

HJR

21

<TARGET><BILL>HJR 21</BILL><SUBJECT>HJR
21</SUBJECT><COMM>HRES27</COMM></TARGET>

Alaska State Legislature

REPRESENTATIVE
ERIC FEIGE
House District 12
House Resources Committee Co-Chair
Education Committee
Transportation Committee
Joint Armed Services Committee



During Session:
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House of Representatives

SPONSOR STATEMENT

HJR 21 "Urging the Secretary of the United States Department of the Interior to withdraw a secretarial order that creates a wild land classification and to administer federal lands in the state in accordance with existing statutes and agency guidelines; and urging the United States Congress to prohibit the use of appropriated funds by the United States Department of the Interior and the Bureau of Land Management to implement, administer, or enforce the secretarial order."

House Joint Resolution 21 is a response and clear statement of opposition to an attempt by a Federal government department head to ignore Federal Statute and promote an agenda that is detrimental to and could essentially shut down Alaska's economy and unique culture.

On December 22, 2010, the United States Secretary of the Interior, Ken Salazar issued Secretarial Order number 3310 (S.O. 3310) directing the Bureau of Land Management to inventory and designate land with wilderness characteristics as "Wild Lands." This represents a new classification and is currently not legally defined, meaning the designation is based on a whim. S.O. 3310 may go so far as to seek wilderness status for areas of the National Petroleum Reserve, an area critical to the economy of not only Alaska but the entire United States.

S.O. 3310 violates Congressional Law for Alaska relating to land. Both the Alaskan Native Claims Settlement Act (ANSCA) and Alaska National Interest Lands Conservation Act (ANILCA) are in conflict with S.O. 3310 and supersede it since only Congress has the authority to designate wilderness areas.

HJR 21 asks Congress to use its power of appropriations to impress upon the Secretary of the Interior that implementing, administering and enforcing S.O. 3310 will be impossible. Passage of this resolution is critically important to the citizens of Alaska and will serve as a milestone for other states to stand up against this land grab and federal intrusion.

HOUSE JOINT RESOLUTION NO. 21

“Urging the Secretary of the United States Department of the Interior to withdraw a secretarial order that creates a wild land classification and to administer federal lands in the state in accordance with existing statutes and agency guidelines; and urging the United States Congress to prohibit the use of appropriated funds by the United States Department of the Interior and the Bureau of Land Management to implement, administer, or enforce the secretarial order.”

Sectional Analysis (Version M)

1. Cites the December 22, 2010 issuance of Secretarial Order (S.O.) 3310 by Secretary of the Interior Ken Salazar.
2. Summarizes the intent of S.O. 3310.
3. Establishes that “Wild Lands” is a new designation.
4. Highlight’s the Alaska Citizen’s Advisory Commission’s determination that S.O. 3310 was drafted without state input and violates President Obama’s pledge towards transparent government.
5. Establishes that Congress is the sole authority for wilderness land designation.
6. States that S.O. 3310 does not recognize Alaska’s unique culture nor natural resource development.
7. Cites the Alaska National Interest Lands Conservation Act (ANILCA) as already designating 57 million acres of Alaska land as “wilderness.”
8. States that Congress, through ANILCA, has already determined there is sufficient “wilderness lands” in Alaska and prohibited managing subsequent lands for their “wilderness characteristics” without prior Congressional approval.
9. References the inaccurate statement by the Department of the Interior that there has never been a wilderness inventory in Alaska.
10. Highlights S.O. 3310’s reversal of 30 years of prior existing Bureau of Land Management (BLM) land review policy in Alaska.
11. References the scope of the “Wild Lands, Inventory, and Planning Guidance Questions and Answers” issued by the Department of the Interior.
12. States that S.O. 3310 violates the Naval Petroleum Reserves Production Act of 1976 and the Federal Land Policy and Management Act of 1976.
13. States that designating “Wild Lands” in the National Petroleum Reserve-Alaska would preclude resource development in this area.
14. States that S.O. 3310 enables the BLM to establish de-facto wilderness areas without required Congressional oversight.
15. States that S.O. 3310 creates a presumption against resource development in designated lands and that this will have a negative impact on Alaska’s economic well-being.
16. Requests that the Secretary of the Interior immediately withdraw S.O. 3310.
17. Urges Congress, subject to the refusal of the Interior Secretary to withdraw S.O. 3310, to prohibit the use of federal funds to implement said order.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HJR 21
 () Publish Date _____

Identifier (file name) HJR21-LEG-COU-03-15-2011 Dept. Affected Legislature
 Title "Opposing Federal Wild Land Designation" Appropriation Legislative Council
 Allocation Session Expenses
 Sponsor Representative Feige
 Requester House Resources Committee OMB Component Number 782

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version

Initial Version

Prepared by Shane Miller, Finance Manager
 Division Administrative Services Division
 Approved by Pamela Varni, Executive Director
 Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/15/11 12:19 PM
 Date 3/15/2011

Analysis

This fiscal note has zero impact on the Legislative Affairs Agency.

Fact Sheet

Title: Land Ownership In Alaska



Division of Mining, Land & Water
March 2000

Current land ownership in Alaska can be traced back to three main events in the state's history.

- ◆ Russian traders arrived in Alaska in the mid-1700's and established small, scattered trading posts and settlements. Alaska Natives (the Eskimo, Indian, and Aleut peoples) continued as the primary "landowners" during this period of Russian occupation.

On October 18, 1867, Russia sold Alaska to the United States government. As a result, the federal government owned the Alaska Territory, approximately 375 million acres (about one-fifth the size of the continental U.S.).

- ◆ Alaska became a state in 1959. The federal government granted the new state 28% ownership of its total area. Approximately 103,350,000 acres were selected under three types of grants: Community (400,000 acres), National Forest Community (400,000 acres), and General (102,550,000 acres). Additional territorial grants, for schools, university and mental health trust lands, totaling 1.2 million acres were confirmed with statehood. All grants combined gave the State of Alaska approximately 105 million acres.
- ◆ In 1971 Congress passed the Alaska Native Claims Settlement Act (ANSCA). This law granted 44 million acres and 1 billion dollars to village and native corporations created under the act. Generally, ANSCA gave Native selections priority over state land selections.

State Land

To date, the state has received patent to approximately 85% (90 million acres) of its total land selections. The state was permitted to select lands, from any federal land not already reserved for other uses, to provide:

1. Land and resources to support the state's economy for road construction, economic development, and building houses, schools, and other public and private facilities.
2. A reduction in federal control over state internal affairs by giving the state ownership and jurisdiction over its own land.

The state chose land to meet three specific needs - settlement, resources and recreation.

Settlement – The State of Alaska selected land to encourage development and settlement. Land for public facilities, road construction and other public needs were included. Once owned, the state transfers large tracts of land to local governments, and leases and disposes of land to the private sector. There are approximately 580,000 acres currently in the state's land disposal bank for eventual lease or sale.

Resources - The Alaskan economy is based on exploration for and the development of natural resources. Lands were selected for agriculture, forestry, commercial fisheries, mining potential, oil and gas development, and wildlife habitat.

Recreation – Lands for wildlife, back-country recreation, and varying degrees and types of developed recreation were chosen and reserved to provide a variety of experiences for Alaskans and the tourist industry.

Once land is selected, land planners develop state land use plans. Planners consider laws and policies set by the Governor and state legislature, the character of the land itself, recommendations made by resource experts and public input to determine the most appropriate management of currently owned or selected state land. Plans are developed for land in selected status in anticipation of its conveyance to the state.

Federal Land

The federal government is still the largest landowner in Alaska with 60% of the total area (222 million acres). This acreage includes national parks, wildlife refuges, national forests, military reservations and the North Slope National Petroleum Reserve. More than a dozen federal agencies manage federal lands in Alaska.

The majority of federally owned lands have been set aside for public use (approximately 80 million acres). These are designated as follows:

The National Park Service and Fish and Wildlife Service manage about 119.3 acres (48.3 and 71.0 million acres respectively) for primary uses of resource protection and fish and wildlife conservation.

The Forest Service and Bureau of Land Management manage about 97.7 million acres (19.8 and 77.9 million acres respectively) for multiple use purposes including timber production, fish and wildlife, recreation, water and mining. Management of these lands is based on priorities and compatibility among various uses.

The remaining federal land is designated for special purposes, such as military reservations, the National Petroleum Reserve and U.S. Postal Service lands.

Native Lands

Native lands are private lands. The Alaska Native Claims Settlement Act, passed by Congress in 1971, mandated the creation of regional and village Native corporations for the disbursement of the 44 million acres and payment of one billion dollars mandated to Native ownership.

Thirteen regional corporations were created for the distribution of ANSCA land and money. Twelve of those shared in selection of 16 million acres, the thirteenth corporation, based in Seattle, received a cash settlement only. 224 village corporations, of 25 or more residents, shared 26 million acres. The remaining acres, which include historical sites and existing native-owned lands, went into a land pool to provide land to small villages of less than 25 people.

Other Private Land

Land in private ownership (other than Native land) comprises less than one percent of the total land in Alaska. Much of the best land for development around Alaska's communities is, or will be, privately owned. Private land development meets people's needs by providing places to live, work, shop and recreate. It also provides a tax base for cities and communities to help support public services.

**6300-2 - CONSIDERATION OF LANDS WITH WILDERNESS
CHARACTERISTICS IN THE LAND USE PLANNING
PROCESS**

U.S. Department of the Interior Bureau of Land Management

BLM
MANUAL

**6300-2 - CONSIDERATION OF LANDS WITH WILDERNESS
CHARACTERISTICS IN THE LAND USE PLANNING PROCESS**

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6300-2-CONSIDERATION OF LANDS WITH WILDERNESS CHARACTERISTICS IN THE LAND USE PLANNING PROCESS

.01 Purpose. This manual contains the Bureau of Land Management's (BLM) policy, direction, general procedures, and guidance for considering Lands with Wilderness Characteristics (LWCs) in the land use planning process under the Federal Land Policy and Management Act of 1976 (FLPMA) and other applicable law. This manual also provides policy direction for designation of Wild Lands. It does not address or affect policy related to Congressionally-designated Wilderness or existing Wilderness Study Areas (WSAs) pending before Congress.

.02 Objective. This guidance establishes the BLM's policy on considering LWCs in Resource Management Plans (land use plans) or land use plan amendments or revisions and management of LWCs as administratively designated Wild Lands. The guidance also establishes the BLM's policy for considering project-level decisions in areas not yet inventoried and analyzed in accordance with Part .1 of this policy.

