE.
RE: S.J.R. 3. DUNKLE EXCHANGE.

Jan. 17th., 1985.

Ladies and Gentlemen,

I deeply regret that I am unable to be in Juneau to testify in person, because this matter has affected much of my life during the past several years, but hope that this letter will convey some of my concerns.

Recent studies have shown that the Dunkle Township is highly mineralized, which is a geologic rarity, especially as it occurs very close to the road and railroad. These studies support my personal opinion, based on seasonal work in the area most years since 1971. Using information about the gold and silver in the area, which was derived from the work done in 1971-3, I staked claims in the area in 1975-76.

In 1978 the whole Upper Chulitna Mining District was included in the Denali Monument, but in 1980 all of the area was excised from the Park, except the Dunkle Township. The area was retained in the Park because it was asserted that the Township was "critical caribou habitat", though some concern was also expressed that the State did not have a mineral leasing system, and was therefore unable to "control" development.

The question of "critical habitat" needs careful scrutiny, particularly since it is so frequently asserted. Despite caribou studies since 1959, the 1973-74 Environmental Impact Statements for the proposed expansion of the McKinley Park showed that the Dunkle Township was of no importance to caribou. I had seen only the odd caribou in all my time in the area, and no game trails and very few bones to indicate that the area had had any significant historic use by caribou.

In 1976, however, I did see a large group of caribou, perhaps 50-100, near our claims, but these had been driven into the area, from the Park some 8 miles away, by Park Service biologists with an helicopter. These caribou studies intensified 1976-80, and then again in 1980-83, when Congress mandated further studies in ANILCA. The attached map shows the results of various caribou counts since 1976, allowing that some error might have resulted from the poor quality of the originals provided by the NPS. It is clear that except for the extreme NW corner of the Township, the area can hardly be considered important, much less "critical". This is more readily apparent when it is understood that this area is only one of a calving areas which were identified in the Park in 1984. Earlier studies had concluded that the Dunkle Township was "critical" because it was one of only 3!

If the area is not "critical caribou habitat", then it would seem that the reason for its inclusion in the Park no longer exists, if it ever did.

The two-week minerals study under ANILCA showed that the area was highly mineralized, but needed further evaluation. I agree, and since 1978, under the 'Status Quo', have spent much of my time trying to do just that. At this time our, (my), prospect, which is only a small part of the more extensive mineralization, needs to be drilled. Other, less desirable evaluation methods such as blasting and trenching are not permitted in the Park. The Park Service, in all fairness, has allowed me to drill, but it is impossible to secure the substantial funds necessary for diamond-drilling when the chance to develop a property so defined is negligible. I have talked with most major and many Junior mining companies, and they are unanimous that mineral development in a Park is impossible; even with the high precious metal prices of 1980-81.

TESTIMONY TO SJK 3, Dunkle Township Exchange, Jan 18, 1985.

Only if the Dunkle Township is removed from the Park can further evaluation be expected. ANILCA was recognized by most reasonable people to be rather broad in scope, and there was inbuilt two mechanisms to rectify mistakes. These are the Sections 103b and 1302h.

In my opinion the premise on which the Dunkle Township was included into the Denali Park was false, and it should never have been included, particularly since it was known to be mineralized, and the E.I.S. of 1974 categorically stated that no areas of mineralization would be included. It is now time to rectify the mistake, and to excise the area so that further evaluation of the mineral resources might progress, and so that possibly there might be some responsible development within a reasonable distance of existing transportation.

If development within sight of the only railroad is to be strangled by unfounded concerns, then it bodes ill for the diversification of the State economy as a whole.

Sincerely,

/s/ Dick Swainbank

GEOPRIZE Ltd.

BOX 81315
FAIRBANKS, ALASKA, U.S.A. 99708
(907) 479-6093

Mr. Vern Wiggins,
Governor Sheffield,

May 17th., 1984

Re. Dunkle Mine Township.

Gentlemen,

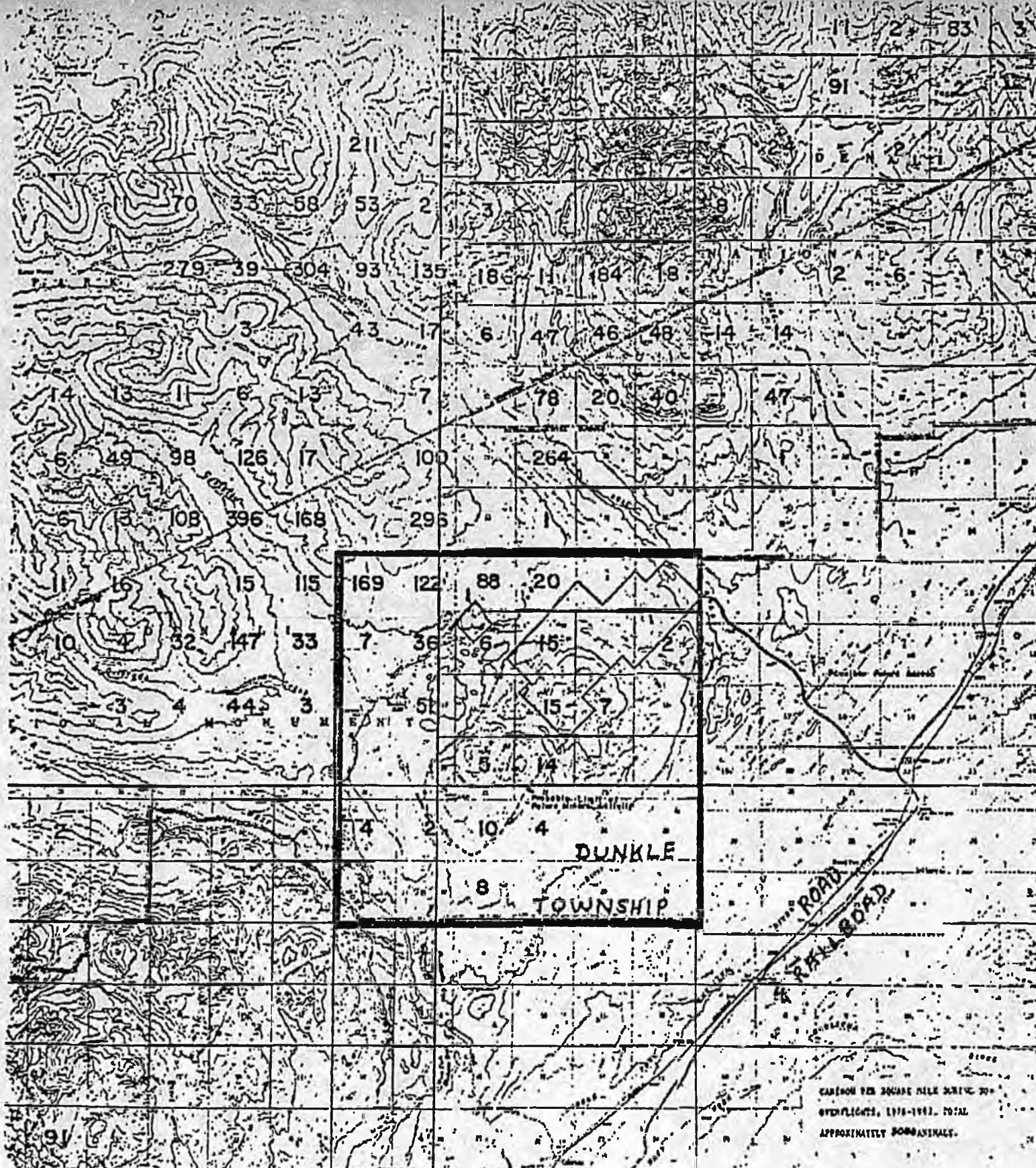
I wish to bring to your attention these endorsements for the exchange alternative for the Dunkle Mine Township, (DEIS Alternative 6, or more recently Alternative 7.)

- a) Public Testimony to the DEIS in June of 1983.
- b) Individual expressions of support via. about 100 POM's similar to the blank appended, as relayed via Sen. Fahrenkamp's office 5/17/84.
- c) Expressions of interest from some Cantwell/Broad Pass residents in about 1980
- d) Land Use Council Advisory Committee, 10-1 vote, May 12?, 1984.
- e) Land Use Council Federal Co-Chairman, May 10, 1984.
- f) Matanuska-Susitna Borough. (Via call to Mr. Thurlow, 5/16/84)
- g) Alaska Miners Association, *PLACER MINERS OF ALASKA, MINERS ADVOCACY COUNCIL*
- h) Resource Development Council
- i) Fairbanks Chamber of Commerce
- j) Office of Mineral Development, Dept. of Commerce, 07/13/83.
- k) Citizens Advisory Commission on Federal Areas, 07/25/83.
- l) State D.N.R (11/21/83.)
- m) Hawley Resource Group, 04/02/84.

If these endorsements could be brought to the attention of the Council prior to any action I would be appreciative,

Sincerely,

Dick Swainbank.



11 2 83

91

211

6 E N 2

70 33 58 53 2

3 9

279 39 304 93 135 186 11 184 18

2 5

5 3 43 17 6 47 46 48 14 14

14 13 11 8 13 7 78 20 40 47

6 49 98 126 17 100 264

6 13 108 396 168 296

169 122 88 20

11 16 15 115

7 36 6 15 2

10 32 147 33

5 14 15 7

3 4 44 3

4 2 10 4

DUNKLE

8 TOWNSHIP

ROAD
RAILROAD

CARBON PER SQUARE MILE DURING 20
OVERFLIGHTS, 1978-1982. TOTAL
APPROXIMATELY 500 ANNUALLY.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE

4016 EVERGREEN
FAIRBANKS, ALASKA 99701

907-479-3550



Senate

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE 907-465-3763
RESOURCES COMMITTEE
907-465-3834
HOME 907-789-9182

January 14, 1984

Senator Arliss Sturgulewski
Chair, Senate Resources Committee
Pouch V
Juneau, AK 99811

Dear Arliss:

SJR 3, requesting that the State of Alaska pursue a land exchange with the U.S. Department of Interior to exclude the Dunkle Mine Township from the Denali National Park and Preserve, will be referred to the Senate Resources Committee on the opening day of session.

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 adjusted the boundaries of Denali National Park to include the Dunkle Mine Township, and, in recognition of the township's mineral potential, mandated that the Alaska Land Use Council (ALUC) conduct a study of the relationship of mineral resources to the other resources of the area. The study team presented management options for the Dunkle area to the Council in May of 1984; one of the options was a land exchange which would remove the Dunkle township from the park.

Although the exchange option was not selected by the Council as the preferred management alternative, the benefits of conducting a land exchange continue to be discussed by both the State Department of Natural Resources and the U.S. Department of Interior, and the ALUC is scheduled to reconsider its position on the exchange at its February 14, 1985 meeting. Action by the Legislature on SJR 3 before this time would be a strong indication of Legislative support for the exchange option to not only the Council but to State and Federal land managers as well.

Page Two

I urge you to schedule SJR 3 for consideration by the Committee as soon as possible, and would be happy to discuss this with you further at your convenience.

