

**HJR**

**21**

<TARGET><BILL>HJR 21</BILL><SUBJECT>HJR  
21</SUBJECT><COMM>SRES27</COMM></TARGET>

# 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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES</b>								
---------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

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

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.

REPRESENTATIVE  
ERIC FEIGE  
House District 12

House Resources Committee Co-Chair  
Education Committee  
Transportation Committee  
Joint Armed Services Committee

# Alaska State Legislature



During Session:  
State Capitol Room 126  
Juneau, Alaska 99801-1182  
(907) 465-4859  
Fax (907) 465-3799  
1-888-465-4859

## 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.

# Alaska State Legislature

REPRESENTATIVE  
ERIC FEIGE  
House District 12

House Resources Committee Co-Chair  
Education Committee  
Transportation Committee  
Joint Armed Services Committee



During Session:  
State Capitol Room 126  
Juneau, Alaska 99801-1182  
(907) 465-4859  
Fax (907) 465-3799  
1-888-465-4859

## House of Representatives

TO: Senator Thomas Wagoner, Co-Chairman  
Senator Joe Paskvan, Co-Chairman  
Senate Resources Committee

FROM: Representative Eric Feige

DATE: April 6, 2011

RE: Hearing Request for HJR 21 Opposing Federal Wild Land Designation

---

I respectfully request that House Joint Resolution 21 – Opposing Federal Wild Land Designation, be scheduled for a hearing in the Senate Resources Committee as soon as possible. Please feel free to contact me, or my aide, Linda Hay, with questions at 465-3715.

Attached you will find the contents as requested by the committee. This includes the current version of the bill, a sponsor statement, sectional analysis, and pertinent background information.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Eric Feige".

Rep. Eric Feige

# Fact Sheet



Division of Mining, Land & Water  
March 2000

## Title: Land Ownership In Alaska

---

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.

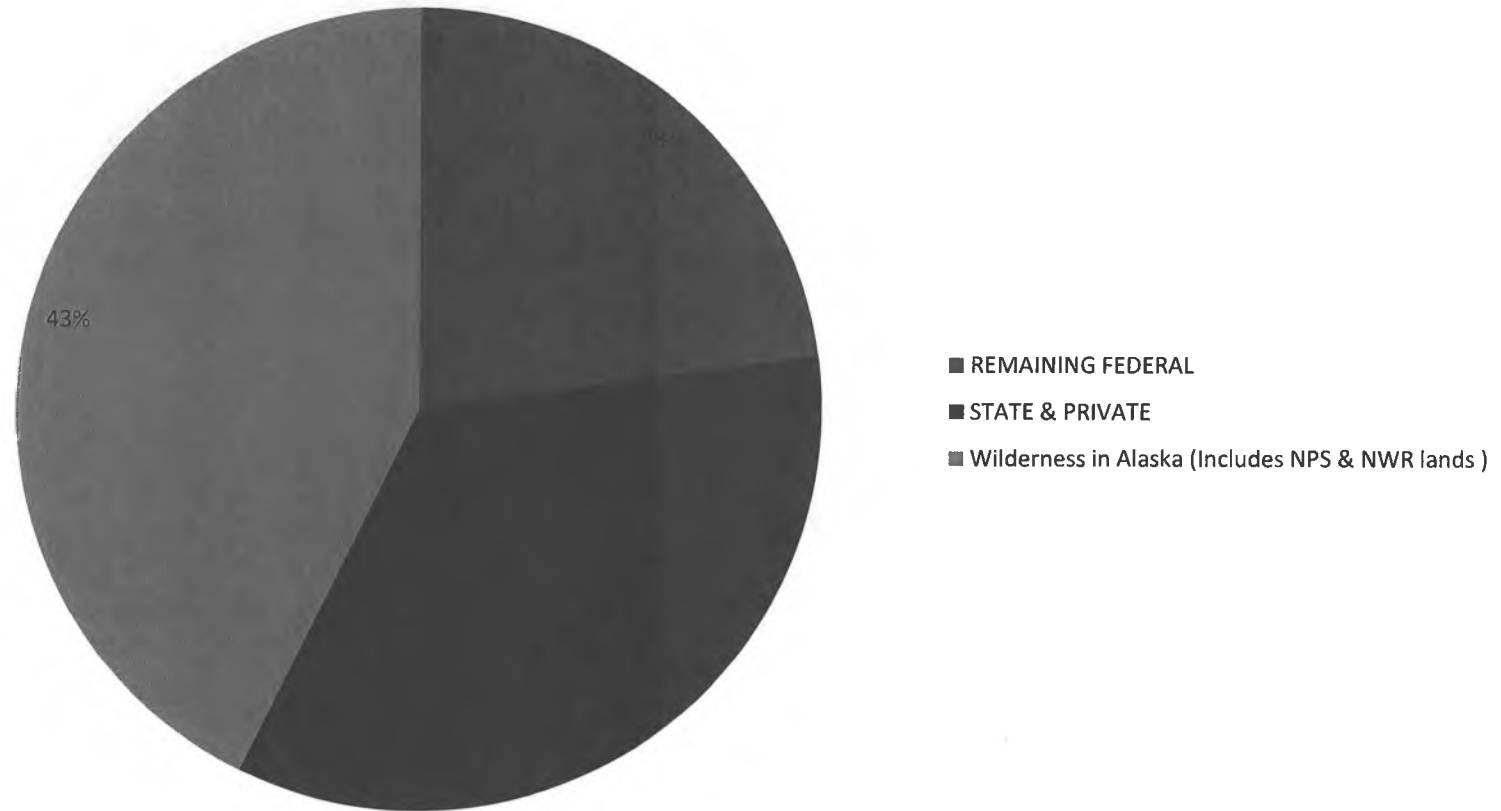
Thirteen regional corporations were created for the distribution of ANSCA land and money. Twelve of those shared in selection of 16 million acres, the thirteenth corporation, based in Seattle, received a cash settlement only. 224 village corporations, of 25 or more residents, shared 26 million acres. 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