.03 Authority. Principal authorities affecting the consideration of LWCs in the planning process are:

- A. The Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.* (FLPMA), exclusive of 43 U.S.C. 1782.
- B. The Wilderness Act of 1964, 16 U.S.C. 1131 *et seq.*
- C. National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA)
- D. Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501 *et seq.* (NPRPA)
- E. Alaska National Interest Lands Conservation Act (ANILCA), Section 1320, 43 U.S.C. 1784
- F. Council on Environmental Quality (CEQ) Regulations, 40 CFR 1500-1508
- G. BLM Regulations, 43 CFR 1601-1610, 43 CFR 2360.0-1 *et seq.*
- H. Secretary's Order 3310
- I. Department of the Interior (DOI) NEPA Regulations, 43 CFR Part 46

.04 Responsibilities.A. During the land use planning process, the BLM Director shall:

1. Implement policy, goals, objectives, and procedures for the consideration and protection of LWCs in land use plans and the preservation of the BLM's discretion to protect wilderness characteristics through subsequent land use planning.
2. Coordinate with BLM State Directors, field offices, other agencies, or entities in considering and protecting LWCs in land use plans.
3. Ensure adherence to proper delegations of authority related to decisions, actions, and policies concerning the consideration and protection of LWCs in land use plans.
4. Ensure compliance with the NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations, and serve as liaison with the DOI's Office of Environmental Policy and Compliance.

B. During the land use planning process, State Directors shall:

1. Implement policy and provide statewide program coordination and guidance for the consideration and protection of LWCs in land use plans and the preservation of the BLM's discretion to protect wilderness characteristics through subsequent land use planning.
2. Provide program development, technical management assistance, and funding support to field offices as appropriate to ensure LWCs are adequately considered and Wild Lands are appropriately designated in land use plans.
3. Ensure compliance with the NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations.

C. During the planning process, District Managers and Field Managers shall:

1. Update and maintain the wilderness inventory for lands within the planning area. Review existing information regarding wilderness characteristics, and gather and evaluate such information submitted by the public or the BLM for consideration and protection of LWCs in land use plans. This evaluation shall include any citizen proposals for designation of LWCs as Wild Lands. Identify all LWCs within the planning area.
2. After consulting with the State Director, determine planning priorities as needed regarding LWCs and designation of Wild Lands.

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3. In carrying out any public participation requirements in accordance with applicable law, including 43 CFR 1610.2(c), ensure that the issues identified for consideration in the plan include LWCs when they are present.
4. Ensure that any planning criteria developed in accordance with applicable law, including 43 CFR 1610.4-2, include management of LWCs when they are present.
5. Disclose impacts of each alternative to identified LWCs.
6. As with other management actions, recommend to the State Director management actions for LWCs, including designation as Wild Lands and appropriate measures to protect wilderness characteristics in the plan.

.05 References.

- A. FLPMA, 43 U.S.C. 1701 *et seq.*
- B. The Wilderness Act of 1964, 16 U.S.C. 1131 *et seq.*
- C. NEPA, 42 U.S.C. 4321 *et seq.*
- D. NPRPA, 42 U.S.C. 6501 *et seq.*
- E. ANILCA Section 1320, 43 U.S.C. 1784.
- F. CEQ Regulations, 40 CFR 1500-1508
- G. BLM Regulations, 43 CFR 1601-1610
- H. BLM Handbook H-1601-1, Land Use Planning Handbook
- I. BLM Wilderness Inventory Manual 6300-1
- J. Secretary's Order 3310
- K. DOI NEPA Regulations, 43 CFR Part 46

.06 Policy. Managing the wilderness resource is part of the BLM's multiple-use mission. Proper management of this resource is a high priority for the BLM, and the natural state of such lands should be protected to the extent possible, consistent with the BLM's planning and management authorities and its multiple-use mission. The BLM shall protect LWCs when undertaking land use planning and when making project-level decisions by avoiding impairment of their wilderness characteristics unless the BLM concludes, as part of its decision-making process, that impairment of wilderness characteristics is appropriate and

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consistent with applicable requirements of law and other resource management considerations. Where the BLM concludes that authorization of uses that may impair wilderness characteristics is appropriate, the BLM shall document the reasons for its determination and consider measures to minimize impacts on those wilderness characteristics. Where the BLM concludes that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as “Wild Lands” through land use planning.

The process described in this manual shall be integrated into land use plans in order to—

1. document the rationale for wilderness resource decisions,
2. ensure that wilderness characteristics and protective measures are being adequately evaluated in an environmental analysis, and
3. consider measures to minimize potential impacts on wilderness characteristics and other resource values and uses.

.07 Background.

A. FLPMA specifically states that preserving and protecting certain public lands in their natural condition is part of the BLM’s mission. *See* 43 U.S.C. 1701(a)(8).

B. FLPMA provides direction for inventories in Sections 102(a)(2), 201(a), and 202(c)(4) and (9), and land use planning in Section 202. These sections direct the BLM to prepare and maintain an inventory of all public lands and their resources and values. These sections also direct the Bureau to rely, to the extent available, on inventory information in the development of land use plans.

C. Secretary’s Order 3310 affirms that the protection of the wilderness characteristics of public lands is a high priority for the BLM, and is an integral component of its multiple use mission.

.1 Procedures for Considering LWCs in Land Use Planning

.11 Introduction. The BLM will evaluate LWCs through the land use planning process, and examine the agency’s options for managing these lands. The BLM will determine whether these areas should be designated Wild Lands and managed to protect their wilderness characteristics (and for uses that are compatible with such protection), or managed for other uses that may be incompatible with protection of wilderness characteristics. The BLM will then determine the most appropriate land use allocations for these lands.

.12 Factors for Consideration of LWCs

A. Wilderness Characteristics. Consider and document the wilderness characteristics for each area identified as an LWC area resulting from the inventory described in the Wilderness Inventory Manual 6300-1, including the extent to which each of the

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identified wilderness characteristics contributes to the overall value of an LWC for designation as Wild Lands.

B. Manageability. Consider and document whether the LWCs can be effectively managed to protect their wilderness characteristics. Manageability may vary depending on the planning alternative.

1. General. The BLM must determine whether the LWCs may be managed to maintain their wilderness values by protecting identified wilderness characteristics over the life of the plan, based on present knowledge of the resources, ongoing uses, and valid existing rights in the area. If the ongoing uses, including the likely exercise of valid existing rights, are expected to substantially impair the area's wilderness characteristics even after any reclamation is completed, then the BLM may reasonably conclude that the affected portion should not be managed to protect wilderness characteristics as Wild Lands.

2. Documenting Land Status. Document the land status of LWCs. Subsurface rights in an area owned by a party other than the Federal government may limit the BLM's ability to protect wilderness characteristics on the surface.

3. Access to State or Private Inholdings. In addressing manageability, assess the potential impact of providing access to non-Federal inholdings.

4. External Impacts. The fact that incompatible activities or uses can be seen or heard from areas within the LWCs should not be a determining factor when analyzing the manageability of LWCs as Wild Lands unless these impacts are pervasive and omnipresent.

5. Other Statutory Requirements. Some lands managed by the BLM are subject to specific additional statutory requirements. Consider those requirements where appropriate in determining whether wilderness characteristics can be effectively managed to protect those characteristics.

C. Resource Values and Uses. Consider and document both the extent to which other resource values and uses of the LWC would be forgone or adversely affected as well as the benefits that may accrue to other resource values and uses as a result of designating the LWC as Wild Lands. Consider the following:

1. Presence of Other Resources. The degree to which the other resource or use is present in the LWC;

2. Development Potential. The potential for further development of the other resource in the LWC;

3. Resource Availability. The degree to which the other resource or use is present on other public and private lands outside the LWC;

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4. Economic Importance. Local or regional economic dependence on the resource in the LWC; and

5. Compatibility with Protection. The degree to which use or development of the resource is compatible with or conflicts with management of the LWC as Wild Lands.

.13. Land Use Planning Process. Additional information is included in the Land Use Planning Handbook H-1601-1.

A. Preparation Plan. The preparation plan provides the foundation for the entire planning process. The preparation plan should also identify the skills, data/meta-data, budget, and interim tasks (such as completing or updating the wilderness inventory) necessary to address the issues through the planning process.

1. Issue Identification. Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, development, and protection opportunities for consideration in the preparation of the land use plan. Identify whether LWCs are a planning issue to be addressed and any associated management concerns.

2. Planning Criteria. Planning criteria guide development of the plan by helping define the decision space. Identify preliminary planning criteria related to wilderness characteristics and their protection, including plan parameters, constraints, or existing planning decisions—including designated Wild Lands—that will be carried forward.

3. Data Needs. The preparation plan should identify the information or data needed to resolve issues or to perform the requisite analysis. Identify existing LWC-related data sources, such as prior wilderness inventories and citizen-proposed LWCs. Identify data gaps and other information necessary to address LWCs, such as completion of a new wilderness inventory.

4. Budget. Identify labor and operation support costs to obtain skills, inventory information, and other data to address LWCs through the planning process.

B. Scoping. The Notice of Intent for the planning effort should include LWCs as a planning issue and LWC-related preliminary planning criteria. In the Scoping Report, summarize comments related to LWCs received during the formal scoping period and describe any additional LWC-related issues from internal or external scoping meetings.

C. Analysis of the Management Situation (AMS). The AMS provides the basis for formulating reasonable alternatives and can begin as soon as the planning project is approved. Describe current management direction relating to LWCs from existing

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planning documents. Prepare an area profile for LWCs that describes their locations and current trends and levels of other resource uses and activities in LWCs. Incorporate the analysis and documentation performed under section .12 of this Manual regarding LWC quality, manageability, and other resource values and uses. Identify management opportunities to respond to identified issues.

D. Formulation of Alternatives. Where LWCs have been identified, the NEPA document for the land use plan (or plan amendment) shall contain a reasonable range of alternatives, including an alternative or a combination of alternatives that protects all LWCs as Wild Lands, as well as ones that provide for other resource management considerations. These alternatives provide a basis for comparing impacts to wilderness characteristics and to other resource values or uses. Additional alternatives may also be developed.

When the wilderness inventory has identified the presence of one or more wilderness characteristic such as naturalness, but the necessary complement of wilderness characteristics needed to identify the area as an LWC area is lacking, consideration should be given to protection of those lands in other non-Wild Lands administrative designations in the land use plan, such as Areas of Critical Environmental Concern or Special Recreation Management Areas, if such area also meets the standards otherwise required for such designations.

During the development of all land use plans and land use plan amendments involving LWCs, the Washington Office (WO) will participate in the State Office review of the preliminary draft alternatives. The WO will review draft planning decisions affecting LWCs and brief the Director. State and Field Office staff shall participate in the Director's briefing as appropriate.

Each alternative should include desired outcomes (goals and objectives) and the management actions and the allowable uses and actions to achieve those outcomes. An alternative that protects and manages LWCs as administratively designated Wild Lands must contain management actions to achieve protection and could consider land use plan decisions including, but not limited to, those that:

1. Recommend withdrawal from mineral entry.
2. Close to leasing or allow leasing only with No Surface Occupancy/No Exceptions.
3. Designate rights-of-way exclusion areas.
4. Close to construction of new temporary or permanent roads.
5. Close OHV use or limit OHV use to designated routes.
6. Close to mineral material sales.