Best regards.

Sincerely,



Bettye Fahrenkamp
Alaska State Senate

BF/ss



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 31, 1984

The Honorable Bettye Fahrenkamp
Alaska State Senate
Pouch V
Juneau, AK 99801

Dear Senator *Bettye* Fahrenkamp:

Thank you for your letter dated May 19, endorsed by you and the other members of the Interior delegation, regarding the Kantishna Hills/Dunkle Mine Study.

The preferred alternatives adopted by the Alaska Land Use Council for the Kantishna Hills/Dunkle Mine areas represent options which allow the continuation of existing operations and look toward expanded mineral development in the future. The preferred alternative in the Kantishna area, implementation of a mineral leasing program, not only maintains the status quo on existing claims but proposes to open up new, unclaimed areas to a mineral leasing program. The existing patented and unpatented claims retain all rights vested in them at the time of staking through federal mining law. Under the recommendation being transmitted to Congress, areas of high mineral potential that are not available for mining would be opened in 1989 through a leasing program, if by that time operators on existing placer claims are able to meet applicable water quality standards. We think that the adoption of this alternative which supports increased development emphasizes the State's intention to see mining continue on existing claims as well as on unclaimed areas.

The decision to adopt the status quo alternative in the Dunkle mine area was a difficult one. The status quo allows rights of the existing mining claims to be maintained, although we understand the difficulty of developing some of these deposits under the present circumstances. This recommendation represents a compromise between the diverse objectives of the Federal and State agencies involved in the Kantishna Hills/Dunkle Mine Study.

While the State of Alaska is concerned with the development and operation of the area's lode claims, it cannot choose to

JUN 4 1984

Backup

Senator Fahrenkamp

-2-

May 31, 1984

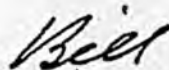
ignore the constraints imposed by Congress. Congress placed the Dunkle township in the Denali National Park, and legislative history says that these lands (including the Kantishna) are to remain within the park.

By placing the Dunkle within the park, it has become part of the focus for investigation of the decline of the Denali caribou herd. Accordingly, the National Park Service is conducting a three-year caribou study, and until its completion, is not amenable to trading this area out of the park.

However, during the course of the Alaska Land Use Council negotiations, agreement was reached with the Park Service that it will not adjudicate the mining claims in this area while the studies are in progress. Should the studies show that the area is not critical to survival of the Denali herd, the National Park Service is willing to reconsider a future exchange of this area. Given the congressional constraints, this seems to be the most viable option and strategy available to the State.

Please let me know if you have any further questions regarding the actions taken by the Alaska Land Use Council on this matter.

Sincerely,



Bill Sheffield
Governor



*Citizens' Advisory Commission
on Federal Areas*

BACKUP

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012

July 25, 1983

Ms. Linda Nebel, Chief
Division of Planning and Design
National Park Service
2525 Gambell St. Room 107
Anchorage, AK 99503

Dear Ms. Nebel:

Enclosed are the Commission's comments on the Draft Environmental Impact Statement for the Kantishna Hills/Dunkle Mine Study. The Commission is primarily concerned with the deficiencies of the document, particularly in relation to a complete description and analysis of each resource being studied.

Hopefully, the data generated by this year's field work will provide additional information which will be useful in the final study report. Identification of a preferred alternative for recommendation to Congress will be a difficult task with the limited time remaining. The Commission will continue its involvement in the study process until the December, 1983 deadline.

If there are any questions concerning the comments or if there is any additional information which we may be able to provide, please contact the staff offices.

Sincerely,

Bettye Fahrenkamp by J.C.

Bettye Fahrenkamp, Chairman
Alaska State Senator

Backup



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

July 12, 1984

Mr. Dick Swainbank
Geoprize Ltd.
P.O. Box 81315
Fairbanks, Alaska 99708

Dear Dick:

Thank you for your letter of June 23 regarding the Dunkle Mine study area and the Governor's correspondence. The Department is persuaded that the law clearly authorizes exchanges that can transfer the Dunkle Mine township (in whole or in part) out of the National Park status. Indeed, this is one of the Alternatives specifically outlined in the Draft Environmental Impact Statement issued in conjunction with the section 202(3)(b) study of the area. As a consequence, I must take exception to any conclusion that the law requires that the area remain within the park. Furthermore, the Act authorizes boundary adjustments up to 23,000 acres; such an adjustment could be made to excise the area from the park.

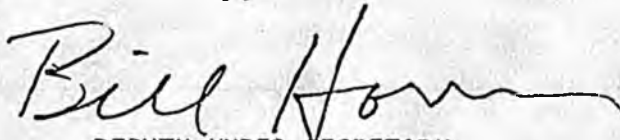
Regarding the status of the November 12, 1980 remarks in the Congressional Record, such comments have limited value under the rules of statutory construction. The actual language of the statute is the primary controlling factor. Only if the language is not clear is the legislative history reviewed. In that case, the reports issued by the authorizing committees are examined first in an effort to discern Congressional intent. Should the report language prove insufficient, debate among Representatives or Senators at the time of passage is then scrutinized. Generally, the unilateral remarks of a Member of Congress carry relatively little weight in determining the legislative intent of a specific provision of law.

Be assured that the Department continues to regard a land exchange involving the Dunkle Mine township as one of the better solutions for the problems identified in the Kantishna Hills/Dunkle Mine study. The Secretary will shortly be reviewing the final EIS, the Alaska Land Use Council study and recommendations, and the Park Service's caribou study. When that review is completed, the Department will be making its recommendations to Congress as well as commencing appropriate administrative action which might include an invitation to the State to negotiate a land exchange, with a possible boundary adjustment.

3 yrs?

Thanks again for your letter and please stay in contact with us on this important matter.

Sincerely,



DEPUTY UNDER SECRETARY

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Senator Don Bennett
John Katz, Alaska Governor's office

MEMORANDUM

State of Alaska

Backup

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING

TO: Esther Wunnicke
Commissioner

DATE: April 16, 1984

FILE NO:

TELEPHONE NO: 276-2653

FROM: Pedro Denton
Director

SUBJECT: Dunkle Township

I am concerned that the state's position on the Dunkle Mine area in the Denali National Park may be based on a misunderstanding of the impact that continued park status will have on development of the well known mineral potential of the area. It is clear from information in the study group report and draft FEIS that the Dunkle area has significant mineral potential. It has potential for small high-grade gold-silver deposits, large low grade copper/precious metal porphyry type deposits, coal deposits and placer gold deposits. The potential is well summarized on page 13 of the study prepared by Salisbury & Dietz, Inc., (copy attached).

It is also clear that the potential for development will probably be lost if the area stays in the park. The reason is simple. Park status will not allow any new mining claims. Most of the present claims would be invalidated by an Interior Department validity determination. The FEIS states on page 18 that the claims would be adjudicated on the basis of the date of withdrawal and any claims found invalid would revert to Park status. Consequently, there is simply not enough of the area under secure land status to justify further exploration or development of any except perhaps the small high grade deposits.

The FEIS assumes only 9 unpatented placer mining claims in the area to be valid. All of the unpatented lode claim area is assumed invalid (page 18 4/9/84 draft). Of course this assumption is for purposes of the FEIS only and the claimant, Dick Swainbank, assumes a much larger number to be valid, but knowing the strictness of the application of the discovery rule, which, according to the analysis in the FEIS must be applied at the time the lands were placed in the park, and from discussions with Mr. Swainbank, it is highly probable that the mineral deposit would not be viable without the claims that can be invalidated by NPS. Certainly the question of validity would make it almost impossible to obtain financing for either exploration or development.

Thus, the only real hope for development of the mineral potential of this area is some of the other alternatives. The most logical alternative seems to be the land trade for one of the "wolf" townships. It is difficult to understand why this was not an acceptable alternative to all the voting agencies, especially the State agencies (DEC, DF&G, DNR).

From the Park Service perspective, they would acquire in the exchange a township presently surrounded on three sides by the park for a township presently nearly surrounded on three sides by state lands. Apparently they have not thought about the potential impacts on the park from development of the Wolf township area over which they presently have no control. It's interesting that the FEIS did not address this point except to mention that

some of the exchange lands would have value for wildlife and wilderness. If the primary concern is over the potential for disturbance of the caribou, we can address it by conditions in the trade agreement. For example, we could agree to:

1. Close the key sections used for caribou calving in the NW corner of the township to surface mining operations.
2. Close certain areas to surface prospecting activities during periods when such activities would interfere with caribou.
3. Require the area be mined only under a state lease through agreement with the present claimholder and through classification for future locations. These leases could contain provisions, spelled out in the exchange agreement, which would add further protection to the caribou.
4. The state could agree to consult, or seek the approval of the Park Service on caribou management plans for the area.

The Park Service position is understandable, but it is difficult to understand the position of DEC and DF&G. It would seem that the state's position should be that it can manage its fish, wildlife and water resources without regard to land ownership. Certainly this is the position with regard to water quality. However, the language regarding control of water quality in the study team report and the FEIS seems to say that we can't manage it so let's lock it up in the park. I can understand the frustration with placer mining water use during the past few years, but the state must and will find solutions to these problems long before there is significant development in this area. Even if we don't, placer mining water quality problems in the Dunkle area will have little effect on the caribou (i.e., most of the effects will be down stream). Thus, we should be able to secure DEC agreement to go along with us on this point.

Similarly it would seem F&G would have no basic objection to the state controlling the land and that seems to be the case from discussions I have had with Al Ott in Fairbanks.

In conclusion I believe the land exchange option is still the best approach, especially if we can unite the involved state agencies. Without our help I believe the Dunkle potential will never be realized. I recommend we:

1. Develop an exchange proposal along the following lines:
 - a. Dunkle township for equal ^{value} ~~amounts~~ in the Wolf townships.
 - b. Provide for (1) mining by lease only in Dunkle township,
(2) no surface entry during caribou calving in critical areas,
(3) no surface mining in critical calving areas
(4) other mining lease provisions necessary to protect caribou.

