

HJR

48

## Sponsor Statement for HJR 48

# Termination of Federal Land Withdrawals

### "Relating to federal land withdrawals."

This House Joint Resolution encourages Congress to amend the public lands laws of the United States to provide a timely means of returning previously withdrawn public lands to fuller use.

Throughout much of the United States, especially the Western States and Alaska, the federal government has withdrawn land for various reasons. Withdrawn lands are then off limits to other selections and designations, e.g. State's right-of-way, State selection, mining claims, Native allotments, etc. Many federal withdrawals were for public purposes such as parks and refuges; others were withdrawn to give agencies the flexibility to consider proposed uses of the land; and still others have been withdrawn for seeming arbitrary political purposes. When federal land is withdrawn it is closed until the withdrawal is removed which in some instances requires an act of Congress. This creates the problem where land remains closed to entry even when the original purpose for the withdrawal has been accomplished or has lapsed.

In Alaska many of these federally withdrawn lands have been selected by the State of Alaska in accordance with the Alaska Statehood Act for transfer to become State-owned lands. Some of these lands in withdrawal status have high mineral potential. Other lands were selected for access corridors. In all cases, these State selected lands cannot be transferred, and Alaska loses opportunities.

HJR 48 requests that Congress amend our country's public lands laws so that the land withdrawals sunset in 10 years unless the agency responsible for managing the land provides Congress with a justification.

HJR 48 also requests that Congress require the federal land managing agencies to compile a comprehensive listing of the withdrawn lands under their jurisdictions to include (1) the exact geographical coordinates of the withdrawals, (2) the legal authority for the withdrawal, (3) the document establishing the withdrawal, and (4) the proposed disposition of the affected land and file a plan with Congress within one year defining how the withdrawals will be terminated. This requirement would extend to all agencies of the United States that manage public lands, as many departments and agencies are involved in land management, e.g. The Post Office, the Department of Agriculture, the Department of Defense, the Bureau of Land Management, the National Park Services, the Fish and Wildlife Service, etc.

The Alaska State Legislature urges Congress to amend the current public lands laws as HJR 48 provides.

## Bill History/Action Display



BILL: HJR 48                      SHORT TITLE:TERMINATION OF FED LAND WITHDRAWALS  
BILL VERSION:  
SPONSOR(S): RLS  
CURRENT STATUS: (H) RES STATUS DATE: 04/01/02  
HEARING: (H) RES Apr 08 1:00 PM CAPITOL 124 TELECONFERENCE

[Committee Hearing History](#)

TITLE: Relating to federal land withdrawals.

[Full Text](#)

No Fiscal Notes Available

[Bill History](#)

Jrn-Date	Jrn-Page	Action
04/01/02	<a href="#">2740</a>	(H) READ THE FIRST TIME - REFERRALS
04/01/02	<a href="#">2740</a>	(H) RES
04/01/02	<a href="#">2740</a>	(H) REFERRED TO RESOURCES
04/08/02	<a href="#">Text</a>	(H) RES AT 1:00 PM CAPITOL 124

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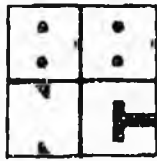
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# Bristol Bay Native Corporation

*Enriching Our Native Way of Life*

800 Cordova Street, Suite 200 / Anchorage, Alaska 99501-6299 / (907) 278-3602 / fax (907) 276-3924

VIA FACSIMILE: (907) 465-2819

April 8, 2002

Honorable Pete Kott  
Alaska State House  
Capitol Building  
Juneau, Alaska 99801

Subject: Support for Joint Resolution 48, Relating to Federal Land Withdrawals

Dear Mr. Kott:

The Bristol Bay Native Corporation (BBNC) is one of the 12 regional corporations created by the Alaska Native Claims Settlement Act. BBNC is both a for-profit corporation and a quasi-social services organization. In addition to being tasked with paying increasingly larger dividends, we also are expected to create jobs for shareholders and to foster regional infrastructure development. Obsolete federal land withdrawals in our region are like a speed bump on our highway to economic prosperity.