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7. Exclude certain commercial permits (e.g., commercial or personal-use wood-cutting permits).
8. Designate as Visual Resource Management (VRM) Class I or II.
9. Close to new structures unrelated to preserving the wilderness characteristics.
10. Retain public lands in Federal ownership.

Management actions and restrictions pertaining to the protection of LWCs, including designation of Wild Lands, should be placed in a “Wild Lands and Lands with Wilderness Characteristics” subheading under the “Special Designations” category in planning documents.

E. Resource Considerations. As stated in Secretary’s Order No. 3310, all BLM offices shall place a high priority on the protection of LWCs and designation as Wild Lands when making planning decisions, or when making decisions regarding the potential utilization of resources. The BLM shall designate LWCs as Wild Lands unless the BLM determines that impairment of wilderness characteristics is appropriate and consistent with other applicable requirements of law and other resource management considerations. In making this decision, the following resources and uses should be considered in the context of (a) the quality of the resource or use, (b) the quality of the wilderness characteristics, and (c) the impact of the proposed use on wilderness characteristics.

1. *Commercial uses*: Consider the scarcity of and alternative sites for proposed new commercial uses.
2. *Fire*: Wild land fire management is consistent with protecting wilderness characteristics. However, in rare cases fire management requires significant actions that are incompatible with protecting the wilderness characteristics. In these cases, priority may be given to fire management actions that are needed to protect human life or property.
3. *Grazing*: Grazing management may be consistent with protection of wilderness characteristics. In some cases, however, grazing management practices—including proposals for major new range projects, large vegetation manipulation, or significant needs for motorized access—could conflict with protection of wilderness characteristics.
4. *Minerals - Leasable*: Consider opportunities to protect the wilderness characteristics through the use of stipulations such as closed to leasing, as well as No Surface Occupancy with No Exceptions.

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5. *Minerals - Renewable Energy including solar, wind, and geothermal:* Consider the quality and scarcity of the site for production of renewable energy and the value of the wilderness characteristics.

6. *Off-Highway Vehicles:* Consider the quality and scarcity of the site for off-highway vehicle use. Consider LWCs in the development of travel management plans.

7. *Rights-of-Way:* Consider the purpose, need, and significance for the proposed right-of-way, and any impacts to wilderness characteristics.

8. *Scientific Research:* Scientific research is often consistent with protecting wilderness characteristics. Where significant scientific research opportunities exist, consider stipulations on the research to resolve potential conflicts.

F. Affected Environment. In the NEPA document supporting the planning decision, identify LWCs using the 6300-1 Wilderness Inventory Manual and incorporate this inventory by reference. The NEPA document should include a brief description of these lands, including a map and the acreage for each area. Also describe the existing land use allocations, uses, management actions, and/or mitigation measures that are currently in place.

G. Environmental Consequences. In the NEPA document supporting the planning decision, describe the direct, indirect, and cumulative effects of alternatives on wilderness characteristics and the effect of managing to protect wilderness characteristics on other affected resources.

The extent to which managing to protect the wilderness characteristics affects a particular resource or use will vary from area to area, depending on a number of factors, including:

1. The degree to which use or development of the resource is compatible with or conflicts with management of LWCs.
2. The degree to which management for LWCs enhances other multiple use benefits on or near the management area such as protecting watersheds, wildlife habitat, natural plant communities, cultural and archaeological resources, scenic quality, and similar natural values.

H. Final Planning Decision. In making the final planning decision on whether to protect LWCs, consider both the resources that would be forgone or adversely affected, and the resources that would benefit. When the decision is to protect the wilderness characteristics, they are designated as Wild Lands and managed accordingly.

.2. Procedures for Considering Proposed Projects in Areas Not Yet Analyzed Consistent with this Policy. The following procedures apply when a project is proposed in an area not yet analyzed consistent with this policy.

.21 When Wilderness Inventory Is Not Required.

A. If the project is in conformance with the existing land use plan, the BLM manager shall make an initial determination as to whether or not wilderness characteristics, as defined by BLM Manual 6300-1, are clearly lacking in the area affected by the project. If wilderness characteristics are clearly lacking and documented as such, the project can be considered without conducting a wilderness inventory. Lands that clearly lack wilderness characteristics are those that do not meet the naturalness criterion because they have extensive surface disturbance and/or do not meet the size criterion of 5,000 acres or any of the size exceptions. Documentation of a clear lack of wilderness characteristics should not be based on the solitude or primitive and unconfined recreation criteria.

B. When the BLM manager determines that wilderness characteristics are not clearly lacking in the area that would be affected by the proposed project, the manager shall determine whether or not the project could be implemented in a manner that preserves the BLM's discretion to protect wilderness characteristics as Wild Lands through subsequent land use planning. If the project can be so implemented, the project may be considered without conducting a wilderness inventory. Examples of projects that may fit into this category are construction and use of temporary facilities for wild horse and burro gathering activities and maintenance activities for existing range facilities.

.22 When Wilderness Inventory Is Required. All other situations involving proposed projects require that a wilderness inventory be conducted following procedures described in BLM Manual 6300-1. If the wilderness inventory documents that wilderness characteristics are not present, the project may proceed without further consideration under this manual. When the wilderness inventory documents that wilderness characteristics are present, consider this wilderness resource information as described below.

.23 Decision-making Process in Areas Where the BLM Has Identified that LWCs Are Present. If the BLM finds through its NEPA analysis that impacts from a proposed action may impair the wilderness characteristics, the BLM may, subject to applicable program regulations and valid existing rights—(1) deny the action, (2) approve the action, if appropriate and consistent with applicable law and other resource management considerations or necessary for the exercise of valid existing rights, (3) approve the action with measures to minimize impacts on wilderness characteristics, or (4) postpone the decision until wilderness characteristics can be addressed through a land use planning process.

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As part of this analysis, the BLM shall consider whether the action would create a temporary impact to wilderness characteristics that could be restored so as not to limit the BLM's discretion to designate the area as Wild Lands in a future land use planning process. As part of the NEPA analysis for the proposed action, the BLM shall also consider alternatives to the proposed action that would mitigate the impacts to wilderness characteristics, such as specific design features.

.24 Authority to Approve Projects that May Impair LWCs. The decision to protect or not protect LWCs is discretionary when considering proposed projects. However, as stated in Secretary's Order No. 3310, all BLM offices shall place a high priority on the protection of LWCs when making decisions regarding the potential utilization of resources. The BLM shall avoid impairing such wilderness characteristics unless, as part of its decision-making process, the BLM concludes that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations.

For proposed projects that fall under Section .2, District and Field Managers may approve projects in LWCs that may impair wilderness characteristics if the decision is necessary for the exercise of valid existing rights, for emergency actions, or under the following limited circumstances:

1. The proposed action is anticipated to create no more than minor surface disturbance or minor impacts to wilderness characteristics, such as maintenance of existing range projects, e.g., water sources, construction of temporary facilities for wild horse and burro gathers, and construction of fences to restrict livestock grazing in sensitive riparian areas.
2. The proposed action is anticipated to involve no more than minor surface disturbance or placement of small structures and would result in a net enhancement of wilderness characteristics. Such activities would include reclamation and restoration of past disturbances and unauthorized disturbances.
3. The proposed action is intended to control expansion of invasive exotic species.
4. There is general support at the local level among project proponents, stakeholders, interested members of the public, and BLM officials for the project and any proposed mitigation. Such support should be documented as part of the decision making process.

The State Director must concur on any decision to approve a project in an LWC that may impair wilderness characteristics to a greater degree than projects described in 1-2 above, if the proposed action would not preclude the BLM from exercising its discretion to designate the LWC as Wild Lands in subsequent land use planning.

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All other decisions, not covered by the limited circumstances outlined above, i.e., that may impair wilderness characteristics on a project-level basis that would preclude the BLM from exercising its discretion to designate the LWC as Wild Lands in subsequent land use planning, must be forwarded to the WO National Landscape Conservation System staff for review before proceeding. The WO will review draft decisions affecting LWCs and brief the Director on them. In any event, in order to authorize a project that may impair wilderness characteristics, the authorized officer must determine that the impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations.

.25 Management of LWCs Pending Land Use Planning. Where an inventory has identified LWCs, but the BLM has not completed a land use plan process that addresses those lands in a manner consistent with Secretary's Order 3310 and this policy, the BLM shall evaluate whether closures or restrictions of areas and/or routes under 43 CFR Subparts 8341 and 8364 are warranted to implement this policy and preserve the BLM's discretion to protect wilderness characteristics through subsequent land use planning.

.3 Recommendations for Possible Future Congressional Designation. The State Director will determine whether the BLM should develop a recommendation for Congress to designate Wild Lands as units within the National Wilderness Preservation System. This determination may be made for a single land use plan or several land use plans that have designated Wild Lands within a state. If the State Director determines that a recommendation should be developed, the State Director shall submit a proposal to develop recommendations to the Director for consideration. The process for developing recommendations must provide for public involvement.

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WILD LANDS MANUAL – DRAFT GLOSSARY

Following are definitions for terms used in this Manual. Also see definitions for terms used in Section 103 of FLPMA, the planning regulations at 43 CFR 1601.0-5, the wilderness regulations at 43 CFR 6301.5, and The Wilderness Act. This glossary does not supersede those definitions or those in other laws or regulations.

Amendment: the process for considering or making changes in the terms, conditions, and decisions of approved land use plans or MFPs using the prescribed provisions for resource management planning appropriate to the proposed action or circumstances. Usually only one or two issues are considered that involve only a portion of the planning area.

Conformance: means that a proposed action shall be specifically provided for in the land use plan or, if not specifically mentioned, shall be clearly consistent with the goals, objectives, or standards of the approved land use plan.

Goal: a broad statement of a desired outcome. Goals are usually not quantifiable and may not have established time frames for achievement.

Land Use Allocation: the identification in a land use plan of the activities and foreseeable development that are allowed, restricted, or excluded for all or part of the planning area, based on desired future conditions.

Land Use Plan: a set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed.

Lands With Wilderness Characteristics (LWC): lands that have been inventoried and found to contain wilderness characteristics as defined in Section 2(c) of the Wilderness Act of 1964.

Objective: a description of a desired condition for a resource. Objectives can be quantified and measured and, where possible, have established time frames for achievement.

Planning Criteria: the standards, rules, and other factors developed by managers and interdisciplinary teams for their use in forming judgments about decision making, analysis, and data collection during planning. Planning criteria streamline and simplify the resource management planning actions.

Project: any action or authorization that requires NEPA review, including a Determination of NEPA Adequacy.

Revision: the process of completely rewriting the land use plan due to changes in the planning area affecting major portions of the plan or the entire plan.

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Surface Disturbance: any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation.

Wild Lands: a designation resulting from a plan decision to protect Lands with Wilderness Characteristics.

Wilderness: An area defined in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891), and included in the National Wilderness Preservation System.