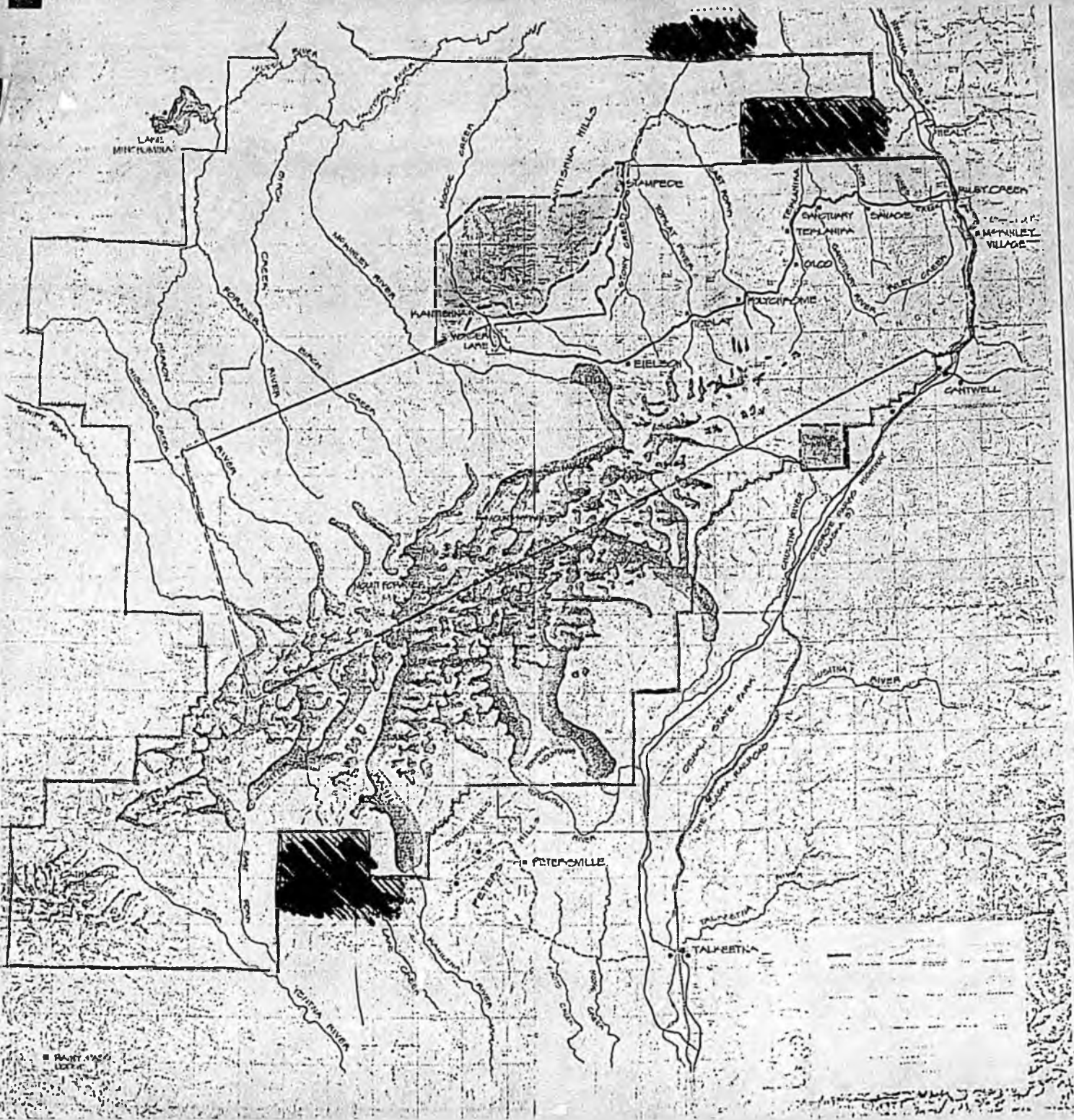
- c. Agreement between State and Park Service on caribou management plan.
 - d. Provisions for public access to the Kantishna Mining District through the Wolf township.
2. Develop an absolute bottom line DNR position that the "status quo" is only acceptable for two years to allow Congress to appropriate funds for study of the caribou and mineral potential of the area.
 3. Unite DEC, DF&G and DNR on these points.

If you would like, I can develop these ideas further or could pursue agreement with DEC and F&G on an exchange proposal.

cc: J.K. Barnett, Deputy Commissioner
Dee Frankfourth
Bill Beaty

PD/1kb/1110M

Backup



- DENALI NATIONAL PARK AND PRESERVE BOUNDARY
- DENALI WILDERNESS BOUNDARY
- AIRPORT
- GLACIER
- STUDY AREA
- AREAS FOR POSSIBLE EXCHANGE



Exchange Areas
Kantishna Hills and
Dunkle Mine Study Areas
Denali National Park and Preserve
United States Department of the Interior, National Park Service
1982

ALASKA LAND USE COUNCIL

P.O. Box 100120
Anchorage, Alaska 99510

MAY 10 1984



State Co-Chairman
Bibi Sheffield
Governor

(907) 272-3422

Federal Co Chairman
Vernon R. Wiggins

MEMORANDUM

May 10, 1984

To: Members
Alaska Land Use Council

COPY

From: Vernon R. Wiggins
Federal Cochairman

Subject: Kantishna Hills/Dunkle Mine Study, Section 202(3)(b) and (c)
ANILCA

The Council, at its scheduled May, 1984 meeting, will consider the study group's recommended options for the Kantishna Hills and Dunkle Mine areas in Denali National Park. The purpose of this memorandum is to advise the Council that the Federal Cochairman disagrees with the recommended options offered by the study group and will submit an independent recommendation to the Secretary of the Interior with respect to the two areas.

I have noted that in the course of the recent Staff Committee meeting, the Special Assistant to the Commissioner of Natural Resources indicated that the State may offer "minor substantive amendments" to the report before the Council considers action at its scheduled May 23 meeting. Being unaware of what these amendments may be, the Federal Cochairman reserves the right to change the conclusions stated in this memorandum based on what may be offered by the State of Alaska.

The Council's study group has issued its recommendations in a report transmitted by memorandum to the Council dated May 3, 1984. Essentially, the study group's recommendation to the Council is in two parts:

- a. Kantishna Hills area: those portions of the Kantishna Hills study area (presumably, then, not the entire area) identified as having known or suspected significant mineral resources be opened for disposition under a "mineral leasing program" administered by the National Park Service. An act of the Congress would be required before such a recommendation could be implemented.
- b. Dunkle Mine area: maintenance of the so called "status quo" for the Dunkle Mine area; i.e., the area would remain within the Denali National Park and Preserve, under the management of the National Park Service as it is currently; and inholdings and existing mining claims would be managed according to existing and applicable laws and rules governing mining claims within National Park areas.

2

The Federal Cochairman does not agree with either of these two recommendations, for different reasons in each case, and will submit a recommendation to the Secretary of the Interior substantially different from those offered by the study group, but within the range of alternatives considered by the study group and evaluated by the National Park Service during the course of its preparation of the environmental impact statement for the report. The Federal Cochairman is advising the members of the Council of this intention in part as a matter of comity, and in part to afford the individual members the opportunity to evaluate for yourselves the contrasting points of view represented by the differing recommendations.

The Federal Cochairman is not soliciting the Council's support for his position nor urging your voting with his recommendations to the Secretary of the Interior. You are welcome to do so if you wish. The Federal Cochairman will, however, vote "no" to concur with the study group's preferred alternative, or, to adopt it as the Council's position, or, to forward it as the Council's recommendation to Congress. Certainly, however, the study group's report and associated work should be transmitted as part of the total body of information submitted to both the Secretary of the Interior and to the Congress.

In both cases, Kantishna and Dunkle, the study group seems to have been, and unfortunately so, driven by the need to select a "preferred alternative;" i.e., the NEPA process has "driven" and directed the decision making process of the study itself. Instead, the "need" to select a preferred alternative has forced the agencies to adopt the posture of protecting their institutional philosophies with the result that sound land management and resource protection have fallen to a second position.

Kantishna Hills area:

With respect to the Kantishna Hills area, the Federal Cochairman does not believe that the study group's recommended alternative i.e., "establishment of a mineral leasing program under the management of the National Park Service," is a workable or feasible solution to the problem. Indeed, I question, whether it is even possible short of a massive rewrite of the entire body of laws governing Denali National Park and Preserve, mining claims procedures under the 1872 mining law and the Mining in the Parks Act, and a Congressional restatement of the purpose for Congress' creating Denali National Park and Preserve (ANILCA 202(3)(u) and 206). I note from reading correspondence from the several study participants and the report itself that the study group's recommendation reflects a significantly compromised position in that, all members of the study group, excepting Alaska D.N.R., had a first choice (among the considered options) different from the one jointly and finally agreed to by the study group. This represents, in my judgement, a classic case where the bureaucracy has failed to adequately fulfill the charge given to it. Congress did not ask, and the Council did not ask, for a compromised and watered-down solution to the troublesome problem of what to do about mining claims in the Kantishna area. A well reasoned recommendation based on careful study and analysis as to how best to protect park resources and at the same time deal fairly with the rights of the several mining claim holders was requested. Certainly, the study group's preferred alternative is not based on that kind of reasoned consideration. Instead, it is based on inter-agency compromise designed to achieve protection of each agency's "turf."

The National Park Service is neither equipped, from the standpoint of staffing and funding nor expertise and experience, to establish and manage a mineral leasing program at this park. There are other agencies within the Department of the Interior programmatically charged with this responsibility. The Park Service's duty, as outlined by law, is to manage and protect park resources and encourage park use by people--not to develop, implement, and manage a "National Park mineral leasing program." Such would, in my judgment, be contrary to the mandate of the Park Service and the specific management requirements of ANILCA. The study group's recommendation will require significant legislative action by the Congress to permit its implementation. I can not conceive of the present or for that matter future Congress' acting favorably to grant such an authority. While of itself, a recommendation requiring an act of Congress to implement is not objectionable, offering up a recommendation which is so clearly unacceptable to the many forces at work on this issue seems to me to be counter productive and folly.

The Federal Cochairman will recommend to the Secretary of the Interior that he recommend to Congress the implementation of Alternative # 4 "term operating rights." This alternative seems to provide sufficient protection of park resources, while at the same time, respecting the rights of mining claim holders within the Kantishna area. This will require an act of the Congress to implement. I feel, however, that this alternative is far more realistic in its political assumptions and is realistic from a sound park management point of view. Such a direction will enable the NPS to exercise sound management judgment within existing regulations and programs over the mining operations in order to insure maximum protection for the park resources in the Kantishna area. It will afford the unpatented mining claim holders an opportunity to operate their claims for a specified period of time, at the end of which, it is agreed that the claims will be nullified and the area revert to "park status" as it were. An election by an unpatented claim holder to proceed either to patent his claim through the regular process or to select the term rights to operate is an equitable solution to the NPS and the claim holders both.

Dunkle Mine area:

The Federal Cochairman disagrees with the study group's preferred alternative ("Status Quo") for the Dunkle Mine area for several reasons. There continues to be, in the Federal Cochairman's opinion, a lack of evidence that the Dunkle township habitat is as critical to the McKinley caribou herd as is often alleged. The arguments that this one area of the herd's total range is essential to the herd's survival does not seem to have been substantiated. Indeed, the Alaska Department of Natural Resources believes that only the northwest corner of the Dunkle Township is important to the calving activities of the caribou herd. No source has said to date with certainty that the entire Dunkle Township is in fact critical caribou habitat.

Mining has occurred in the Dunkle area historically with no apparent negative impact on the McKinley herd. There is no reason to conclude, given enforcement of applicable laws regarding water quality, etc., etc., that mining could not continue in the future without significant impact on the caribou population.

A viable mining operation is economically feasible in the Dunkle area given the reports of the mineral assessments on the claims and the proximity of the

4

mine site(s) to existing transportation services. The claim holders established their rights to the minerals in the area prior to the time the Park was expanded to take in the claims. Fairness dictates, in my opinion, that these claim holders be afforded their legal right to the benefits of their claims or compensated for denial of that right. Continued "status quo" is tantamount to denial of ability to proceed as financing is unavailable (reportedly by the claim holders) pending Congressional resolution of this issue.