A Canadian mining company was actively staking mining claims in the Bristol Bay region two years ago. When it came across a couple of archaic federal land withdrawals (PLO's 5179, 5180, and 5184, in particular), the company had no choice but to suspend its field activities. You are inherently aware that these withdrawals preclude any kind of economic development. We liken an obsolete withdrawal to a human appendix: it serves no purpose, but it has the potential to kill you. In our case, the PLO's mentioned above have already stifled staking activity in our region.

We believe that responsible development of our natural resources is a good thing. If we can get more staking and exploration activities in Alaska, we improve the chances of seeing another Red Dog or Fort Knox mine. Its high time that we restore many of the federally withdrawn land in Alaska back to the public domain so we can do our share to help Alaska's economy. It therefore follows that we whole-heartedly support the passage of House Joint Resolution No. 48.

Thank you for the opportunity to comment on this important legislation. If you have any questions, please call me at (907) 278-3602.

Sincerely,

Paul C. Roehl  
Vice-President, Land & Resources



# ALASKA MINERS ASSOCIATION, INC.

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April 3, 2002

Honorable Pete Kott  
Alaska State House  
Capitol Building  
Juneau, AK 99801

Re: House Joint Resolution 48, Relating to Federal Withdrawn Lands

Thank you for the opportunity to comment on House Joint Resolution 48 which requests that the Alaska Congressional Delegation introduce legislation that would require federal agencies to address the issue of obsolete federal land withdrawals.

All over Alaska, the western United States, and in fact, the United States as a whole, the agencies responsible for managing federal lands have at various times withdrawn parcels of varying size from entry, including entry under the general mining laws. Some of those withdrawals were to evaluate the lands for possible creation of parks or refuges. Other withdrawals were to give agencies the flexibility to consider other uses of the land. And other withdrawals may have been for political purposes.

Once in place, withdrawals are rarely removed, even if the purpose for the withdrawal no longer exists or the objective has been accomplished. On the contrary, a mishmash of withdrawal lands remain on the books. Although these withdrawals may have been "temporary", there is no provision in law for the leftover portions to be timely restored to public use.

Examples in Alaska of such temporary withdrawals include the TAPS pipeline corridor which withdrew a swath five or more miles wide across the state, pending resolution of the pipeline route. The excess withdrawal width was not terminated when construction was concluded, even though a one-mile wide corridor would be sufficient. Similarly, prior to ANILCA, a two mile wide corridor was withdrawn on each side of the Fortymile River for a wild and scenic river proposal. However, the final designation in ANILCA included only a one mile width. The remaining zone on each side of the river should have been restored to the public domain; however, the Bureau of Land Management has not done so. Hundreds of similar "temporary" withdrawals have been made across the country and little is being done to remove these encumbrances.

Many of the withdrawn lands in Alaska are covered by State selections as promised in accordance with the Alaska Statehood Act. Some of these lands have very high mineral potential and other lands are needed for access corridors. However, as long as the federal withdrawal remains in place, the land cannot be Tentatively Approved (TA'd) to the State.

We concur with HJR-48 that the first step is for the federal land managing agencies to compile a comprehensive listing of the withdrawn lands under their jurisdiction. This should include the legal

authority for the withdrawal, the document establishing the withdrawal, including the exact geographical coordinates of such withdrawal, and a map showing the parcel. There are so many withdrawals now in place that no one can readily tell where they all are or why they are there. The agencies would be required to provide this information and their plan for removal of the withdrawals that have not been removed by an Act of Congress and for which the purpose of the withdrawal no longer exists.

Also, the public lands laws of the United States should be changed so that withdrawals of public lands from entry, including entry under the mining laws of the United States, would terminate automatically if the withdrawals are not removed; unless the responsible land management agency provides Congress with a detailed justification for continuing the withdrawal and a proposed alternative date certain for its termination, such termination should occur without further legislative or administrative action on the later of either the tenth anniversary of the withdrawal or the tenth anniversary of the enactment of such a law,

Although agencies such as the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service are the entities which would be most directly affected by this legislation, it is noted that vast tracts of public lands are also managed by the Department of Defense, the Department of State and the U.S. Postal Service as well as other agencies; therefore, this initiative should not be focused on one or two federal Departments, but should extend to all agencies of the United States which manage federal public lands.