Wilderness Study Area: designated areas with wilderness characteristics made through the inventory and study processes authorized by Section 603 of FLPMA, and, prior to 2003, through the planning process authorized by Section 202 of FLPMA.



Release Date: 12/23/10

Contacts: Kendra Barkoff (DOI), 202-208-6416

Salazar, Abbey Restore Protections for America's Wild Lands

Washington, DC - A secretarial order issued today by Secretary of the Interior Ken Salazar restores balance and clarity to the management of public lands by establishing common-sense policy for the protection of backcountry areas where Americans recreate, find solitude, and enjoy the wild.

Secretarial Order 3310 directs the Bureau of Land Management (BLM), based on the input of the public and local communities through its existing land management planning process, to designate appropriate areas with wilderness characteristics under its jurisdiction as "Wild Lands" and to manage them to protect their wilderness values.

"Americans love the wild places where they hunt, fish, hike, and get away from it all, and they expect these lands to be protected wisely on their behalf," said Salazar. "This policy ensures that the lands of the American public are protected for current and future generations to come."

The BLM, which manages more land than any other federal agency, has not had any comprehensive national wilderness policy since 2003, when the wilderness management guidance in the agency's handbook was revoked as part of a controversial out-of-court settlement between then-Secretary of the Interior Gale Norton, the State of Utah, and other parties.

"The new Wild Lands policy affirms the BLM's authorities under the law - and our responsibility to the American people - to protect the wilderness characteristics of the lands we oversee as part of our multiple use mission," said BLM Director Bob Abbey.

Abbey said that Secretarial Order 3310 fills an important land management need for the public and the agency. "Wild Lands," which will be designated through a public process, will be managed to protect wilderness characteristics unless or until such time as a new public planning process modifies the designation. Because the "Wild Lands" designation can be made and later modified through a public administrative process, it differs from "Wilderness Areas," which are designated by Congress and cannot be modified except by legislation, and "Wilderness Study Areas," which BLM typically must manage to protect wilderness characteristics until Congress determines whether to permanently protect them as Wilderness Areas or modify their management.

Secretarial Order 3310 also directs the BLM to maintain a current inventory of public lands with wilderness characteristics, which will contribute to the agency's ability to make balanced, informed land management decisions, consistent with its multiple-use mission.

"Simple principles guide this common-sense policy," said Salazar. "First: the protection of wild lands is important to the American people and should therefore be a high priority in BLM's management policies. Second: the public should have a say in designating certain public lands as 'Wild Lands' and expanding those areas or modifying their management over time. And third: we should know more about which American lands remain wild, so we can make wise choices, informed by science, for our children, grandchildren and future generations."

"We are charting a new course for balanced land management which allows the BLM to take into account all of the resources for which it is responsible through a transparent, public land use planning process," said Abbey.

The Secretarial Order does not change the management of existing Wilderness Study Areas pending before Congress or congressionally designated units of the National Wilderness Preservation System. BLM may also still develop recommendations, with public involvement, regarding possible Congressional designation of lands into the National Wilderness Preservation System.

The BLM manages 245 million acres in the United States, including iconic American landscapes like Canyons of the Ancients National Monument in Colorado, the Headwaters Forest Reserve's ancient redwood forest in California, and the Iditarod National Historic Trail in Alaska. This land, known as the National System of Public Lands, is primarily located in 11 western states and Alaska. The bureau also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes its mission by managing activities such as outdoor recreation, livestock grazing, mineral development and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

To read Secretarial Order 3310, [click here](#).

To read the BLM's draft guidance to its field managers for implementing the Secretarial Order, [click here](#) for an inventory manual and [here](#) for a planning manual.

Q and A document can be found [click here](#).

Secretary Salazar and Bob Abbey's remarks as prepared can be found [here](#).

--BLM--

Office of the Secretary of the Interior 1849 C Street N.W. Washington, DC 20240

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BLM Wild Lands Designation Attempts To Bypass Congress

Friday, January 21st, 2011

At a time when America is seeking to reduce its dependence on foreign sources of petroleum and minerals, the Obama administration is throwing up impediments to developing domestic resources. In late December, Secretary of the Interior Ken Salazar issued "Secretarial Order 3310" which establishes the new designation of "Wild Lands" separate from Wilderness Areas (which must be designated by Congress) and Wilderness Study Areas, a precursor to Wilderness designation.

The Order will require local Bureau of Land Management field offices to inventory all land under their jurisdiction for "wilderness characteristics." "Field Offices will determine when it is appropriate to conduct a wilderness inventory... BLM must conduct an inventory before authorizing a proposed project that may impair those apparent wilderness characteristics."

This means that there will be bureaucratic delays when projects such as mineral or petroleum exploration, grazing, or logging are proposed on BLM land. There appears to be no time limit imposed on the field offices to conduct the inventories. The designation will also affect rights-of-way across BLM land.

The definition of "wilderness characteristics" is rather fuzzy.

First, the area must contain at least 5,000 acres of contiguous roadless BLM land, except that it may be smaller if it is adjacent to other federal lands "which have been formally determined to have wilderness or potential wilderness values or ... such lands include designated Wilderness, BLM Wilderness Study Areas, U.S. Fish & Wildlife Service areas Proposed for Wilderness Designation, U.S. Forest Service Wilderness Study Areas or areas of Recommended Wilderness, and National Park Service areas Recommended or Proposed for Designation."

Secondly, the land must contain "naturalness," meaning "It must appear to have been affected primarily by the forces of nature, and any work of human beings must be substantially unnoticeable." That is except for a whole bunch of exceptions.

Significant "human impacts" can occur just outside the area to be designated.

"Wild lands" must contain either "opportunities for solitude..." which seems inconsistent with the sentence above, or "a primitive and unconfined type of recreation." The field offices are instructed: "Do not disqualify an area based on a finding that outstanding opportunities exist in only a portion of the area."

(For more detail, see [BLM Inventory instructions](#) to filed offices).

From a [related BLM document](#) we have these additional instructions:

“Wild Lands must contain management actions to achieve protection and could consider land use plan decisions including, but not limited to, those that:

1. Recommend withdrawal from mineral entry.
2. Close to leasing or allow leasing only with No Surface Occupancy/No Exceptions.
3. Designate rights-of-way exclusion areas.
4. Close to construction of new temporary or permanent roads.
5. Close OHV (off highway vehicle) use or limit OHV use to designated routes.
6. Close to mineral material sales.
7. Exclude certain commercial permits (e.g., commercial or personal-use wood-cutting permits).
8. Designate as Visual Resource Management Class I or II.
9. Close to new structures unrelated to preserving the wilderness characteristics.
10. Retain public lands in Federal ownership.”

This new “Wild Lands” designation will inhibit our ability to explore for and produce vital natural resources at a time when we are becoming more dependent of foreign sources. One of the first targets is the National Petroleum Reserve in Alaska (NPR-A) which is near the Arctic National Wildlife Reserve. NPR-A was established in 1923 and administered by the Defense Department until 1976 when it was transferred to Interior. NPR-A was estimated to contain 900 million barrels of crude oil and 53 trillion cubic feet of natural gas by the U.S. Geological Survey in 2010.

These regulations are very similar to the process for designating Wilderness Areas. But Wilderness Area designation requires an act of Congress. It seems that “Wild Lands” are nothing less than the administration’s attempt to bypass Congress and rule by executive decree, the same policy the administration is following by allowing the EPA to regulate greenhouse gases. Wyoming Governor Matthew Mead, in a letter to Interior Secretary Ken Salazar said, “A Wild Lands designation will further drag out (if not permanently halt) the permitting process while local economies suffer. The BLM currently does not have the appropriate resources or track record for approval of plans and projects; and this will only make the problem greater and delays longer.”

Putting more land off limits locks up our domestic energy and mineral supplies, kills jobs, and eliminates potential government royalties and taxes that could help decrease the deficit.

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Governor Sean Parnell
STATE OF ALASKA

January 26, 2011

The Honorable Kenneth L. Salazar
Secretary
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary,

I have grave concerns about Secretarial Order 3310 and associated policies, which appear to allow the Bureau of Land Management (BLM) to create de facto wilderness in a state without Congressional oversight. My concerns center on how the Order imposes a new "Wild Lands" designation for BLM to administer, and on the Interior's intention to conduct wilderness reviews in the BLM planning process.

The new "Wild Lands" designation places a higher priority on protection of "wilderness characteristics," as defined by the Wilderness Act, which effectively trumps most other land uses. Putting such a sweeping initiative in place overnight, with no Congressional direction and no advance consultation with affected states or the public, is unfathomable. This approach not only runs counter to President Obama's January 21, 2009 Memorandum entitled *Transparency and Open Government* and similar supplemental directives, but federal law as well.

The following outlines my specific concerns with Order 3310 and accompanying planning guidance:

- By designating "Wild Lands," Order 3310 usurps congressional authority where the Interior improperly acted as an administrative surrogate for Congressionally-designated Wilderness;
- In Alaska, where most of BLM's 86 million acres retain their wilderness values, the heavily-weighted default protection of wilderness characteristics could easily render most BLM lands de facto wilderness areas absent BLM's multiple-use direction. This would have a devastating effect on Alaska's people, economy, and land use and access. Thus, the Order directly conflicts with the "no more" clauses in the Alaska National Interest Lands Conservation Act (ANILCA) as well as the Federal Land Policy and Management Act (FLPMA);
- The Order is, for all practical purposes, an end-run around ANILCA, which I predict will lead to egregious social and economic consequences for Alaskans. Without the explicit provisions of ANILCA that apply to conservation system units, BLM Wild Lands will likely

be managed *more restrictively* in Alaska than ANILCA-designated Wilderness managed by the National Park Service, Fish and Wildlife Service, or Forest Service;


- The Order purports to seek “balance” between responsible resource development and protection of wilderness characteristics; yet there is a strong presumption in favor of wilderness-style protection. For that reason, this Order will have a severe chilling effect on future proposals designed to create jobs in resource development once an area is designated Wild Lands. This approach also contradicts BLM’s multiple use mandate under FLPMA;
- BLM managers’ discretion to determine where and when “impairment” of wilderness characteristics is “appropriate” is subject to undue scrutiny and approval in Washington DC, where decisions tend to be political and knowledge of local conditions, issues, and needs is diluted, at best;
- Last, but certainly not least, BLM has no authority whatsoever to apply this policy to the National Petroleum Reserve-Alaska because it is not subject to FLPMA.

These and other key issues are discussed in more depth in an attachment.

I know other western states are similarly concerned, if not appalled, by this new policy. Our state, and likely many others, would be best served by the former policy regarding wilderness reviews and recommendations that respected the preferences of State and local elected officials. Barring that, any new policy and associated planning direction must first undergo formal State and public review and compliance with the National Environmental Policy Act, and as appropriate, the Administrative Procedure Act.

In addition, no such policy should be applicable to the National Petroleum Reserve-Alaska. I urge you to work with the State Director of BLM in Alaska to ensure Secretarial direction does not run counter to the “balance” already established by ANILCA for Alaska.