Other than the question of the caribou habitat, there seems to be no overwhelming resource reason for the Dunkle township's inclusion in Denali National Park and Preserve. The area has no unique esthetic qualities to distinguish it.

The Federal Cochairman will recommend that the Secretary of the Interior recommend to Congress implementation of either Alternative # 7 ("Remove mineralized areas from the park") or as a second priority, Alternative # 3 ("Acquire all mining claims"). Specifically, the exchange of park lands, involving at least a portion of the Dunkle Mine Township, for State of Alaska owned land known as the "Wolf Township" north of the park entrance should, in my opinion, be given more consideration. The addition of the "Wolf Township" lands to the park through an exchange for the Dunkle lands, seems to offer a truly workable solution to the question of what to do with the Dunkle area while significantly contributing to the value of Denali National Park and Preserve. Habitat critical to the wolf population inhabiting the park would be added to the park and lands of marginal natural or recreational resource value could be put to a more productive use. I believe this is in the overall public interest. The State of Alaska has stated its willingness to consider such an exchange. If, however, this alternative proves unworkable then the only equitable course of action is for the Federal government to acquire all the Dunkle area mining claims. Unfortunately, this solution will not add the critical wolf habitat that, from a wildlife management perspective, would seem to be important to park values. Such an exchange involving at least a portion of the Dunkle Township would not seem to in anyway impair the integrity of the Cantwell calving area, of which only a portion of the Dunkle Township is part thereof.

The argument that maintenance of the "status quo" will preserve options for some later time ignores the fact that Congress mandated a solution to this issue in recognition of the need for fairness and equity with the valid existing rights existed within the Dunkle Township in the form of the claims. Status quo is not an equitable, and thus not a viable, alternative in the opinion of the Federal Cochairman.

cc: LUAC
R. Davidge

(5)

TO SENATOR / DUNKLE + THE RESOLUTION

NOV 14 1984

Alaska Land Use
Council Advisors Committee
P.O. Box 100120
Anchorage, Alaska 99510-0120

Citizens Advisory Commission
on Federal Areas Alaska Land Use Council
515 Seventh Avenue, Suite 310 Anchorage, AK
Fairbanks, Alaska 99701

November 12, 1984

Governor Bill Sheffield
State Cochairman
Alaska Land Use Council
Pouch A
Juneau, Alaska 99811

Mr. Vernon Wiggins
Federal Cochairman
Alaska Land Use Council
P.O. Box 100120
Anchorage, Alaska 99510-0120

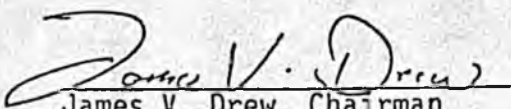
Gentlemen:

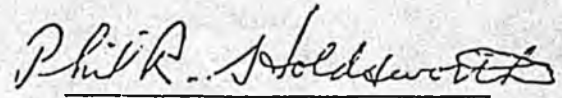
The following Motion concerning the Dunkle Mine area in Denali National Park, Alaska, was PASSED UNANIMOUSLY at the joint meeting of the Alaska Land Use Council Advisors Committee and the Citizens Advisory Commission on Federal Areas on October 30, 1984:

MOTION: THE LAND USE ADVISORS COMMITTEE AND THE CITIZENS ADVISORY COMMISSION ON FEDERAL AREAS, JOINTLY ASSEMBLED THIS 30TH DAY OF OCTOBER, 1984, RECOMMEND TO THE ALASKA LAND USE COUNCIL THAT IT RESCIND ITS PRIOR ACTION REGARDING THE DUNKLE MINE AREA AND, THAT UPON THIS RESCISSION, THAT IT URGE THE STATE OF ALASKA AND THE DEPARTMENT OF INTERIOR TO IMMEDIATELY TAKE SUCH ACTION AS IS NECESSARY TO EXCLUDE THE DUNKLE MINE AREA FROM THE DENALI NATIONAL PARK THROUGH A LAND EXCHANGE, AND THAT COPIES OF THIS RESOLUTION BE CIRCULATED TO THE FOLLOWING:

- The Honorable Ted Stevens, Senator
- The Honorable Frank Murkowski, Senator
- The Honorable Don Young, Congressman
- The Honorable William Clark, Secretary of Interior
- Mr. William Horn, Deputy Undersecretary, DOI
- Mr. Ray Arnett, Assistant Secretary, FWP
- Mr. Russ Dickenson, Director, NPS
- Mr. Roger Contor, Regional Director, NPS

Sincerely,


James V. Drew, Chairman
Alaska Land Use Council
Advisors Committee


Phil Holdsworth, Chairman
Citizens Advisory Commission
on Federal Areas

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
KANTISHNA HILLS/DUNKLE MINE STUDY

Section 202(3)(b) of the Alaska National Interest Lands Conservation Act mandated a study to evaluate the various resources in the Kantishna Hills and Dunkle Mine areas of Denali National Park and Preserve. The study was the result of the controversy which surrounded the inclusion of these two historic mining areas in the expanded boundaries of the park.

As early as 1965, there was an effort on the part of the National Park Service to annex most of the Kantishna Mining District into Mt. McKinley National Park. At the time, there was little popular support for the annexation of this area. The withdrawal of the Kantishna area was not made final until Public Land Order 5179 was issued in March, 1972. In the interim, the result was a de facto land withdrawal which complicated the status of mining claims in the area and has left a number of unresolved lawsuits.

The Dunkle Mine area was withdrawn by Public Land Order 5653 in November, 1978 and subsequently, both areas were included in Presidential Proclamation 4616 which created Denali National Monument in December, 1978. Finally, in December, 1980, ANILCA placed these areas into Denali National Park and Preserve. In recognition of the fact that these areas have known mineral production and potential, Congress mandated the study to further evaluate the significance of the resources within the two areas.

Since the beginning of the Kantishna Hills/Dunkle Mine Study, the integrity of the study has been questioned by many people throughout the State of Alaska. Concern was expressed that there was not enough time nor money allocated to conduct a realistic study on the effects of continued mineral development or the other resources within the areas and make a fair report to Congress by the December, 1983 deadline.

One of the initial concerns was eliminated when Congress appropriated additional funds for the study, even though there was only one field season left before the deadline and it was unclear how much useful data could be gathered.

This DEIS again raises serious doubts about the integrity of the entire study. The decision that an Environmental Impact Statement would be necessary in order to meet NEPA requirements was made very late in the study process. As a result, the DEIS appears to have been hastily compiled merely to satisfy these requirements. There are sentence fragments, typographical errors and unclear statements which are difficult to follow. In its present form, its usefulness to the study is questionable.

The DEIS contains entirely too many conclusions based upon assumptions which may or may not be accurate. If these assumptions prove to be incorrect, it will be necessary to make extensive changes in the proposed alternatives for the study areas. This may be difficult to do and still allow time for public review and comment prior to December.

One serious deficiency is immediately obvious when the list of preparers of the DEIS is read: No geologist or mining engineer helped prepare the document. There should have been one of each. Several geologists in the study group are listed as consultants, but in a study whose main purposes include those of, (1) focusing on mineral activity, (2) interpreting mineral data, and (3) evaluating mineral deposits, it was a serious oversight not to have included a geologist with mineral experience and training, and a mining engineer in the actual preparation of the DEIS.

One of the major errors in this DEIS is the assumption that many of the claims within the study areas are invalid. Even though these validity assumptions are for the "purposes of this document only", they are a prejudgment which has a significant deleterious effect on the development of the alternatives presented in the document. One result is that these "invalid" claims are wrongly excluded from several of the alternatives.

In December, 1982, the Department of Interior Regional Solicitor's Office issued a memo to the regional director of the National Park Service. One of the areas covered dealt with the question of claim validity. The memo states that a mining claim cannot be presumed to be invalid, but rather, must be treated as a valid claim until its validity has been adjudicated. It then goes on to advise that each claim should be treated as valid, even though any estimated acquisition cost determined by the overall study may be zero.

Because the assumptions of invalidity are incorrect, the figures cited for the cost of validity determinations, employment opportunities, annual gross mineral values and costs for claims acquisition must be adjusted before the final report is submitted to Congress.

As a general rule, the DEIS presents what can only be called a "worst possible case" view of the effects of continued mineral activity within the study areas. A "worst case" assumption is made that all placer mining operations will fail to meet the water quality standards. The assumption is also made that any additional mining activity in the Dunkle Area will necessarily have a significant adverse effect on the Denali caribou herd, even though the study data is still incomplete. In short, only the possibly negative effects of mining are emphasized.

The assumption is made in the DEIS that the only type of recreational resource available in the study areas is of the wilderness experience type. This assumption fails to recognize the many other recreational activities, some more land use intensive, that ANILCA demands. Based upon this assumption, it is easy to conclude that increases in mining activities will automatically decrease the recreational potential. However, this would be a gross error.

There are several types of recreational activities which could be made available to park visitors. An interpretive program dealing with the historic and cultural resources associated with past and present mining activity in the areas could be developed. NPS could engage in a cooperative effort with the mine operators to provide a first hand look at a modern mining operation and provide for recreational gold panning in a bona fide mining area. Not every visitor to Denali National Park is solely interested in a wilderness experience.

Along the same lines, the very limited treatment of the cultural and historical resources of the areas is not adequate for the purposes of this study. There is no mention of any preservation or restoration planned for any of the historic buildings. Is there any plan to have any of the buildings or facilities formally designated as a National Historical Site? These resources need to be more completely addressed in the final report.

The description of the subsistence use of resources within the study areas is totally inadequate. No mention is made of the types of subsistence activities qualified users enjoy. Without a complete inventory of subsistence activities, it is extremely difficult to assess the impacts of increased mineral development on subsistence uses.

Considering the focus of the study, economic impacts must be analyzed with as much detail as environmental impacts. The assessments of the potential secondary impacts on local communities which supply goods or provide support services for mining activity in the study areas are insufficient. In a study which can quantify how much fuel will be used under the development scenarios in a given alternative, it should be possible to determine how much revenue this would generate locally. If the total value of mineral production can be estimated, tax revenues which would be generated can also be estimated.

The sections on employment and mineral production for the study areas should be expanded upon and discussed in considerably more detail in the final report.

Alternative 1 - Maintain Status Quo

This alternative would allow mining operations and mining-related activities to continue only on existing patented and assumed valid unpatented claims.

A mining claim cannot be presumed to be invalid. The actual status quo would be to allow mining and mining-related activity on any properly located claim within the study areas, subject to approval of a plan of operations. A plan of operations could not be denied on the basis of presumed invalidity. Each claim would have to undergo a validity determination.

Alternative 2 - Acquire All Mining Claims

This alternative would not be acceptable to the Commission. Any acquisition of claims by NPS should be initiated by the claim owner, and not under threat of condemnation.