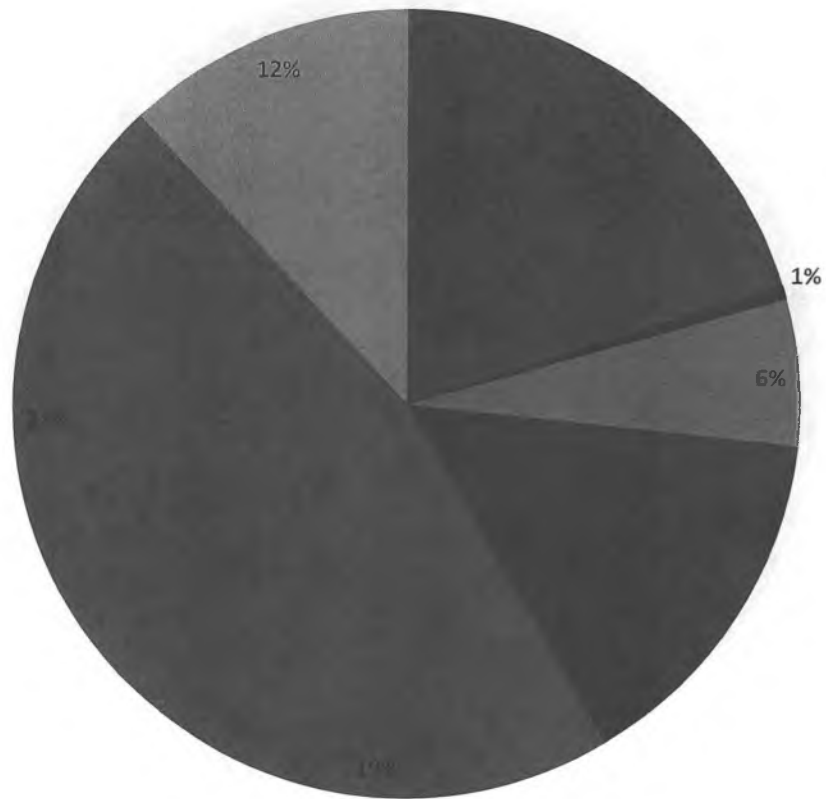
Land in private ownership (other than Native land) comprises less than one percent of the total land in Alaska. Much of the best land for development around Alaska's communities is, or will be, privately owned. Private land development meets people's needs by providing places to live, work, shop and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