Sincerely,



Sean Parnell
Governor

cc: The Honorable Lisa Murkowski, United States Senate
The Honorable Mark Begich, United States Senate
The Honorable Orrin Hatch, United States Senate
The Honorable Don Young, United States House of Representatives
The Honorable Mike Simpson, Chair, Interior Appropriations Committee, United States House of Representatives
The Honorable Rob Bishop, Chair, Natural Resources Subcommittee on National Parks, Forests and Public Lands, United States House of Representatives,

The Honorable Kenneth L. Salazar
January 26, 2011
Page 3

The Honorable Jan Brewer, Governor, State of Arizona
The Honorable Matt Mead, Governor, State of Wyoming
The Honorable Butch Otter, Governor, State of Idaho
The Honorable Brian Sandoval, Governor, State of Nevada
The Honorable Gary R. Herbert, Governor, State of Utah
The Honorable Mark Shurtleff, Attorney General, State of Utah
The Honorable Tom Home, Attorney General, State of Arizona
The Honorable Bruce Salzburg, Attorney General, State of Wyoming
The Honorable Lawrence Wasden, Attorney General, State of Idaho
Tom Strickland, Assistant Secretary, Fish, Wildlife and Parks, United States Department of
the Interior
Kim Elton, Interior Director of Alaska Affairs, United States Department of the Interior
Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, United States
Department of the Interior
Robert Abby, Director, Bureau of Land Management
Bud Cribley, State Director for Alaska, Bureau of Land Management
John W. Katz, Director of State/Federal Relations and Special Counsel, Office of the
Governor
Greg Conrad, Interstate Mining Compact Commission
Western Governors Association
Conference of Western Attorney Generals
Alaska Miners Association
Resource Development Council
Association of Fish and Wildlife Agencies
Western Association of Fish and Wildlife Agencies

Attachment to Governor Sean Parnell's Letter Regarding Interior Secretarial Order 3310

The Alaska National Interest Lands Conservation Act (ANILCA)

The Order Inventory and Planning Guidance Questions and Answers (Q&A) relies on several provisions of ANILCA to justify application in Alaska; however, the Order fails to recognize the full context of the law and the many other provisions that contributed to the "proper balance" referred to in Section 101(d) of ANILCA. Specifically, the Q&A document claims that Section 1320 of ANILCA "invites" BLM to designate wilderness in Alaska. We agree ANILCA Section 1320 provides BLM the authority to make wilderness recommendations to Congress; however, contrary to the Order, Section 1320 specifically prohibits the presumptive management of land for its wilderness characteristics without Congressional action. While the Order distinguishes between recommending designated wilderness and administratively designating Wild Lands, there is a very fine line between the two, as the basis for both is the Wilderness Act, and any lands set aside as Wild Lands will be managed to preserve the wilderness characteristics as defined by Section 2(c) of the Wilderness Act. In addition, ANILCA Section 1326(b) states:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation areas or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress. [emphasis added]

The underlined language broadens the scope of the provision beyond defined conservation system units (CSUs). Wild Lands are essentially administrative CSUs. Choosing to preserve wilderness character and administratively designating Wild Lands circumvents both Congress and the statutory intent behind ANILCA Sections 1320, 1326(b), and 101(d). In addition, the on-the-ground effects of a Wild Lands designation will likely resemble the administrative "withdrawal" that Congress prohibits in Section 1326(a), and thus are inappropriate.

The Order also ignores ANILCA's hard-fought provisions that protect access for traditional activities and to resources that are the bedrock of Alaska's economy. In contrast to Congressionally-designated conservation system units (CSUs), including Wilderness and Wilderness Study Areas, many of ANILCA's essential provisions would not apply to designated Wild Lands on general BLM lands. These provisions include, but are not limited to:

- Section 1102 Title XI transportation and utility systems;
- Section 1110(a) motorized access for traditional activities and for travel to and from villages and homesites;
- Section 1110(b) inholder access (vs. Section 1323(b) that currently applies);
- Section 1111 temporary access;
- Section 1310 navigation and communication facilities;
- Section 1314(c) taking of fish and wildlife; or
- Section 1315(c) and (d) new and existing cabins.

The importance of these provisions cannot be over-emphasized. For example, the Title XI process for considering transportation and utility systems is critical in Alaska where there are few roads. Congress assumed general BLM lands would remain available for this purpose. While we understand such corridors are not automatically prohibited in designated Wild Lands, we have little doubt that once wilderness characteristics have been identified as warranting protection, applicants would be forced into an excessively costly process or to utilize alternate routes that could end up precluding a legitimate access need.

In another example, ANILCA purposefully differentiated Section 1110(b) inholder access requirements for CSUs (including Wilderness areas) and Section 1323(b) inholder access provisions that apply to general BLM land. Section 1110(b) gives inholders a stronger right of access in areas designated for more restrictive management (CSUs). The stronger inholder access guarantee would not apply to inholdings within Wild Lands on general BLM lands, which could be highly problematic for individual land owners.

These differences, among others, illustrate that Congress understood the importance of balancing conservation objectives with special accommodations for Alaskans.

In addition, the “proper balance” referenced in Section 101(d) is further predicated on continued multiple use management on BLM lands in Alaska. The Order also speaks of the need to protect “rare opportunities for solitude...” as a basis for the new policy. This objective is apparently reflective of “Lower 48” circumstances where remote and primitive areas are the exception (“rare”), not the norm. As we have seen many times over the last several decades, cookie cutter federal land management policies do not fit in Alaska.

The Q&A (Page 6) claims “*There has never been a statewide wilderness inventory in Alaska.*” This assertion is offensive to those Alaskans who lived through the lengthy studies and deliberations leading up to ANILCA. Contrary to the Q&A claim, numerous reviews, inventories and studies were conducted pursuant to the Section 17(d)(1) and (d)(2) withdrawal processes initiated by the Alaska Native Claims Settlement Act (ANCSA). Virtually all these studies focused on BLM lands, and those deemed by Congress to have the highest national interest for conservation purposes eventually ended up in over 100 million acres of conservation system units, including 57 million acres of designated Wilderness. The BLM Kobuk-Seward Resource Management Plan adopted in 2008 documents this history (Page 14):

Alaska lands were inventoried, reviewed, and studied for their wilderness values under the Wilderness Act criteria beginning in 1971 when Congress enacted ANCSA. For eight years thereafter, the Department evaluated national parks, forests, wildlife refuges, wild and scenic rivers, and other lands for potential designation as wilderness.

Subsequently, Congress passed ANILCA, which preserved more than 150 million acres in specially protected conservation units. This represents more than 40% of the land area of the State of Alaska, and about 60% of the Federal land in Alaska. Pursuant to ANILCA, more than one-third of the lands preserved in conservation units, or 57 million acres, were formally designated as wilderness.

Examples of such pre-ANILCA studies include a 28-volume EIS completed in 1974 and another EIS signed by Secretary Cecil Andrus in 1978.

National Petroleum Reserve – Alaska (NPRA)

The State is especially alarmed by the extension of the Order to the National Petroleum Reserve – Alaska (NPRA). The Q&A document does not disclose the authority under which the Department of the Interior believes BLM may designate Wild Lands in NPRA. It simply states the BLM “*must inventory lands in the NPR-A and may designate Wild Lands in the NPR-A as part of its integrated activity planning for the area.*” The State strongly disagrees that BLM has such authority. Federal law prohibits BLM from exercising its land use planning authority under Section 202 of FLPMA in the Reserve, and also prohibits wilderness designation recommendations under Section 603 of FLPMA. In particular, land use planning and management in the Reserve is subject to the requirements of the Naval Petroleum Reserves Production Act of 1976, as amended. The Production Act provides no authority for applying the Wild Lands Order to NPR-A, and BLM is therefore prohibited from doing so.

De Facto Wilderness

Secretarial Order 3310 and the associated polices provide BLM with the ability to create de facto wilderness without Congressional oversight. The Order is largely based on authorities, values, and definitions in the Wilderness Act of 1964. In debates leading up to passage of the Wilderness Act, Congress struggled with how far to extend their new mandate. They considered automatically including “primitive” lands, roughly equivalent to the new “Lands with Wilderness Characteristics;” but in the end developed Section 3(b) of the Act, which established a suitability process that ended with Congressional approval. Below are some relevant remarks by Senator Peter Dominick from the Congressional record (Senate Bill 4) leading up to passage of the Wilderness Act:

. . . the difficulty is that we are grouping together and putting into one system, without any particular legislative scrutiny, a vast area of land known as primitive lands, which have not been classified by the executive department or reviewed by Congress, to see whether this is the most useful purpose for that particular group of public lands.

. . . Congress, should have the right to determine, after recommendation by the executive department, which of these primitive lands or which group of these primitive lands should be brought into the wilderness system, and that they should not all be blanketed in at the same time. [Congressional Record 109 (1963) pg. 5890]

Congress clearly rejected the option to delegate the creation of wilderness areas to the Executive branch; yet the creation of a new system of BLM Wild Lands is a thinly veiled effort to do just that. Department officials argued during the press conference that since a Wild Lands designation is not permanent, they are not “locked up.” Yet conventional wisdom and experience show that once an area is placed in a formalized protective status through a plan, altering that status or accommodating competing uses becomes much more difficult, especially since plans are only updated every 15-20 years, sometimes less often.

The single-minded approach to wilderness characteristics is explicitly illustrated in the Order (Section 4 Policy): “*Where the BLM concludes that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as “Wild Lands” through the planning process.*” [emphasis added] BLM has additional or alternative tools to maintain opportunities for primitive recreation in combination with other public use and/or reasonable development without applying a Wild Lands designation. Furthermore, the policy provides no standards to determine when BLM shall conclude that “*protection of wilderness characteristics is appropriate.*”

Also, just as Wild Lands are essentially de facto Wilderness areas, they also mimic Wilderness Study Areas – even though the Q&A (Page 3) attempts to dismiss the similarities. The draft planning Chapter 6300-2 (.3) describes a process whereby the State Directors will determine whether they will “...*develop a recommendation for Congress to designate Wild Lands as units within the National Wilderness Preservation System.*”

“Balance” is Not Achieved

The Order and policies purport to seek “balance” between responsible resource development and protection of wilderness characteristics. As stated in the Q&A document: “*Balance will be achieved through a public process where lands with energy potential and lands with wilderness characteristics will be identified, evaluated, and managed in accordance with the new policy and the BLM’s multiple use mandate.*” Yet if “balance” is the goal, the planning policy need only require an improved inventory of all resources and values, including wilderness characteristics. Area managers would then retain the discretion to do the local “balancing” within the context of a plan. Instead, the policy imposes a default decision to protect wilderness character, unless the local manager can make a proactive determination that impairment of wilderness characteristics is appropriate. Making wilderness character a higher priority than other land uses is not “balance,” nor is it consistent with FLPMA’s multiple use mandate.