Alternative 3 - Offer Term Operating Rights

Under this alternative, why would only those claims with proven production on or before December 2, 1980 be offered term operating rights? The two study areas were withdrawn from mineral entry prior to the enactment of ANILCA. Some explanation of this apparently arbitrary date should be given.

If this alternative is chosen, any claim owner who has a properly located claim and has complied with the annual requirements should be offered the same terms, provided the claim proves valid.

The conditions of the term operating rights are unclear. Page ix of the summary states that term operating rights would be terminated if there was no proven production within 5 years following election of this right or if there was a lapse in production for two consecutive seasons thereafter. On page 26, it states that term operating rights would be terminated if there was no proven production within 3 years following election of this right or following a lapse in production for five consecutive seasons thereafter. This discrepancy needs to be corrected.

Alternative 4 - Allow Additional Time For Perfecting Claims

Allowing additional time for perfecting claims would be an acceptable alternative, but it is unclear why Congressional action would be required. There would be no new mineral entry, location or leasing, only an opportunity to perfect already existing claims. Pending a validity determination or a decision by the Secretary of the Interior to terminate

all mining activity in the study areas, any person holding a properly located claim would continue to be allowed to conduct exploration or assessment work.

Alternative 5 - Expand Mineral Development Possibilities

This alternative is not even a remotely viable option. It is highly unlikely that Congress would agree to opening additional areas to either mineral leasing or mineral entry and location, as long as the areas lie entirely within a National Park System Unit.

Alternative 6 - Remove Mineralized Areas From the Park

Alternative 6 would be the most acceptable option. It would remove mineralized areas and mining activity from the park boundaries and place them under the jurisdiction of the State of Alaska. These areas were outside the park boundaries until 1980, so their removal from the present boundaries would in no way affect the "old" part of the park.

On page 49 is the statement: "Congress has identified certain state lands adjacent to Denali National Park and Preserve and has directed that these lands be considered for addition to the park." Section 1302(i)(1-2) authorizes the Secretary of the Interior, not Congress to enter into a land exchange.

Section 101(d) of ANILCA further states:

"This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas has been obviated thereby."

Clearly, ANILCA does not make any provisions for the addition of State lands to Denali National Park and Preserve by Congress.

Another oddity in this alternative is the proposed area to be removed in the Dunkle Study Area. In sections 9 and 10 of the Dunkle township, a small segment of Camp Creek is excluded from the area to be removed from the park. There

is no explanation for this choice of boundary in either the explanation for Alternative 6 or the section on environmental consequences.

Section 103(b) of ANILCA states that wherever possible boundaries will be drawn to follow hydrographic divides or embrace other topographic or natural features. This proposed boundary does not follow any of the criteria above. The only apparent reason for retaining this small segment of the creek in the park is to maintain control of the drainage from the entire claim block to the east. Is there another reason for the exclusion of this small segment of Camp Creek?

ENVIRONMENTAL CONSEQUENCES

As mentioned earlier in these comments, this DEIS presents mining activity in the worst possible light. A good example of this is the narrative accompanying the section on the impacts on soils under alternative 1. There are several paragraphs which explicitly describe the damage which will be done to the soils in the study areas due to mining activity, access road construction and other associated activities. The conclusion then places everything in perspective by stating that slightly more than 1 percent of the Kantishna Hills area and slightly less than 1 percent of the Dunkle Mine area will be disturbed under alternative 1. In the same section under alternative 4 for the Dunkle Mine area, rather than simply state that this alternative would result in disturbance of 2 percent of the study area, the statement is made that a 200 percent increase in the amount of soil disturbed would occur. The choice of terms is clearly an attempt to raise a red flag over this alternative. Similar comments are made for alternatives 5 and 6.

For most of the remaining resources such as water quality, fisheries and aquatic habitat, wildlife, and vegetation, the conclusions for each resource are basically the same, that is, that there is insufficient data to make an accurate determination on the effects mining activity will have on each of these resources.

What has become the most important question is the effect of increased mining activity in the Dunkle Mine area on the Denali caribou herd. The information in this DEIS shows that there is insufficient data to make a reasonable determination on this question.

The Denali caribou herd has been observed and studied more than any other herd in the State of Alaska. Its rapid decline in the last 15 years is unexplained, although it has been the subject of extensive speculation. It would be useful for the purposes of this study to provide some

background information on the original purposes for the caribou studies. The methods used to gather data on the caribou should also be outlined.

While the Dunkle township lies almost entirely within the Cantwell calving grounds, the caribou distribution map on page 111 of the DEIS shows the majority of the township is one of the most lightly used areas. The map shows that the portion of the township containing almost all of the mining claims was used by from 1 to 100 caribou during the periods of observation from 1976 to 1982. The 1982 paper prepared by Duff and Singer contains maps which indicate the number of caribou found on or near the mining claims was toward the extreme low end of the 1 to 100 animal range.

The DEIS makes frequent reference to the Cantwell calving grounds as an area which is of critical importance to the survival of the Denali caribou herd. This is probably an accurate statement for a large part of the area adjacent to the Dunkle township, but Duff and Singer state that in recent years caribou have used the areas near the mining claims for only a "very brief period." (Duff & Singer, pg 15).

Other statements indicate that the mineralized portions of the Dunkle Mine area which contain the mining claims are not the critical portions of the calving or post-calving grounds, but the DEIS has basically ignored these and concentrated upon the most negative impacts of increased mining activity.

Data does exist which shows that increased activity by man can have some adverse effects on a herd which is at a very low point in terms of population and reproductive rate. This would include such things as overflights by aircraft and biological surveys; as well as mining activity. (Duff & Singer, 1982) Certainly there is no suggestion to halt the caribou studies.

On page 162 of the DEIS, it states that the Dunkle Mine study area has the potential for an NPS visitor and staging center. This has never been mentioned in any previous planning document for Denali National Park. Large numbers of visitors and support facilities would have a more adverse effect on the caribou herd than would mining.



backup

ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

May 14, 1984

The Honorable Esther Wunnicke
Commissioner of Natural Resources
STATE OF ALASKA
Pouch M
Juneau, Alaska 99811

Dear Commissioner Wunnicke:

As you know, the members of the minerals industry have maintained a strong interest in the decisions to be made concerning the future of the Dunkle Mines Township.

The township contains good quality coal, at least four high grade gold-silver deposits and several potential targets for copper-molybdenum or copper-precious metal deposits of the porphyry type. Should an economic deposit be developed, a mine scenario of about 100 million tons may be expected. So far, the potential mineral targets have not been adequately tested.

A minerals study of the township shows it to be an highly metalliferous, geologically complex environment. Further evaluation of the mineralization will require expensive diamond drilling which is unlikely to cause any significant environmental impact. Unfortunately, private-sector funding of the necessary tests is not likely so long as the National Park Service retains control of the area.

The Park service has repeatedly expressed strong concern with the potential for impact of mining operations on the caribou population in the area. Their own studies, however, have shown that the caribou are more or less restricted to the extreme northwest corner and to the north and west of the township. The study also concluded that mining operations in the area had little impact on the caribou population and that more problems were caused by predators.

MAY 17 1984



ALASKA MINERS ASSOCIATION, INC.

Unlike many mineralized areas of Alaska, the Dunkle Township is very close to transportation access. It lies only five miles west of the Alaska railroad and the Parks Highway midway between Anchorage and Fairbanks and has existing right-of-way to the coal mine. Development of deposits in the area could be accomplished with relative speed and would provide badly needed economic diversity for our state.

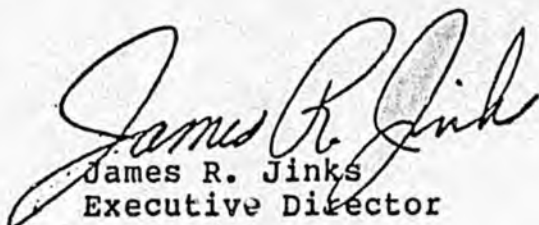
There are many townships contiguous to Denali National Park with scenic and wildlife values equal to or greater than the Dunkle Township. ANILCA makes specific provisions for land exchanges in conservatio. units. Recent public comment concerning this issue was overwhelmingly in favor of such an exchange. It is our belief that it is to the state's advantage to obtain ownership of the Dunkle Township.

We understand that the National Park Service has indicated there is an opportunity for the state to negotiate a land exchange that would transfer the township to state ownership. The Wolf township has been cited as one of those areas that would possibly be of interest to them.

The Alaska Miners Association urges the state to pursue a land exchange with the National Park Service allowing them to acquire a non-mineralized area with better scenic and wildlife habitat values. The state, concurrently, would acquire a highly mineralized area which could quickly benefit Alaskans and the nation.

Sincerely,

ALASKA MINERS ASSOCIATION


James R. Jinks
Executive Director

cc: Governor Sheffield
Senate Resources Committee
House Resources Committee



UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701
School of Agriculture and Land Resources Management
Agricultural Experiment Station

MEMORANDUM

TO: Land Use Advisors Committee

FROM: James V. Drew, Chairman

DATE: October 11, 1984

RE: Dunkle Mine

A handwritten signature in dark ink, appearing to read "James V. Drew", written over the printed name in the "FROM:" field.

In the attached letter, Dick Swainbank asks that the Land Use Advisors Committee consider again the issue of Dunkle Mine (Attachment 1)

Specifically, during the meeting of the Advisors Committee on May 11, 1984, the advisors voted to recommend alternative 7 in the Study Group Report, i.e., to negotiate a land exchange which would exclude significant mineralized lands in the Dunkle Mine area from Denali National Park (Attachment 2)

During the meeting of the Alaska Land Use Council on May 23, 1984, the Council voted to maintain the status quo alternative in the Study Group Report which retains the Dunkle Mine area within Denali National Park (Attachment 3)

In view of the previous action of the Advisors Committee and Mr. Swainbank's request, the issue of Dunkle Mine will be included on the agenda of the joint meeting of the Advisors Committee and the Citizen's Advisory Commission on Federal Areas on October 30, 1984. Possible action by the Advisors or the Commission might involve a recommendation directly to Congress.

JVD:me

cc: S. Leaphart
M. Frankel
R. McCoy



BOX 81315
FARBANKS, ALASKA, U.S.A. 99708
(907) 479-6093

Dr. James V. Drew,
Chairman,
Alaska Land Use Council Advisory Committee,
University of Alaska.

Oct. 8th., 1984.

Dear Mr. Drew,

An informal discussion with Ms. Janie Leask, a member of the Land Use Council, on Sept. 15th. indicated that she was not aware of the vote taken by the Advisory Committee regarding the Dunkle Township about May 12, 1984. The vote, with 4 members absent, was I believe, 10 in favor of the State conducting an exchange with the Park Service, and one against.