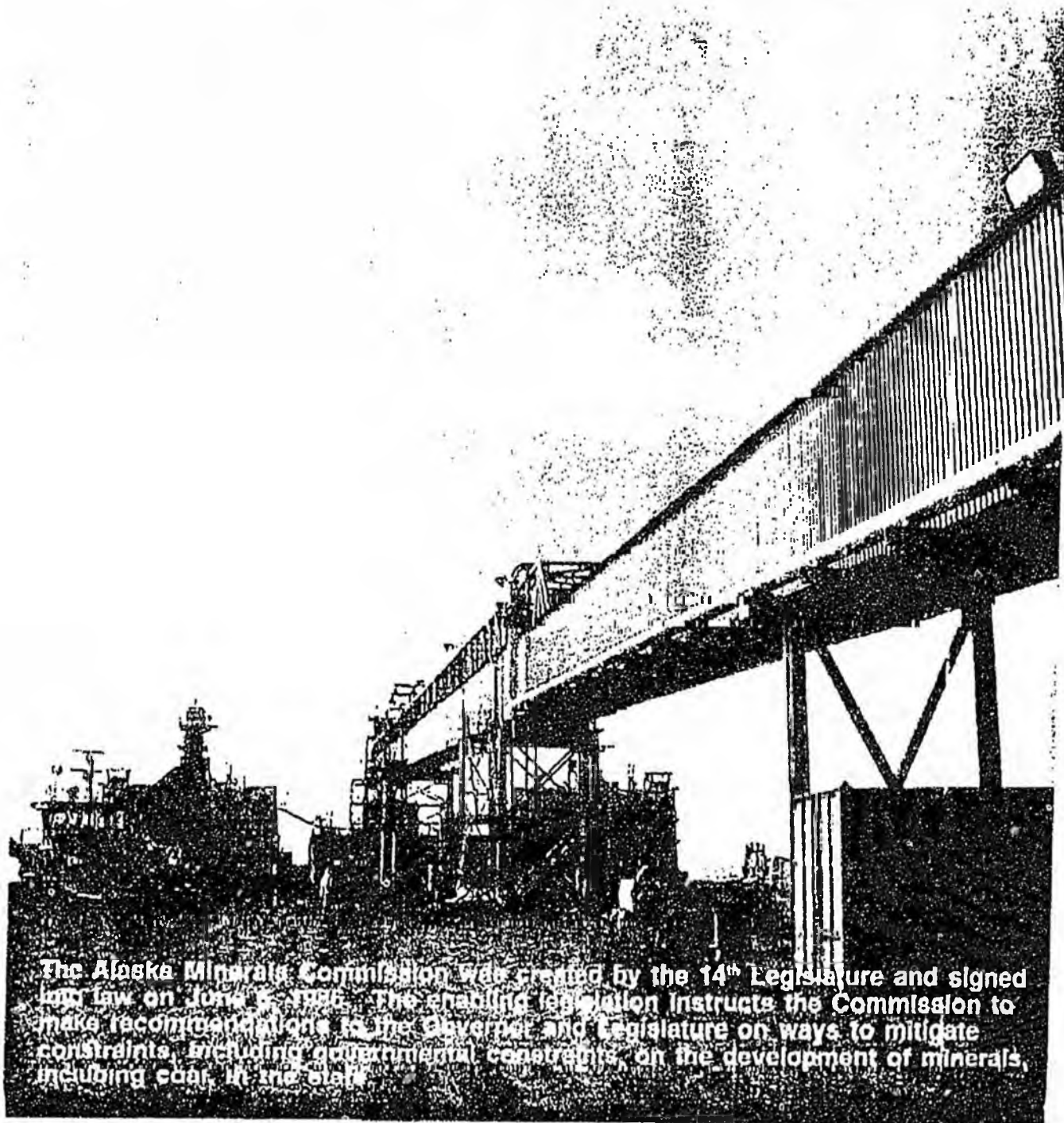
Thank you again for the opportunity to comment and we urge its passage at the earliest possible date.