Parenthetically, we note that the Q&A quote above, while referencing “*lands with energy potential,*” is curiously silent regarding mineral resources. We understand that mining is not necessarily precluded by the presence of wilderness characteristics; but the lack of recognition of mineral potential in this context may be indicative of bias against mining.

To avoid a Wild Lands designation, or authorize a development project, or use that could affect wilderness character, BLM must determine that “*impairment*” of such wilderness characteristics is “*appropriate.*” These terms set a high bar, and force BLM to make determinations in a negative context, rather than weighing all the options and making a positive choice toward a desired condition. This negative context adds built-in bias to the deliberative process.

Furthermore, it appears any attempt to steer away from wilderness protection at the State level must be approved in Washington DC by individuals far removed from local issues and control. This is especially problematic for Alaska where an understanding of Alaska’s geography, economy, culture, infrastructure, resource development potential, and laws such as ANILCA seem to be poorly understood in Washington DC.

Unfunded Mandate

The Order also represents an unfunded mandate to BLM. Environmental organizations are poised to provide inventory information about wilderness characteristics. According to an

Anchorage Daily News article published on November 6, 2010, the Washington DC based conservation group, the Wilderness League, opened an office in Fairbanks, Alaska. The article quotes the League's stated purpose as "...securing wilderness designations in the National Petroleum Reserve-Alaska...and on other BLM lands in eastern Interior." We are concerned BLM will have insufficient resources to review and either confirm or invalidate wilderness characteristics "nominated" by pro-wilderness interest groups, leading to excessive protection in areas where wilderness characteristics are already compromised. Also, based on the date of this article, we are disappointed the administration apparently engaged in informal consultation with environmental groups who seemed to be aware of the content of this policy before anyone else.

Affect on State Administrative Activities

The effects of a Wild Lands designation on State fish and wildlife management activities is not clear. For example, the use of motorized or mechanical transport and equipment is restricted in designated Wilderness; however, the new policy does not clarify whether similar restrictions would apply to public use or State management activities in administratively designated Wild Lands. The State of Alaska holds primary authority, jurisdiction, and responsibility to manage, control, or regulate all fish and wildlife within federal lands, including uses thereof, unless specifically preempted by federal law. Nothing in the Wilderness Act, FLPMA, or Order 3310 should be construed as an expansion of federal authority or oversight over this traditional State responsibility.

Policy is Confusing and Contradictory

The Order and accompanying direction to BLM are confusing and potentially contradictory – enabling abuse by those seeking a back door way to pursue wilderness protection at the expense of other legitimate uses. For example, the Q&A issued with Order 3310 indicates that "*BLM will consider wilderness values among the broad range of other potential resource values and uses for the public lands in accordance with its multiple-use mission, and make a decision about whether and to what extent to protect those wilderness characteristics.*" However, the Order directs all BLM offices to "*protect those inventoried wilderness characteristics when undertaking land use planning and when making project-level decisions by avoiding impairment of such wilderness characteristics unless BLM determines that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource considerations.*" The Order instructs BLM to place a higher priority on protection of wilderness characteristics than other uses contemplated by FLPMA's multiple use mandate.

BLM cannot manage land based on an inventory alone. Land management decisions may only be made in accordance with an adopted plan. This intent is appropriately represented in the Q&A document, which states "*When the BLM decides to protect LWCs through a land use plan decision, it will designate these areas as "Wild Lands." This determination will be made through a public land use planning process....*" (emphasis added) The Order, however, states "*Where the BLM concludes that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as "Wild Lands" through the planning process,*" which essentially directs BLM to make an either/or choice between "protection" and "impairment" before the formal planning process has even begun. This pre-planning decision process is also mirrored in the policy Section (.06) of the draft BLM Manual 6300-2; however, the section entitled "Procedures for Considering LWCs in Land Use Planning" is more consistent with direction in

the Q&A document. These differences need to be reconciled to ensure that any management decisions concerning LWC's occur within a planning process, following public review.

Many questions also arise from the Order and associated documents, including:

- What flexibility will managers and State Directors have in determining Lands with Wilderness Characteristics and deciding which lands are appropriate for Wild Lands designation?
- How would the presence of inholdings, mining claims, rights-of-way, and other valid existing rights affect the inventory of wilderness characteristics and the likelihood of a Wild Lands designation?
- How will the Order affect the future of outdated ANCSA Section 17(d)(1) withdrawals?
- Will BLM conduct a "minimum requirements analysis" on State or federal administrative activities on Wild Lands?
- Have you considered that ANILCA Section 811 significantly constrains BLM's options to restrict access for subsistence purposes, including off-highway vehicles?
- How will long-standing recreational use of airplanes, snowmachines, and off-highway vehicles be addressed?
- What is the relationship between a Wild Lands designation, Areas of Critical Environmental Concern, the National Landscape Conservation System, and other classifications of land with conservation objectives?

Lack of State Consultation and Public Review

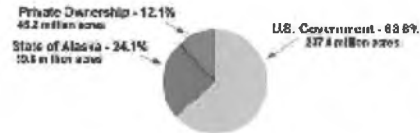
In conclusion, Secretarial Order 3310 is a dramatic departure from all previous approaches to BLM management, especially in Alaska. As these comments illustrate, the Order sets entirely new standards, challenges conventional wisdom regarding management of multiple use lands, and raises legal and policy questions. As such, much more rigorous justification and analysis of consequences and impacts are essential; along with an opportunity for formal State and public review. Compliance with the National Environmental Policy Act is also required – most likely through an environmental impact statement given the potential foreseeable impacts.

A rigorous public review process is consistent with

- President Obama's January 21, 2009 Memorandum entitled *Transparency and Open Government*.
- Open Government Directive from the Office of Management and Budget directing all executive departments and agencies to take specific actions to implement the principles stated in the President's memorandum.
- The Department of the Interior's own Open Government Plan assembled by a multi-functional team from across the Department.
- The Federal Land Policy and Management Act (FLPMA) and BLM planning regulations regarding State and public involvement.

The above policies, directives, regulations, and laws require rigorous public discourse.

Who Owns/Manages Alaska?



Private ownership in Alaska in the mid-1980's and recent years has increased in percentage and acreage. Alaska Natives (the Chitina, Iñupiat, and Gwich'in) were called to the attention of the state in 1971 and in 1973. Between 1974 and 1980, the state transferred 10,000,000 acres of land to the Alaska Native Allotment program, and a total of 10,000,000 acres of land were transferred to the Alaska Native Allotment program. This land is now owned by the state of Alaska.



State of Alaska - 95.5 million acres

Under the Alaska National Security Act of 1980, the state government controls the 95.5 million acres of land. The state government controls 95.5 million acres of land. The state government controls 95.5 million acres of land.

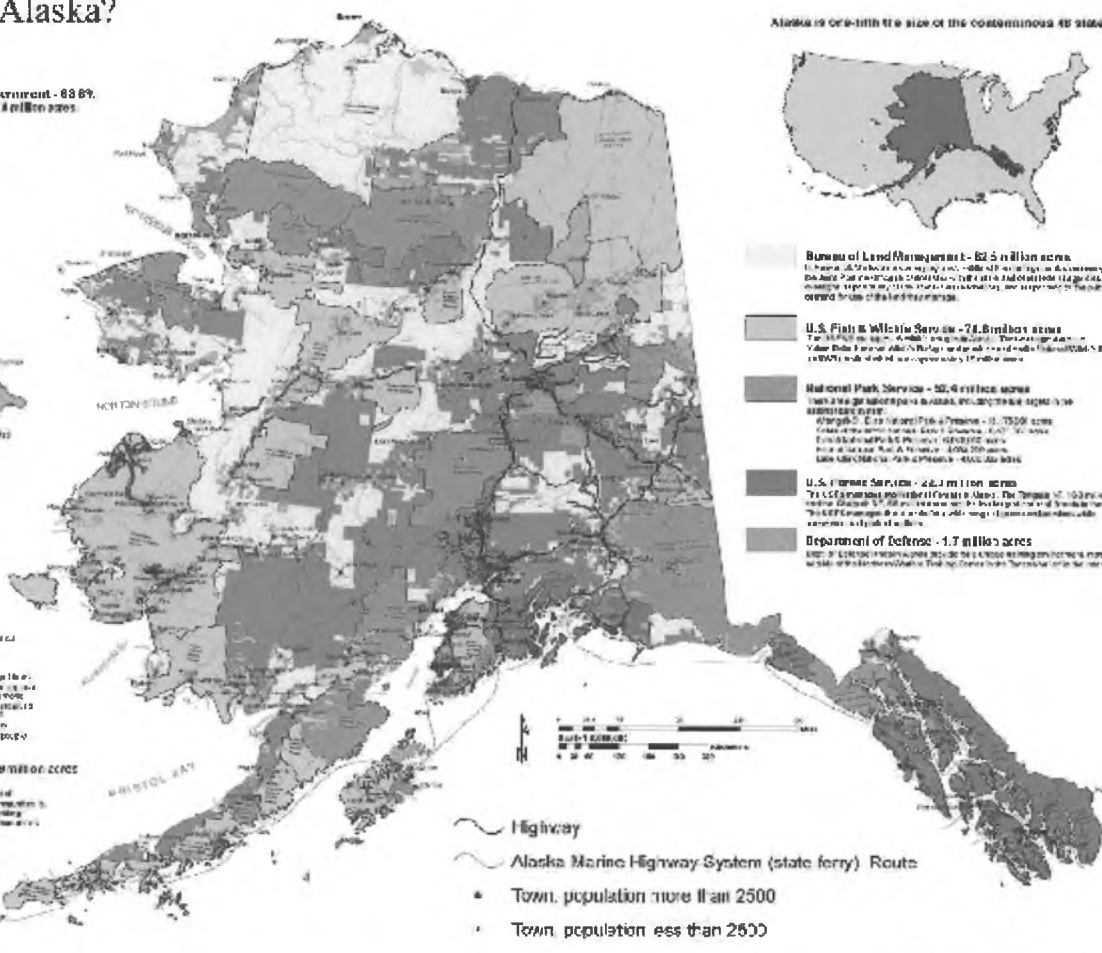
- 10,000,000 acres - Alaska Native Allotment
- 10,000,000 acres - Alaska National Security Act of 1980
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ANCSA Native Corporations (Private) - 45.2 million acres

Under the Alaska National Security Act of 1980, the state government controls the 45.2 million acres of land. The state government controls 45.2 million acres of land. The state government controls 45.2 million acres of land.

Non-Alaska Private & Local Government - 45.2 million acres

Under the Alaska National Security Act of 1980, the state government controls the 45.2 million acres of land. The state government controls 45.2 million acres of land. The state government controls 45.2 million acres of land.

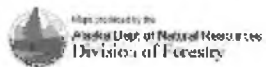


Alaska is one-fifth the size of the contiguous 48 states.