Perhaps the vote could be reiterated at a future meeting, particularly in view of two additional factors:-

- 1) A letter from the Governor indicates that the State is prevented from entertaining such an exchange by "legislative history", although he suggests that in three years, at the end of a 'definitive' study of the caribou by the Park Service, such an exchange might be possible. As far as I can determine, there is no such legislative history, and the first I heard of it was a statement attributed to Ms. D. Frankfourth, formerly a spokesperson for the Alaska Center for the Environment, and now special assistant to Commissioner Wunnicke of the State Dept. of Natural Resources.
- 2) Apparently no caribou were seen in the Dunkle Township in 1984 by the Park Study group, who are attempting to determine the reasons for the decline of the caribou herd, if there has indeed been a decline. A second finding in 1984 is that there are 7 calving areas north of the Alaska Range, in addition to the Cantwell area to the south, so that the Dunkle Area would seem to be one of at least 8 calving areas, rather than one of only three as had been discussed during the Land Use Council Study. I suspect this would tend to lessen the individual importance of any one calving area.

I regret having to burden the Advisory Committee with re-hashes of old business, but was advised by Ms. Leask to contact you with my concerns. The fact is that this known mineral-rich area was included into the Park because of the contention that it was "critical" habitat for caribou. The first mention of that assertion I have been able to identify was in the testimony of Mr. Jack Hession of the Alaska Coalition in 1978, but all studies since then appear to refute the argument. I feel it is high time that some resolution be made.

Sincerely,
Dick Swainbank

Dick Swainbank, Ph.D.

cc Ms. Janie Leask

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

JUN 4 1984

May 31, 1984

The Honorable Don Bennett
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Sen. *Don* Bennett:

Thank you for your letter dated May 19, endorsed by you and the other members of the Interior delegation, regarding the Kantishna Hills/Dunkle Mine Study.

The preferred alternatives adopted by the Alaska Land Use Council for the Kantishna Hills/Dunkle Mine areas represent options which allow the continuation of existing operations and look toward expanded mineral development in the future. The preferred alternative in the Kantishna area, implementation of a mineral leasing program, not only maintains the status quo on existing claims but proposes to open up new, unclaimed areas to a mineral leasing program. The existing patented and unpatented claims retain all rights vested in them at the time of staking through federal mining law. Under the recommendation being transmitted to Congress, areas of high mineral potential that are not available for mining would be opened in 1989 through a leasing program, if by that time operators on existing placer claims are able to meet applicable water quality standards. We think that the adoption of this alternative which supports increased development emphasizes the State's intention to see mining continue on existing claims as well as on unclaimed areas.

The decision to adopt the status quo alternative in the Dunkle mine area was a difficult one. The status quo allows rights of the existing mining claims to be maintained, although we understand the difficulty of developing some of these deposits under the present circumstances. This recommendation represents a compromise between the diverse objectives of the Federal and State agencies involved in the Kantishna Hills/Dunkle Mine Study.

While the State of Alaska is concerned with the development and operation of the area's lode claims, it cannot choose to



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

July 12, 1984

Mr. Dick Swainbank
Geoprize Ltd.
P.O. Box 81315
Fairbanks, Alaska 99708

Dear Dick:

Thank you for your letter of June 23 regarding the Dunkle Mine study area and the Governor's correspondence. The Department is persuaded that the law clearly authorizes exchanges that can transfer the Dunkle Mine township (in whole or in part) out of the National Park status. Indeed, this is one of the Alternatives specifically outlined in the Draft Environmental Impact Statement issued in conjunction with the section 202(3)(b) study of the area. As a consequence, I must take exception to any conclusion that the law requires that the area remain within the park. Furthermore, the Act authorizes boundary adjustments up to 23,000 acres; such an adjustment could be made to excise the area from the park.

Regarding the status of the November 12, 1980 remarks in the Congressional Record, such comments have limited value under the rules of statutory construction. The actual language of the statute is the primary controlling factor. Only if the language is not clear is the legislative history reviewed. In that case, the reports issued by the authorizing committees are examined first in an effort to discern Congressional intent. Should the report language prove insufficient, debate among Representatives or Senators at the time of passage is then scrutinized. Generally, the unilateral remarks of a Member of Congress carry relatively little weight in determining the legislative intent of a specific provision of law.

GEOPRIZE Ltd.

BOX 81315
FAIRBANKS, ALASKA, U.S.A. 99708
(907) 479-6093

Ms. D. Frankfourth,
Dept. Natural Resources,
Office of the Commissioner,
555, Cordova St.,
Anchorage,
Alaska, 99510.

August 2nd., 1984

Dear Ms. Frankfourth,

When I called you recently from the Governor's Office in Fairbanks, you indicated that my mining rights in the Dunkle area were protected by several memoranda between the Park Service and Commissioner Wunnicke, and that these clearly spell out the terms of the agreements.

According to the enclosed copy of the July 14th,(?) copy of the Anchorage Times, there appears to be some question already of what the agreements and compromises entailed in the Kantishna area, which was, I believe, 'linked' to the agreements regarding the Dunkle Area. If I understood you correctly last December, you said that because the Park Service was willing to compromise on the Kantishna part of the study area, the Commissioner felt the necessity to withdraw the D.N.R.'s desire to see the Dunkle exchanged out of the Park.

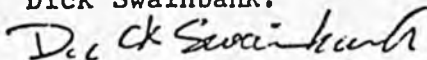
Given that there already appears to be some confusion developing, it seems to me that the only insurance that I might have in three years time, when the Park Service's study of the caribou might be finished, is the memoranda to which you referred.

I would very much appreciate a copy of those memoranda for my protection, since the players in the Land Use Council might be substantially different by 1988.

Incidentally, I checked on your statement that I do not have to do any assessment work, but can simply file a notice of 'intent to hold'. I am assured that unless the NPS tells me to do so, or rejects my plan of operations, the filing of such a notice in lieu of assessment would almost guarantee that my claims would be forfeit.

Sincerely,

Dick Swainbank.



cc Ms.Cain, Governors Office.

Handwritten:
Kool
Stan

DENALI CARIBOU CALF
MORTALITY STUDY

1st Progress Report
June 10, 1984

Francis J. Singer
Anthony Cleavenger

A study of the causes for the low calf crops in the Denali caribou herd was initiated on April 26, 1984. The objective in 1984 closely follow the recommendations of the Davis Caribou Committee of November 1983 and include:

- 1) Placing 40 mortality collars on newborn calves;
- 2) Conducting an April yearling ratio;
- 3) Completing cow antler and dropped udder ratios in mid-May;
- 4) Analyzing caribou licks for heavy metals;
- 5) Measurement of snow depth on calving grounds;
- 6) A review of Murie's and other historical information during periods of the herd's decline.

Nearly 100 hours have been flown on the project to date, 83 of those hours with a Jet Ranger II helicopter on contract from May 11 - June 4. Personnel of the Office of Resources Management, Denali National Park, participated in all phases of the project, particularly capture, and Bob Cunningham and Tom Griffiths were instrumental in obtaining approval, direction and housing for the project. Rod Boertje, of the Alaska Department of Fish and Game, participated on the yearling ratio flight, Tom Bergerud (University of Victoria, British Columbia) helped on the first udder count, Dr. James Foster (D.V.M., Woodland Park Zoo, Seattle, Washington) supervised necropsy and pathology work on calves, and Dr. Foster and Warren Ballard of Alaska Department of Fish and Game necropsied the five intact calves. Bruce Dale (National Park Service) will direct the heavy metals analysis.

A summary of the study's findings to date include:

Capturing

1. A total of 43 calves were captured and 42 were collared and released. Only 1 calf died from study-induced causes -- a golden eagle killed it before it could rejoin its mother. Capturing was difficult and required all or parts of six helicopter days (6.8 calf captures per day). Over 1/3 of all calves chased escaped.

JUL 16 1984

Calf Mortality

2. Twelve of 42 calves (29%) died of natural causes; nine were probably bear kills (2 by grizzly, 7 by either grizzly or black), two were likely wolf kills, and one was bear or wolf. All the predation was on calves less than ten days old, but oddly enough only the golden eagle killed a calf that was less than five days old. Surplus killing by bears occurred with five calves not eaten.

April Yearling Ratio

3. A total of 600 caribou was surveyed on April 26, 1984. We observed 46 yearlings per 100 cows, and 88 male yearlings per 100 female yearlings. This is an exceptionally high yearling ratio and equalled the Delta herd's ratio for the same time. It is totally out of line with the Denali herd calf ratios reported, 1975 - 1983. Cow antler retention (= pregnancy rate) was 93%. Bull ratio was 20 bulls per 100 cows but 32 (84%) of 38 bulls were young bulls, suggesting if mature bulls were sampled, the herd's bull ratio would be double or more, i.e. 40-50. If so, the herd's bull ratio is much higher than was reported in the late 1970's (this can not be verified until the 1984 fall rut).

Cow Pregnancy and Sex/Age Ratios

4. Calving spanned over three weeks with the earliest calving to the east at Stony Creek (peak of May 12), then at Moose Creek (peak about May 23), and with a long peak (May 23 - 30) at Turtle Hill (see Figure 1). As a result, we conducted two udder counts on May 23 (N= 659 animals) and the second on May 30 - June 3 (N= 1210 animals). Pregnancy rate, as suggested by dropped udders, was very high in the core calving areas -- 96% at Moose Creek, 97% at Stony Creek, 94% in the Kantishna Hills, and was lowest in the west -- 81% at Turtle Hill, and 77% from Muddy River to Swift Fork. Much of the herd wintered (February - March) west of the Muddy River before moving east to Stony Creek, and the higher rate of barren cows there is convincing evidence that many non-pregnant cows never made the early move (April) east to Stony Creek. Overall, herd pregnancy rate was 83% which is very close to the overall average for Alaska herds.
5. Bull and yearling ratios also varied a great deal amongst the seven identified calving areas (see Table 1). Yearlings were relatively more abundant where caribou numbers were more dense (core areas) and bulls were more common in the peripheral calving areas. In addition, we saw scattered bulls (typical groups 2-4) in areas removed from any cows (N=9 bulls along Stampede Road, N=34 bull in the Kantishna Hills east, N=34 bulls

near Sanctuary River) but it was beyond our resources to sample them.

Herd Size

6. We counted 1,210 caribou on our second udder count, and calculated the lowest minimum total estimate for this herd as 1700 animals. Our extrapolation is based on two assumptions: a) we sighted only about 70% of the caribou based on the number of radio-collared calves seen during systematic transects, and b) at least 100 additional old bulls (see also Table 1) were not counted on the calving areas. Troyer's best estimate of the herd in 1979 was 1094. Numerous statements have been made that the herd has stabilized 1972 - 83 at between 1200-1500 animals, but there is no evidence for either herd stability or for this numerical estimate.

Calving Success

7. Calving success (calves per 100 cows) varied greatly amongst the seven northern calving areas used (see Table 1). Since the pregnancy rate was high in all the areas we assumed the differences reflect differences in predation rates.

Table 1. Sex/age ratios of the Denali caribou herd, May 1984, on seven northern calving areas.

Calving Area	Total Caribou	Ratio Per 100 Cows			% of Pregnant Cows	% of Young Bulls ^{1/}
		Calves	Yearlings	Bulls		
Estok	20	83	0	150	83	22
Shushna Flats	26	69	0	62	100	38
Stony Creek	20	84	55	29	97	56
Moose Creek	211	76	20	22	91	56
Turtle Creek	221	40	60	6	86	100
Muddy-Swift Fork	368	59	24	16	77	38
Kantishna Hills	176	53	9	46	94	56
Last Udder Count (May 29 - June 2):	1210	47	25	15	83	

^{1/} Young bulls = 2-3 year olds with short antler velvet.