Sincerely,



Steven C. Borell, P.E.  
Executive Director

# REPORT OF THE Alaska Minerals Commission



The Alaska Minerals Commission was created by the 14<sup>th</sup> Legislature and signed into law on June 5, 1966. The enabling legislation instructs the Commission to make recommendations to the Governor and Legislature on ways to mitigate constraints, including governmental constraints, on the development of minerals, including coal, in the state.

#### 4.4) ACCESS AND INFRASTRUCTURE

The Governor and Legislature should encourage an efficient process for approval of permits for road, rail and powerline projects that would help develop Alaska's limited infrastructure. The Governor and the Legislature should ensure that after major projects work through a permitting process over an extensive period of time, there must be a rational way to bring closure to the process and issue a permit.

#### 4.5) RESTRICTING THE USE OF MINING AIRSTRIPS

The Governor and the Legislature should direct the Division of Mining, Land & Water to amend the mining regulations so that when an airstrip is required for access to a specific mining operation, the Plan of Operations will allow the permit holder to restrict the use of the airstrip.

#### 4.6) SCHOOL OF MINERAL ENGINEERING

The Governor and Legislature should provide adequate budgetary support to the UAF School of Mineral Engineering.

## PART B: FEDERAL ISSUES OF STATE CONCERN

### 1) DETAILED GEOLOGIC MAPPING

The Governor and Legislature should encourage the Congressional delegation to seek funding for the U.S. Geological Survey specifically for detailed mapping, including surficial and engineering, as well as bedrock geological mapping of the State of Alaska. Such funding should include cooperative programs between the University of Alaska, the Alaska Division of Geological & Geophysical Surveys and the U. S. Geological Survey.



### 2) RESOLUTION OF LINGERING WITHDRAWALS

The Governor and the Legislature should urge the Congressional Delegation to request an accounting of Congressional and Administrative withdrawals that no longer have any justification, and seek expedited agency review, transmittal to Congress, and Congressional action. Withdrawals that have the most immediate impact on other activity or commerce should be given priority.

### 3) ESSENTIAL FISH HABITAT

The Governor and Legislature should work with the Congressional Delegation to limit the authority of the National Marine Fisheries Service to marine waters, and leave management of anadromous fish within state waters to the Alaska Department of Fish & Game.

### 4) ANILCA PROVISIONS

The Governor and Legislature, through the Attorney General's office, the State's Washington office, and the Congressional Delegation should insist that the federal administration:

- a) Provide access across Conservation System Units (CSU) as required by Title XI of the Alaska National Interest Lands Conservation Act (ANILCA);
- b) Prohibit the creation of additional CSU lands in Alaska as required by Sections 101d and 1326b of ANILCA; and
- c) Exchange mineralized areas from existing CSU under the authority of Sections 103b and 1302h of ANILCA.



# Issues of Concern to the Alaska Mining Industry for 2002

January 2002

It is the position of the Alaska Miners Association that:

## FISCAL ISSUES

1. State Fiscal Policy - The Governor and Legislature provide effective funding for the minerals and permitting functions in the Department of Natural Resources, the Department of Community & Economic Development, and the Department of Environmental Conservation. That the State adopt a long range fiscal plan and a biannual budget cycle.

2. Annual Airborne Geophysical Mapping Program - The Legislature and the Governor continue the extremely effective program of State Investment in airborne geophysical mapping along with baseline water quality mapping.

3. Mineral Education - The Legislature continue to support the School of Mineral Engineering at UAF, and geoscience programs throughout UA at levels that will ensure continued accreditation, as well as the Delta Mine Training Center and the Mining and Petroleum Training Service (MAPTS).

4. AMEREF (Alaska Mineral & Energy Resources Education Fund) - The Legislature continue to support and fund the State's share of this program in the public schools.

## LAND MANAGEMENT ISSUES

5. State Lands - The Governor and the Legislature support no net loss of multiple use policies and require that additions to any state parks, refuges, critical habitat areas, or other special restricted-use areas, or transfer of state land to federal ownership be made only if an equal acreage of other lands already having the same designation is released and the new area being designated is first evaluated for mineral potential.