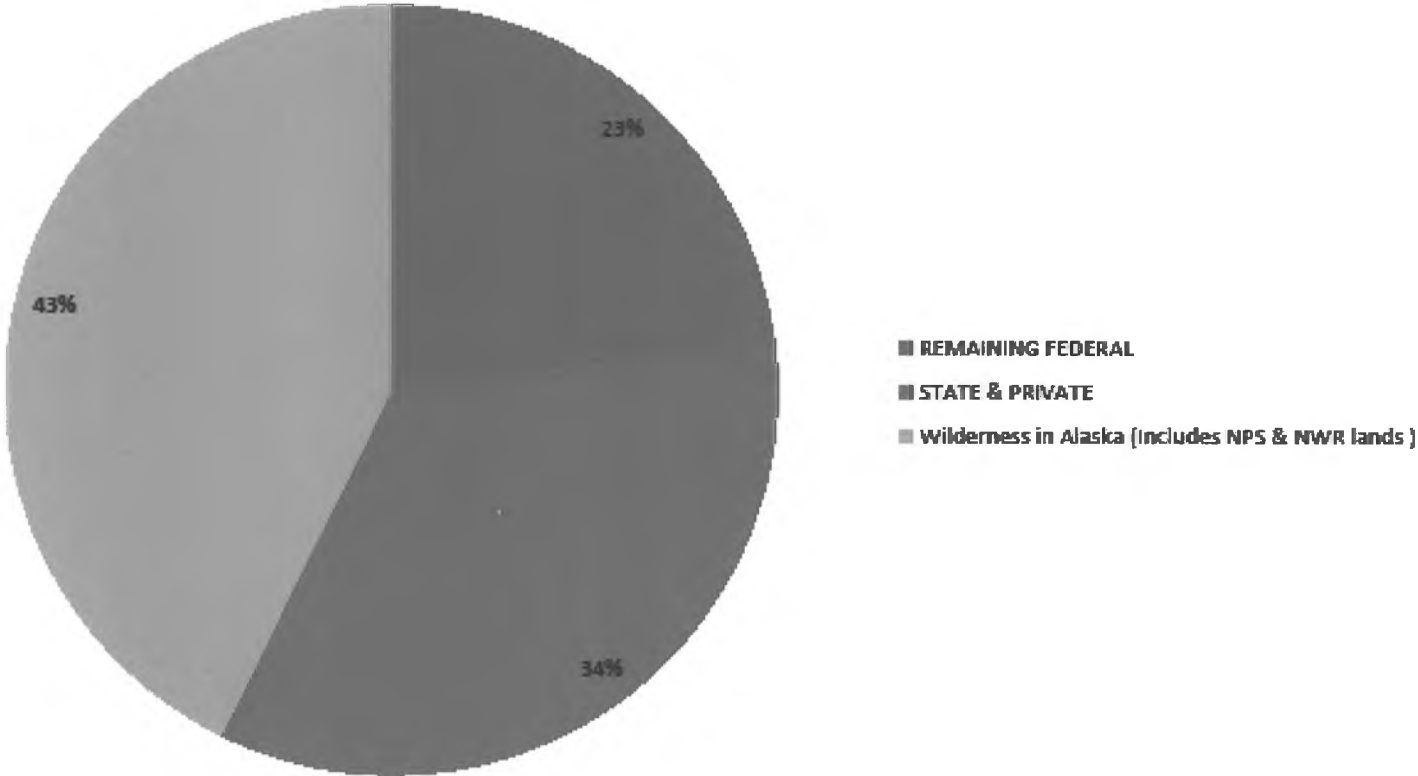


- Bureau of Land Management - 82.5 million acres**
The Bureau of Land Management (BLM) is a federal agency that manages the public lands of the United States. It is part of the U.S. Department of the Interior. The BLM manages 82.5 million acres of land.
- U.S. Fish & Wildlife Service - 74.6 million acres**
The U.S. Fish & Wildlife Service (FWS) is a federal agency that manages the public lands of the United States. It is part of the U.S. Department of the Interior. The FWS manages 74.6 million acres of land.
- National Park Service - 52.4 million acres**
The National Park Service (NPS) is a federal agency that manages the public lands of the United States. It is part of the U.S. Department of the Interior. The NPS manages 52.4 million acres of land.
- U.S. Forest Service - 42.1 million acres**
The U.S. Forest Service (USFS) is a federal agency that manages the public lands of the United States. It is part of the U.S. Department of the Interior. The USFS manages 42.1 million acres of land.
- Department of Defense - 1.7 million acres**
The Department of Defense (DoD) is a federal agency that manages the public lands of the United States. It is part of the U.S. Department of the Interior. The DoD manages 1.7 million acres of land.

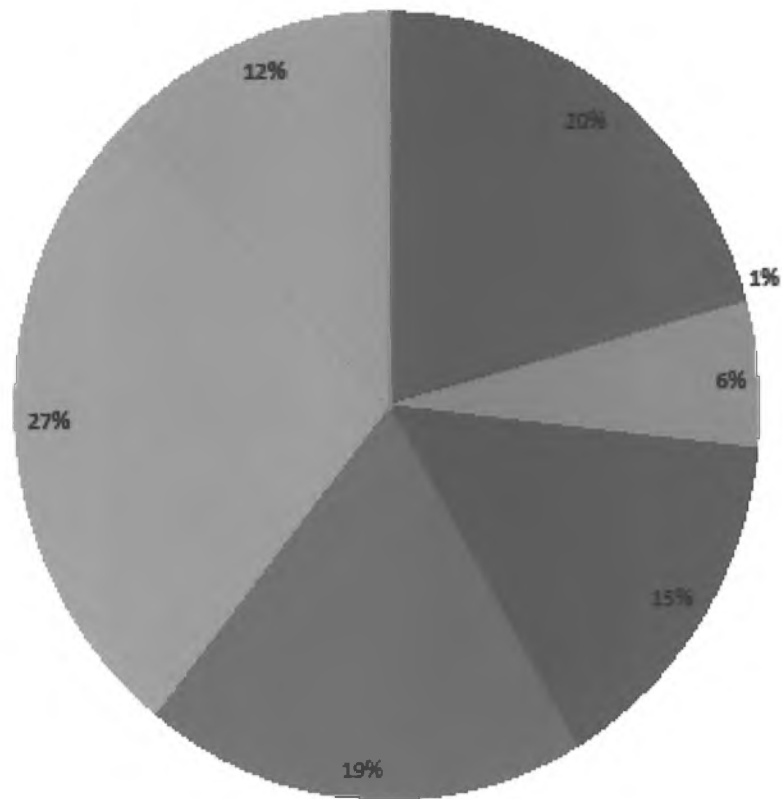
- Highway
- Alaska Marine Highway System (state ferry) Route
- Town, population more than 2500
- Town, population less than 2500



Alaska Land Management Distribution

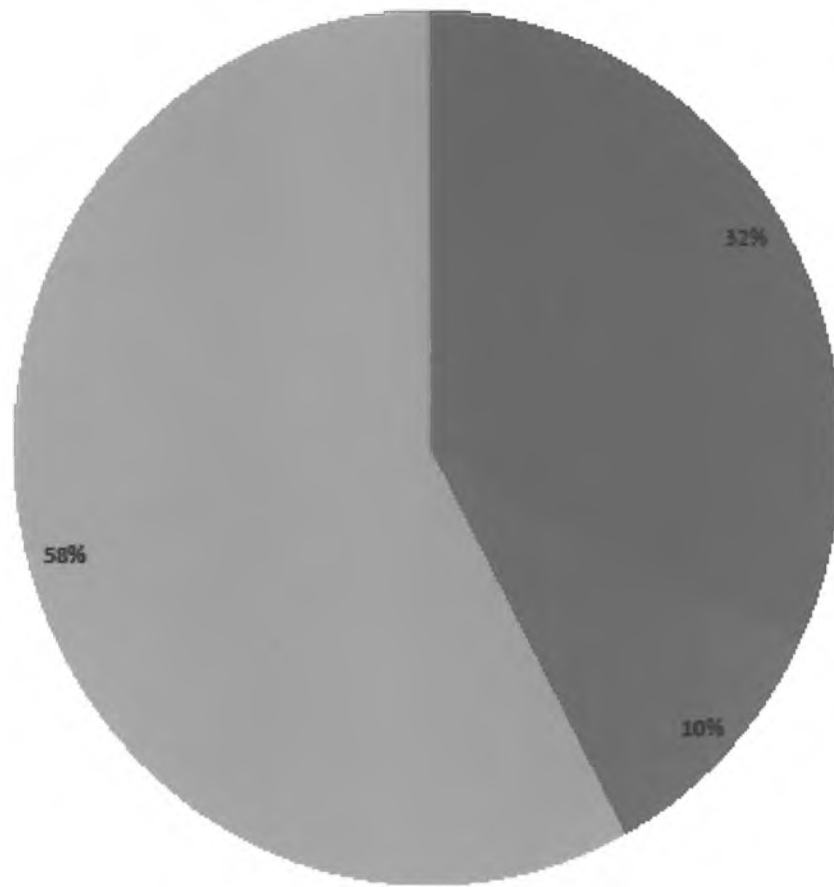


Alaska Land Ownership Distribution



- BLM Managed Public Lands
- Defense and other federal
- National Forest System
- National Parks System
- National Wildlife Refuge
- State of Alaska
- Native Corporations

Alaska Federal Wilderness Distribution



- Fish and Wildlife Service
- Forest Service
- National Park Service

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3310

SIGNATURE DATE: December 22, 2010

Subject: Protecting Wilderness Characteristics on Lands Managed by the Bureau of Land Management

Sec. 1 Purpose. This Secretarial Order (Order) affirms that the protection of the wilderness characteristics of public lands is a high priority for the Bureau of Land Management (BLM), and is an integral component of its multiple use mission. The Order provides direction to the BLM regarding its obligation to maintain wilderness resource inventories on a regular and continuing basis for public lands under its jurisdiction. It further directs the BLM to protect wilderness characteristics through land use planning and project-level decisions unless the BLM determines, in accordance with this Order, that impairment of wilderness characteristics is appropriate and consistent with other applicable requirements of law and other resource management considerations.

Sec. 2 Authority. This Order is issued in accordance with the authorities contained in: Reorganization Plan No. 3 of 1950, as amended, 5 U.S.C. § 301, 43 U.S.C. §§ 1451, 1453; Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 *et seq.* (FLPMA) (excluding 43 U.S.C. § 1782); Wilderness Act of 1964, 16 U.S.C. § 1131 *et seq.*; and National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.* (NEPA); Section 1320 of the Alaska National Interest Lands Conservation Act (ANILCA), 43 U.S.C. § 1784.