8. Mortality collars were placed on calves in only four of the seven calving areas and in one of those four (Turtle Hill) the sampling was inadequate (only three collars for 106 cows). Table 2 presents three indices to calving success -- calf mortality collars, differences between dropped udders and calf ratios, and differences between the highest and the lowest calf count. Only the first

and third indices were directly comparable, and neither of these techniques indicate immediate post-calving mortality such as still born calves, abandoned calves, etc.

Estok Hill and Moose Creek had the highest calving success and Stony Creek and Turtle Hill the lowest (see Table 2). Only at Turtle Hill were we aware of evidence of wolf activity. One study deficiency is a lack of knowledge of wolf packs and active dens. The overall lack of wolf activity this summer (one active den, five pack-areas with no known active dens, the Savage pack not located for the second year) may be cause for concern about the wolf population, although the lack of wolf activity may simply result from a lack of information.

Table 2. Comparison between calf ratio, mortality collar, and udder count estimates of calf mortality, 1984.

Calving Area	Calf Ratio Data			Collar Data			Udder Data
	High-est	Low-est	Differ-ence	No. Collars	No. Dead	Percent Dying	Greatest Difference Between Udder Ratio and Calf Crop
Estok	95	83	-12	3	0	0	0
Stony Cr.	85	44	-41	20	8	40	57
Moose Cr.	74	76	+2	12	1	8	15
Turtle Hill	40	32	-12	3	0	0	54

Mr. QUARLES. Some of that land is agricultural land, though, isn't it?

Mr. GRAHAM. Alan Epps may want to comment on that.

Mr. EPPS. Alan Epps with the Cooperative Extension. You're right, there are some agricultural lands. In fact, part of the area that the State has indicated up here on this map for selections, the bulk of it, in fact, does fall into agricultural soil groups, however, it is approaching a rather high altitude and would be considered somewhat marginal from an agricultural standpoint, except for some of the more short season crops that will tolerate a light frost. Other than that, the agricultural impact of the extensions here are rather slight.

Mr. HARVEY. Any other comments on agriculture or forestry?

Mr. ANTHONY. The amount of timber there is more than adequate for the hard rock mining in the district.

Mr. QUARLES. All right. The next issue is the non-Federal lands, the land selections. It appears we have no one from the State Departments Natural Resources here to read their assessment.

State and Native Land Selections

Mr. HESSON. Jack Hession, Alaska Coalition. In view of the committee's interest in the identification of conflicts, I think it's appropo to mention that at least two of the State's identification areas are in conflict with the habitat requirements of the McKinley herd, as outlined by Mr. Troyer. Namely, in the Cantwell area and in the Stampede critical habitat areas.

Mr. HARVEY. The State selections are in conflict with the habitat? I don't understand.

Mr. HESSON. In view of the phrase that the State uses, more intensive uses, they've identified them for mineral potential, for a number of nonpark values. To give you an example, in the Cantwell area, they're interested in mineral values. The State has a location-type mining law, in which case that area would be wide open to mining at the same time that the caribou were attempting to use it for critical habitat.

Mr. HARVEY. I understand. It's the anticipated use, rather than the ownership problem?

Mr. HESSON. Yes, and Mr. Gordon reminds me that currently State legislature and the Alaska Society as a whole is embroiled in the issue of homesites, homesteads, and disposal of the public domain of the State. In that case, of course, there is even more threat to the caribou habitat. Thank you.

Mr. HARVEY. Any other other comments?

Mr. MORGRIDGE. I'm, Dean Morgridge, Alaska Oil & Gas Association. The area I want to talk about is know as the Minchumina Basin, and I'll give a very brief geographic description of the boundaries. On the southeast, it generally follows the foothills of the Alaska Range, down about as far as the Castle Hills, on the south end, generally along the north fork of the Kuskokwim River, on the northwest, the Zitziana River, as far as the Tanana on the north, and the eastern boundary is generally south from the Vil-

Mr. LEGGETT. Oh, class II and class III soils?

Mr. EPPS. Right.

Mr. LEGGETT. And in the class II soils you can grow—

Mr. EPPS. The class II soils are equivalent to the midwest of class I, that's where you grow your corn in Iowa and so forth. It's deep soil, 3 to 4 feet, well drained, nearly level, highly inducive to intensive agriculture. Then each of the various bills, of course some of these you might realize that we did not have great warning that we were going to have this meeting and I had to put this together as quickly as I possibly could in order to present it to you.

Mr. LEGGETT. You talk about reindeer range impact. Outside of the 25,000 reindeer in Seward and the reindeer around Nunavk, how many other reindeer do you have?

Mr. EPPS. At the present time we don't have a great many of them, the same as we don't have a great many grain farms, but the potential is there and we feel that it should at least be recognized as potential and the option not closed.

Mr. LEGGETT. Well, would the option be closed to a refuge area?

Mr. EPPS. Historically it has, particularly when the fact that Secretary of Agriculture is the only one that can allow reindeer graz in H.R. 39, restricts, or allows grazing and H.R. 39 says that with the Wilderness Act, all references to the Secretary shall be to the Secretary of the Interior, so this would eliminate it under H.R. 39. Some of the others would not, I think it's a possibility. Again, however, as much the same with the exploration of the oilfield on the Kenai Moose Range, this information in the past has been generated by BLM and not Fish and Wildlife Service where there is a cooperative working relationship.

Aug 8
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(T.O.E) test

Mr. LEGGETT. OK, lets see, our time is 11:15. We've reviewed the economics here to a degree. Obviously we could spend all day on this but we have to allocate our time. This has been very helpful to the committee. If you have any additional materials you want to supplement or if you want to clarify any of these tables, feel free to mail any additional addendum materials to our office in Washington. Thank you all very much, you've been extremely helpful.

Now we have panel No. 2. Gentlemen, you may proceed in any order that you care to make your presentations. Who's the delegate leader, do we have any? [No response.] If you'll give me your names from left to right.

Bob Shipley. Peter Scholes. Jack Hession. Dee Frankfourth.

Mr. LEGGETT. ~~And that must be Mr. Gordon who's left. Ladies first,~~ all right. Nice to have you before the committee.

STATEMENT OF DEE FRANKFOURTH, ALASKA CENTER FOR THE ENVIRONMENT

Ms. FRANKFOURTH. Thank you very much. Chairman Leggett, subcommittee members, my name is Dee Frankfourth and I'm speaking on behalf of the Alaska Center for the Environment.

Mr. LEGGETT. All right, if you want to use the microphone up there you can or you can stay where you are.

Ms. FRANKFOURTH. If you can hear me fine I'd prefer—

Mr. LEGGETT. Can the folks in the back hear?

From motions/resolutions of Land Use Advisors Committee, May 11, 1984, Kodiak, Alaska

Dunkle Mine:

A MOTION was made by Steve Silver, regarding Dunkle Mine, that Alternative #7, on page 12 of the Study Group's Report, be endorsed by the Land Use Advisors with the editorial changes in the last sentence to read "Dunkle Mine" instead of "Kantishna Hills", and "12,411 acres" to read "18,000 acres".

Thus, Alternative #7 would read:

"In this alternative, the existing park boundary in the Dunkle Mine area would be adjusted to exclude significant mineralized lands. A land exchange (for other areas of significant natural, cultural, or recreational values outside the park) would be a condition of removing these areas from the park.

Specific land exchange possibilities would be subjected to further analysis and negotiations between the State of Alaska and the Department of Interior. Portions of the Dunkle Mine area which could be considered for exchange involve approximately 18,000 acres." (See Map attached to Minutes and made a part of the record.)

Wayne Ross seconded the motion and a show of hands vote was taken with ten (10) of the Advisors voting affirmative and one (1), Peter Scholes, voting negative.

V. KENAI NATIONAL WILDLIFE REFUGE

A MOTION was made by Wayne Ross that the Land Use Advisors Committee recommend to the Alaska Land Use Council that they oppose the following provisions in the Kenai National Wildlife Refuge Comprehensive Conservation Plan:

- (1) the proposed wildlife viewing area between Skilak Lake and the Sterling Highway if said area is closed to big game hunting by the Federal Government, (p.3-45);
- (2) the opening of the Swanson Lake Canoe System to motorized access, (p.3-46); and
- (3) any involuntary acquisition of private inholdings, (p. viii).

The motion was seconded by Steve Silver. A show of hands vote was taken with ten (10) of the Advisors voting affirmative and one (1), Peter Scholes, abstained. .THE MOTION PASSED.

be accommodated. He noted, however, that occasions may arise where other base maps may be more appropriate and the Council's action should take cognizance of that.

MR. ANGAPAK stated that this was a move in the right direction and he hoped that this project would be a step in updating all the existing maps in the State of Alaska including rural areas.

Ms. WUNNICKE joined the Council meeting at this point.

4. Kantishna Hills/Dunkle Mine Study

MR. WIGGINS wanted to have placed into the record of this Council meeting a copy of a letter addressed to him from Mr. Gabriele J. Paone, the Agency Ethics Officer for the Department of Interior (Attachment A). Mr. Wiggins stated that during the course of this study, one of the subcontractors, who had been retained by the U.S. Bureau of Mines, in the study group, was a company where his wife had been employed. Upon discovering this, he had ceased all of his participation in the study, and set forth the details in a communication to the Agency Ethics Officer. In accordance with 18 U.S. Code, Section 208, and under Executive Order 11222, Mr. Wiggins asked them to rule on the possibility of a conflict of interest or violation of any regulations under the U.S. Code or the Executive Order with regards to his continued participation. He called attention to the second paragraph of the response from Mr. Paone, which reads:

"The circumstances surrounding the DOWL/PLANGRAPHICS contract do not prohibit you from performing any official duties required of you in connection with the study group's report. You may vote at the Council meeting on the acceptance or rejection of the recommendations contained in the study group's report and you may make recommendations to the Secretary of the Interior, to the President and to the Congress relative to the overall study. You are not prohibited in any way from participating in the Council's deliberations on the issue nor must you abstain from any further participation in the deliberations on the matter."

MR. WIGGINS asked that this letter be placed in the record so there is a clear indication that the matter had been dealt with. He then asked the Council members if any of them had any concern with respect to his continuing to participate in the Council's deliberations or his voting or any comments regarding this matter. None of the members had any objections to

From minutes of Alaska Land Use Council, May 23, 1984, Anchorage, Alaska

the response from the Department of Interior and agreed that this should not result in any type of conflict.

MR. WIGGINS suggested that when the Council got to the point of taking action on the Kantishna Hills/Dunkle Mine Study, that they consider separating the two areas so it is clear what the Council is intending to do. He stated that in reading all of the literature, he observed that there is a tremendous amount of confusion as to whether actions taken applied to the areas individually or together. He asked that when the Council members referred to one or the other, that they specify which area they were talking about. He also asked that the Council note his memorandum (C.M. #017/84 (Attachment B)), stating his intentions with respect to the study.