6. Evaluation of State Land Selections - The Administration review and complete a new ranking of state-selected lands for transfer by the Bureau of Land

Management. Special emphasis must be given to high value resource lands and lands required for access rights of-way.

7. Land Transfers - Prior to any state land transfers to boroughs, land sales, or leases not required for resource development, require a detailed mineral evaluation, to include airborne geophysical survey, be completed to help ensure that mineralized lands or key access routes are not transferred.

8. New Federal Withdrawals - The Governor and Legislature oppose all new federal withdrawals, restrictions, roadless initiatives, Antiquities Act designations, etc. and fight vigorously against additional buffers or other restrictions to multiple use of federal lands in Alaska. The Alaska National Interest Lands Conservation Act (ANILCA) provides that "no more" federal land will be withdrawn for parks, preserves, monuments, wilderness designations, wild & scenic river designations, etc.

9. Lingering Federal Withdrawals - The State pursue removal of old federal withdrawals (where purpose for withdrawal has expired) which are blocking land transfers to the State.

10. Federal Land Use - The Governor oppose all attempts to further restrict multiple use and access as promised by ANILCA, e.g. roadless initiative, land plans, etc.

11. International Heritage & Biosphere Designations - The Governor vigorously oppose establishment of international parks, biosphere reserves, and world heritage sites, such as the Seward Peninsula, the Bering Sea, NPRA, and ANWR. International designations would - 1) surrender partial sovereignty to the United Nations, and 2) forever eliminate access across the lands and waters (including existing federal conservation system units) for transportation, pipelines, powerlines, etc.

12. Federal Mining Law Issues - The Governor continue to oppose changes to federal law and regulations that would be adverse to Alaska miners.

### ACCESS ISSUES

13. Roads, Railroads and Ports - The State: 1) develop new access roads and new railroads such as the Copper River Highway, 2) continue route selection for a railroad from the northwest Arctic to a deep water port on Norton Sound, and 3) support development of ports at Red Dog, Nome and elsewhere.

14. RS-2477 Rights-of-Way - The Governor and Legislature continue to systematically and aggressively pursue the rights of the State of Alaska regarding RS 2477 rights-of-way, both administratively and in the courts, and that the Legislature provide funding to ensure this is done. Without RS-2477s much of Alaska public lands will never have overland access.

15. Navigability - The Governor and Legislature continue to aggressively pursue the ownership of all navigable waters granted under the Statehood Act, including: quiet title to the North Fork and Mosquito Fork of the Fortymile River and the Black river; petitions for quiet title on all state waters where the federal government asserts reserved water rights or any management authority over navigable waters.

### OTHER ISSUES

16. Non-Profit Foundation Money - Legislation be enacted to require reporting whenever funds from out of state 501(c)(3) foundations are given to Alaska non-profits, to include name of the non-profit, amounts and purpose for which the moneys are given.

17. Water Quality - The State continue to review and revise water quality standards to ensure: 1) they are scientifically and technically supportable, 2) they are developed using Alaska-specific criteria, and 3) they are sufficient to protect water quality and support

State implementation. That the State utilize third party contractors where possible while maintaining a core staff of State employees to manage the effort.

18. Air Quality - The State clarify and simplify the air quality regulations. That the State utilize third party contractors where possible while maintaining a core staff of State employees to manage the effort.

19. Flexible Work Schedules - Legislation be enacted to allow employees in all resource industries, not just the current 17 exemptions, the opportunity to work shifts longer than eight hours without the overtime requirement until 40 hours is worked in a single week.

20. Regulations - The State and local governments base regulations on sound science. That regulations be promulgated in a timely fashion.

21. Jones Act - Because Jones Act vessels for bulk mineral shipments are not available, the Governor and Legislature should petition Congress to amend the Jones Act to allow in state and interstate shipment of bulk mineral resources on non-Jones Act vessels.

22. Permitting - The Administration and Legislature continue to work toward reducing the cost and time for state agency decisions on proposed projects.

23. Airfield Liability - Legislation be enacted to limit the liability of persons who, in good faith, maintain or upgrade an airfield.

For further information on the above issues or for information regarding exploration and mining in Alaska please contact:

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