Sec. 3 Background. In an increasingly developed world, public lands with wilderness characteristics (as defined in the Wilderness Act, 16 U.S.C. § 1131(c), and BLM policy guidance adopted in accordance with this Order) provide social, cultural, economic, scientific, and ecological benefits for present and future generations. Many of America's most treasured landscapes include public lands with wilderness characteristics that provide visitors with rare opportunities for solitude and personal reflection. In addition, many of these lands have culturally significant and sacred sites important to tribes. Many people and communities value these lands for hunting and fishing, observing wildlife, hiking, and other non-motorized and non-mechanized recreational uses. Lands with wilderness characteristics are also important for their scientific, cultural, and historic objects, which further our understanding of human and natural history, the functions of healthy ecosystems, and how human activities change our world. They also provide a variety of valuable ecosystem services, including carbon sequestration, watershed protection, and air purification, and may contain habitat for numerous threatened and endangered species and other rare biological resources worthy of protection. Managing an area to protect its wilderness characteristics provides unique opportunities and benefits for present and future generations that may otherwise be irreparably lost.

For all these reasons, proper management of public lands with wilderness characteristics is a high priority for the BLM, and the open and productive natural state of such lands should be protected to the extent possible, consistent with the BLM's planning and management authorities.

Sec. 4 Policy. In accordance with Section 201 of FLPMA, the BLM shall maintain a current inventory of land under its jurisdiction and identify within that inventory lands with wilderness characteristics that are outside of the areas designated as Wilderness Study Areas and that are pending before Congress or units of the National Wilderness Preservation System. The BLM shall describe such inventoried lands as "Lands With Wilderness Characteristics," share this information with the public, and integrate this information into its land management decisions. All BLM offices shall protect these inventoried wilderness characteristics when undertaking land use planning and when making project-level decisions by avoiding impairment of such wilderness characteristics unless the BLM determines that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations. Where the BLM concludes that authorization of uses that may impair wilderness characteristics is appropriate, the BLM shall document the reasons for its determination and consider measures to minimize impacts on those wilderness characteristics. Where the BLM concludes that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as "Wild Lands" through land use planning.

The BLM should develop recommendations, with public involvement, regarding possible Congressional designation of lands into the National Wilderness Preservation System.

The BLM shall ensure that all lands with wilderness characteristics outside of the areas designated as Wilderness Study Areas and pending before Congress or units of the National Wilderness Preservation System are managed in accordance with this Order and applicable law.

Sec. 5 Implementation. Consistent with Section 4, the BLM shall:

- a. Develop policy guidance (BLM Manual or Handbook) within 60 days of this Order that defines and clarifies how public lands with wilderness characteristics are to be inventoried, described, and managed in a manner consistent with this Order (hereinafter "BLM policy guidance").
- b. Ensure that wilderness characteristics inventories are conducted consistent with this Order and BLM policy guidance.
- c. Maintain a national wilderness database that is accessible to the public and updated annually. This database will describe all public lands identified by the BLM as possessing wilderness characteristics and the manner in which the BLM is managing these lands.
- d. Ensure that any new project-level decision or land use planning effort takes wilderness characteristics into consideration in accordance with this Order, subject to valid existing rights, as further provided below:

(1) Land Use Planning Decisions: Protection of Lands with Inventoried and Identified Wilderness Characteristics. Where lands with wilderness characteristics have been inventoried and identified and the BLM is undertaking a land use planning process subsequent to this Order, the BLM planning decision shall designate these lands as Wild Lands unless the BLM determines, in accordance with this Order and BLM policy guidance, that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations. Wild Lands shall be managed to protect their wilderness characteristics as part of BLM's multiple use mandate.

(2) Project-Level Decisions for Lands Designated as Wild Lands. Where a land use plan has designated an area as Wild Lands, decisions regarding projects proposed for the area must include appropriate measures to protect the area's wilderness characteristics.

(3) Project-Level Management of Lands Not Previously Inventoried and Analyzed in a Land Use Planning Process Conducted in Accordance with this Order. For project-level decisions in areas where the BLM determines that the land appears to have wilderness characteristics that have not been both inventoried and analyzed in a land use planning process conducted in accordance with this Order, the BLM shall preserve its discretion to protect wilderness characteristics through subsequent land use planning, unless the BLM determines otherwise as set forth below. Where the BLM has determined that the land appears to have wilderness characteristics and the proposed project may impair those apparent wilderness characteristics, the BLM shall conduct an inventory. If the inventory identifies lands with wilderness characteristics, the BLM shall consider the potential effects of the proposed project on the wilderness characteristics and measures to minimize impacts on those characteristics as documented in an appropriate NEPA analysis. Based on this NEPA analysis, the BLM may approve a project that may impair wilderness characteristics if appropriate and consistent with requirements of applicable law and other resource management considerations consistent with this Order or necessary for the exercise of valid existing rights. The BLM shall, in BLM policy guidance developed pursuant to this Order, identify appropriate officials who may approve actions that may impair wilderness characteristics in accordance with this Order.

e. Submit a report to the Secretary of the Interior within six months of the date of this Order that describes the BLM's plan for considering wilderness characteristics in existing land use plans consistent with this Order.

f. This Order does not alter or affect any existing authority of the BLM. This Order does not change the management of existing Wilderness Study Areas pending before Congress or congressionally designated units of the National Wilderness Preservation System.

Sec. 6 Effective Date. This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

/s/ Ken Salazar
Secretary of the Interior

SO#3310 12/22/2010



FOR IMMEDIATE RELEASE
Tuesday, February 22, 2011
[PERMALINK](#)

CONTACT: [Iill Strait](#) or [Spencer Pederson](#)
202-226-9019

*****MEDIA ADVISORY*****

**Committee to Hold Oversight Hearing on Interior Department's
"Wild Lands" Policy**

WASHINGTON, D.C. – On Tuesday, March 1st the House Natural Resources Committee will hold a Full Committee oversight hearing on *"The Impact of the Administration's Wild Lands Order on Jobs and Economic Growth."* The Wild Lands policy, established by Secretarial Order, is an attempt by the Interior Department to establish de facto Wilderness areas without Congressional approval.

"This is a prime example of why Congress must exercise vigorous oversight of the Obama Administration," said Natural Resources Committee Chairman Doc Hastings. "The Wild Lands policy expressly circumvents Congress' statutory authority to establish Wilderness areas. Under this policy, the public's access to public lands can be limited or halted entirely – impacting our economy, jobs, recreation opportunities and American energy production. Millions of acres of multi-use land in the West are at risk of being locked-up if the Administration carries out this policy."

"There are so many unanswered questions surrounding the creation of the new Wild Lands designation and this Administration's plans to redo many of the recently completed inventories of public lands," said National Parks, Forests and Public Lands Subcommittee Chairman Rob Bishop. "In Utah, for example, the BLM just completed an open, seven-year, twenty million dollar process to create resource management plans. Now, this Administration is saying they want to start over. There are thousands of Americans, especially out West, who question the wisdom of such an action and who will be affected by this unilateral secretarial order. We believe this new policy raises a number of troubling questions and that this hearing will be instrumental in bringing greater clarity to the situation."

WHAT: Full Committee Hearing on *"The Impact of the Administration's Wild Lands Order on Jobs and Economic Growth"*

Witnesses:

The Honorable Butch Otter, Governor of Idaho
The Honorable Gary Herbert, Governor of Utah

Additional witnesses to be announced

WHEN: Tuesday, March 1, 2011
2:00 PM

WHERE: 1324 Hearing Room in the Longworth House Office Building

Background:

- Two days before Christmas last year, Secretary of the Interior Ken Salazar issued Secretarial Order No. 3310 asserting that the Bureau of Land Management has the authority to “designate appropriate areas with wilderness characteristics under its jurisdiction as ‘Wild Lands’ and to manage them to protect their wilderness value.”
- The Wilderness Act of 1964 gives only Congress the authority to designate public lands as Wilderness areas. The Administration does not have the legal authority to impose policies to create *de facto* Wilderness.
- Designating an area as Wilderness imposes the most restrictive land use policies that can be taken. It places severe limitations on public access, prohibits many popular forms of recreation and severely restricts job-creating, and energy-producing activities.

Visit the [Committee Hearings](#) webpage for testimony and additional information, once it is made available. The hearing is open to the public and a live stream will be broadcast at <http://naturalresources.house.gov/live>.

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“What I found out about our oil industry and you should know also”

By
Senator John Coghill

My senate District includes nearly four hundred miles of the Trans Alaska Pipeline System (TAPS), the Valdez shipping terminal, and three of the four refineries operating in Alaska. The communities along the pipeline receive property tax revenue as does the state. We all prosper from having this oil delivery system as well as the value of the oil.

One of these “AHA!” moments happened to me recently when I realized that my constituents have not heard enough about the huge problem of a smaller volume of oil going through the pipe.

The temperature, wax and water complexities, heavier glueyness and the instability in a pipe not designed for this volume creates engineering and economic challenges.

The legacy fields, Prudhoe and Kuparuk, produced about 400 million barrels per day, about two-thirds the daily of flow through the pipeline. The legacy fields have a lot of oil deposits that can be extracted but they are heavier, colder, harder to get and harder to transport which makes them less economical. New technology has helped production some but much is yet to be figured out. While we still supply about 10-12 percent of America’s oil, we are declining rapidly; more than six percent each year.

A full gas tank made me feel confident and willing to cruise around when I was a young guy, but when the tank was under one quarter on the gauge, I became more careful and frugal while I figured out how to get more gas. In the same way, we are getting to the low level in our pipeline and must end the decline somehow.

“Just put more oil in the pipe” is the easy solution and I agree. The question on how to do this has several answers: Where can the new oil come from? How long will it take to get it in the pipe? Do we have any new possibilities on state land; federal land (NPR-A) (ANWR), outer continental shelf (OCS)?

I think the Governor has a good proposal and during the process we may uncover a better tax system, better regulation framework, and some incentives for companies to look for and produce more oil.

When TAPS shut down last month it almost became the largest frozen stick of wax. With water wax and oil as thick as molasses going quickly below freezing, the engineers had a real dilemma in trying to restart the pipeline and deliver to the refineries before they had to shut down their facilities.

I hope you will join me in commending the Alaskans that worked for almost six days and nights in freezing temperatures to get the pipeline up and running without any personal injuries.

Imagine if that pipe had frozen beyond being able to get it going: What would be the cost to Alaska? America? The price of heating fuel to your home? The price of fuel to the Army and Air Force? The cost of fuel to the two largest airports in Alaska, plus the schools, public safety, roads, home values, refineries closing down and all the things that require state income will face tough times

How long can Alaska survive with the pipeline shut down? How much oil would we have to import from foreign sources to keep us warm and powered? We already import 25 percent of our crude oil for refining to meet our needs.

The discussion this session is about how our taxes and regulations impact exploration and production in our legacy fields.

We must stand up for Alaska by protecting our economic, environmental and workforce wellbeing while encouraging companies to do business in our state. I have no problem if a company makes a profit as long as we also profit equitably.

The shutdown of TAPS would adversely affect every single person in Alaska. I felt it was important that you be in on some of the things I have learned as we work through the important issues of keeping our state in good shape now and for future generations of Alaskans.