MR. CONTOR pointed out on a map the locations of both Kantishna Hills and the Dunkle Mine area. He complimented the Study Group on doing a very professional job in compiling a considerable amount of information and reaching a reasonable consensus, which is addressed in a letter of May 3, 1984 to the Alaska Land Use Council from himself and Esther Wunnicke. He stated that it is a good example of compromise among the various agencies involved. He said that the National Park Service is simultaneously doing a general management plan for Denali National Park, which will have recommendations for these two areas that are well within the range of alternatives of the Environmental Impact Statement and the Study Report. He asked the Council to note page 15 of the Study Group Report, where all of the members of the Study Group recommended that the National Park Service, Department of Environmental Conservation and the Department of Natural Resources work together in achieving better compliance in mining practices in the Kantishna area. He said that notice had been served to the miners and the National Park Service would try to get at least settling ponds on all of the placer claims. At the same time, the Study Report mentions that not enough is known about the mortality of the Denali caribou herd to make a long range decision on the Dunkle Mine area. That study is now underway and he said that at the conclusion of the study, in approximately two to three years, the National Park Service will be in a better position to make a recommendation on the future of the Dunkle township. He stated that at this time there is reason to believe that both mining and caribou can be compatible in the Dunkle area, but it is premature to make a valid, long range recommendation.

MS. WUNNICKE said that she felt the Study Group did a fine job and if the status quo were maintained in Kantishna there would still be the opportunity for some mineral development there. She said that the recommendations of the Study Group provide for expanded mineral development in the Kantishna area under a leasing system, which there would not otherwise have been under the status quo. Recognizing that this is a recommendation to the Congress and there will be many factors going into any Congressional action, the maintenance of the status quo might be the end result anyway. She stated that she still supports the Study Group's recommendation with respect to that ability to expand mineral development in the Kantishna area. She said that, regarding the Dunkle township, there is a recognition that the caribou studies need to be completed and the NPS should refrain from adjudicating the mining claims until the caribou studies are finalized. Also, pending the completion of these studies, it is important to reconsider exchanging the Dunkle township for some others that would more appropriately be in the park and allow the Dunkle township to be open to mining. She stated that the Department of Natural Resources was very much aware of the letter from the Federal Cochairman, as well as communications from members of the Alaska Legislature, but she supported the recommendation of the Council following that of the Study Group.

MR. WIGGINS noted the correspondence Ms. Wunnicke spoke of, the letter of May 19, 1984 from Gary Thurlow, Matanuska-Susitna Borough Manager (Attachment C), a letter from the Citizens' Advisory Commission on Federal Areas dated May 21, 1984 (Attachment D), and a letter from members of the Alaska State Senate Committee on Resources, dated May 19, 1984 (Attachment E). He asked that these letters be made a part of the record of this meeting.

MS. WUNNICKE stated that it appeared the recommendations made in the correspondence were all alternatives discussed and were already a part of the study.

MR. CONTOR suggested that these three letters, the letter of May 10, 1984 from Mr. Wiggins to the Alaska Land Use Council, as well as the recommendations of the Land Use Advisors Committee, be included in the comment section of the final Environmental Impact Statement.

MR. WIGGINS stated that he had no objections to this. All this constitutes input to the Land Use Council, and

further input to people who, subsequent to this point in time, will consider it in making decisions, namely the Secretary of Interior and Congress. He said they should have the benefit of each and every piece of input.

A MOTION WAS MADE BY MR. CONTOR THAT THE COUNCIL
✓ ACCEPT THE STUDY GROUP'S REPORT AND
RECOMMENDATIONS, INSTRUCT THE STUDY GROUP TO
PREPARE THE FINAL ENVIRONMENTAL IMPACT STATEMENT,
AND TRANSMIT IT TO THE SECRETARY OF INTERIOR AT
THE END OF THE THIRTY (30) DAY PUBLIC REVIEW
PERIOD. THE MOTION WAS SECONDED BY MS. WUNNICKE.

MR. WIGGINS asked MR. CONTOR if the motion signifies the Council's endorsement or concurrence with the recommended alternative.

MR. CONTOR stated that the intent of the motion was to accept and send it forward without any particular editorial comment on any of the alternatives, because any action on this would require Congressional action, which will institute another public involvement and comment process.

MR. WIGGINS wanted clarification of the motion that it was not the intention of the motion to signify any preference by the Council.

MR. CONTOR said that the intention was to simply accept it as a good report and send it forth to Congress. He stated that the report indicates the preferences of the various agencies on pages 15-16.

MS. WUNNICKE stated she assumed that the forwarding of the Memorandum of May 3, 1984 from the Study Co-Leaders to the Council, in which the recommendations of the Study Group were discussed, would constitute support of the preferred alternatives, leaving open the Dunkle question for further study with respect to the caribou.

MR. CONTOR stated that his intention was not to comment either way, for or against any preferred alternative because that has been done by the study group. He said that the National Park Service would be making a different recommendation in its general management plan. The final decision is in the hands of Congress and he feels it would not be pertinent or relevant to editorialize further.

MS. LEASK asked if Congress was looking to the Land Use Council for recommendation on this.

MR. WIGGINS said that, in his judgment, the Council has an obligation to Congress to make a recommendation.

MS. WUNNICKE said she supported MR. WIGGINS' view, and agreed that the ultimate action is that of Congress, but it is the obligation of the Council as a body, to make a recommendation to Congress.

A MOTION IN THE FORM OF A SUBSTITUTION TO THE MAIN MOTION WAS MADE BY MR. CONTOR THAT THE ALASKA LAND USE COUNCIL CONCUR WITH THE STUDY GROUP'S REPORT AND RECOMMENDATIONS, INSTRUCT THE STUDY GROUP TO PREPARE THE FINAL ENVIRONMENTAL IMPACT STATEMENT, AND TRANSMIT IT TO THE SECRETARY OF INTERIOR AT THE END OF THE THIRTY (30) DAY PUBLIC REVIEW PERIOD. THE SUBSTITUTE MOTION WAS SECONDED BY MS. WUNNICKE.

MR. WIGGINS raised the point that he wanted to be sure that in three months from now, there would not be any dispute as to what the Council did, and asked if everyone was clear on the motion's intent.

A voice vote was taken and THE MOTION AS SUBSTITUTED PASSED with one objection, that being from the Cochairman, MR. WIGGINS; the other thirteen members of the Council voting in the affirmative.

MS. WUNNICKE expressed her thanks to the Land Use Advisors for the care they took in expressing this issue and also noted again the fine job she felt the Study Group did.

5. Trespass Policy and Enforcement

MR. WIGGINS stated that the Staff Committee recommends three specific parts in Council Memorandum #005/84: 1) the Project Group be allowed to make a presentation to the Council; 2) the efforts underway to accomplish the products be identified in the work program item #14 be disbanded; and 3) and that the Staff Committee be directed to write a new work program item based upon the recommendation obtained in the inter-agency trespass report dated February 15, 1984.

DEAN KRESS, Bureau of Land Management gave a brief presentation regarding the recommendations contained in the report. Following are the recommendations made by the Study Group:

- a) The Work Group draft an unauthorized use policy statement to be endorsed by the Land Use Council. They further advised that would only be possible



Citizens' Advisory Commission
on Federal Areas
November 28, 1984

515 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012

Warm Greetings to you.

Staff also extends our thanks to those who have given us some help on projects recently and throughout this last year.

Projects during 1984 included reviewing and commenting on the following management plans (listed by management agency). If you wish information on any of them, let us know.

NATIONAL PARK SERVICE

General Management Plans:

Yukon-Charley Rivers National Preserve

Statements for Management:

Kobuk Valley National Park

Noatak National Preserve

Alternatives Workbooks:

Aniakchak National Monument and Preserve

Wild and Scenic Rivers Studies:

Study Recommendations for Koyuk, Kanektok, Yukon
(Ramparts Section), Sheenjek and Squirrel Rivers

Proposed Regulations:

36 CFR, Part 13

Cabins and other structures

36 CFR, Part 9

Minerals Management: Mining and Mining Claims

BUREAU OF LAND MANAGEMENT

Resource Management Plans:

Steese National Conservation Areas

White Mountain National Recreation Area

U. S. FOREST SERVICE

Noranda/Greens Creek Boundary Adjustment

Quartz Hill/ U.S. Borax EIS

Coronation, Warren and Maurelle Islands Wilderness Plan

1985-Resource Planning Act Program

Misty Fiords National Monument EA & Management Direction

West Chichagof-Yakobi EA

Russell Fiord Wilderness Area EA

South Prince of Wales Wilderness EA

Tebenkof Wilderness EA

U. S. FISH AND WILDLIFE SERVICE

Comprehensive Conservation Plans

Kenai National Wildlife Refuge

Becharof National Wildlife Refuge

Alaska Peninsula National Wildlife Refuge

Izembek National Wildlife Refuge

OTHER

Proposed Bristol Bay Cooperative Management Plan and

Revised Draft Environmental Impact Statement

Plan responsibility: Alaska Land Use Council and

U. S. Fish and Wildlife Service

One of the Commission's major project in 1984 was a result of the proposed National Park Service regulations for the use and construction of cabins and other structures on National Park lands in Alaska. Public concern arose late in May when it was discovered that many rural residents throughout the State were unaware of the regulations and would not have an adequate amount of time to comment on them. The Commission immediately requested an extension of the comment period. The U.S. Department of the Interior then set August 3 as the close of the review period. However, no additional public meetings were scheduled by the National Park Service.

At this point the Commission decided to hold a series of meetings in those areas which would be directly affected by the proposed regulations. Commission staff distributed approximately 200 copies of the proposed regulations. Then in July, the Commission sponsored meetings in Eagle, Coldfoot, Kotzebue and Glennallen. Many valuable comments and insights on how the proposed regulations would impact cabin users and occupants were received at the meetings. A total of 72 people attended the four meetings. Another dozen letters and written comments were also received, many from remote areas in the bush. This information was used during the Commission's review of the regulations and incorporated into the formal written comments submitted to the National Park Service.

The Commission is being involved at an earlier point than ever before in the planning process for various public lands. Staff attended several meetings of some of the subsistence resource commissions established for the National Parks in Alaska. Commission staff also participated in a meeting of the interagency Quartz Hill Resource Advisory Group.

The Commission has also worked on other topics of interest to the public. These involved the issue of RS-2477 rights-of-way across federal lands, the administration of the local hire program authorized by section 1308 of ANILCA and the question of ownership of "trespass" cabins on National Park lands in Alaska.

On October 30, a joint meeting of the Commission and the Alaska Land Use Council Advisors Committee was held in Anchorage. The two groups jointly discussed goals and objectives and then reviewed current planning issues of common interest. A joint resolution requesting Alaska Land Use Council backing and pursuit of a land exchange for the Dunkle Mine in the Denali National Park was passed unanimously.

On October 31, the Commission held its regular meeting. A summary is enclosed for your review. Also enclosed is a new brochure on the Commission. Call if you wish more information.

Commission Staff