## Alaska Land Management Distribution

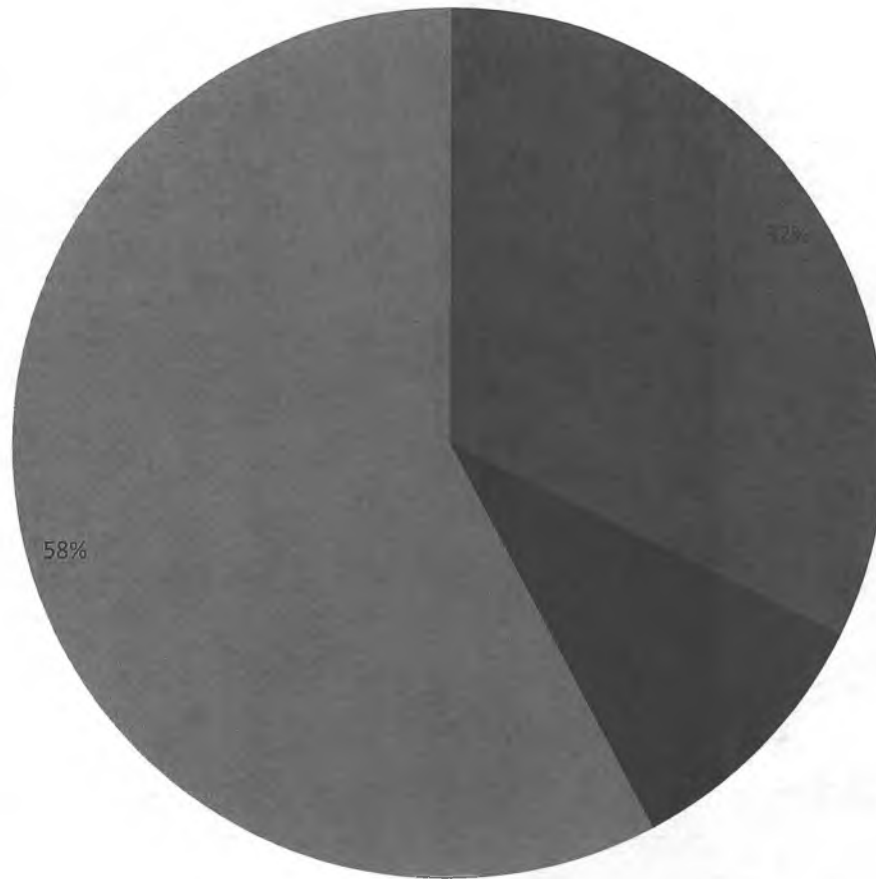


## Alaska Land Ownership Distribution



- 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

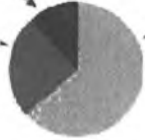


- Fish and Wildlife Service
- Forest Service
- National Park Service

# Who Owns/Manages Alaska?

**Private Ownership - 12.1%**  
45.2 million acres

**State of Alaska - 24.1%**  
89.9 million acres



**U.S. Government - 63.8%**  
237.8 million acres

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 373 million acres - about one-fifth the size of the rest of the U.S.



**State of Alaska - 89.8 million acres**

Under the terms of the Alaska Statehood Act of 1959, the federal government granted the new state 25% ownership of its total area. Approximately 103,350,000 acres were to be elected under three types of grants:

- 1) Community - 400,000 acres
- 2) National Forest Community - 400,000 acres
- 3) General - 102,950,000 acres

Additional seasonal 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 106 million acres. To date, 89.9 million acres has been granted with the balance expected to be granted by 2009.



**ANCSA Native Corporation (Private) - 39.3 million acres**

On December 18, 1971, P.L. 92-203, the Alaska Native Claims Settlement Act was signed into law. The purpose of ANCSA was to legislate the terms by which Alaska Natives could acquire title to their lands. This claim had been unresolved for more than 100 years since the United States purchased Alaska from Russia in 1867.

Native lands are private lands. ANCSA mandated the creation of regional and village Native corporations to manage 44 million acres and payment of one billion dollars. Thirteen regional corporations were created for the distribution of mineral lands and money. Twelve of those shared a total of 16 million acres. The Ninteenth 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. To date, 39.3 million acres have been transferred to ANCSA corporations.



**Non-ANCSA Private & Local Government - 6.9 million acres**

Land in private ownership (other than Native lands) 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.

Because local governments in Alaska have individual methods of transferring land into private ownership, land currently owned by them is grouped into this category.

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



**Bureau of Land Management - 82.5 million acres**

In Alaska, BLM's focus is conserving 150 million acres of rangeland, timberland, and other resources. The Joint Federal Office is partnership with the state and other federal agencies with oversight responsibility of the Trans-Alaska Pipeline, and responding to the public demand for use of the land they manage.

**U.S. Fish & Wildlife Service - 78.8 million acres**

The USFWS manages 16 wildlife refuges in Alaska. The two largest are the Yukon Delta National Wildlife Refuge and much of the Arctic National Wildlife Refuge (ANWR), both of which are approximately 18 million acres.

**National Park Service - 52.4 million acres**

There are eight national parks in Alaska, including the five largest in the national park system:

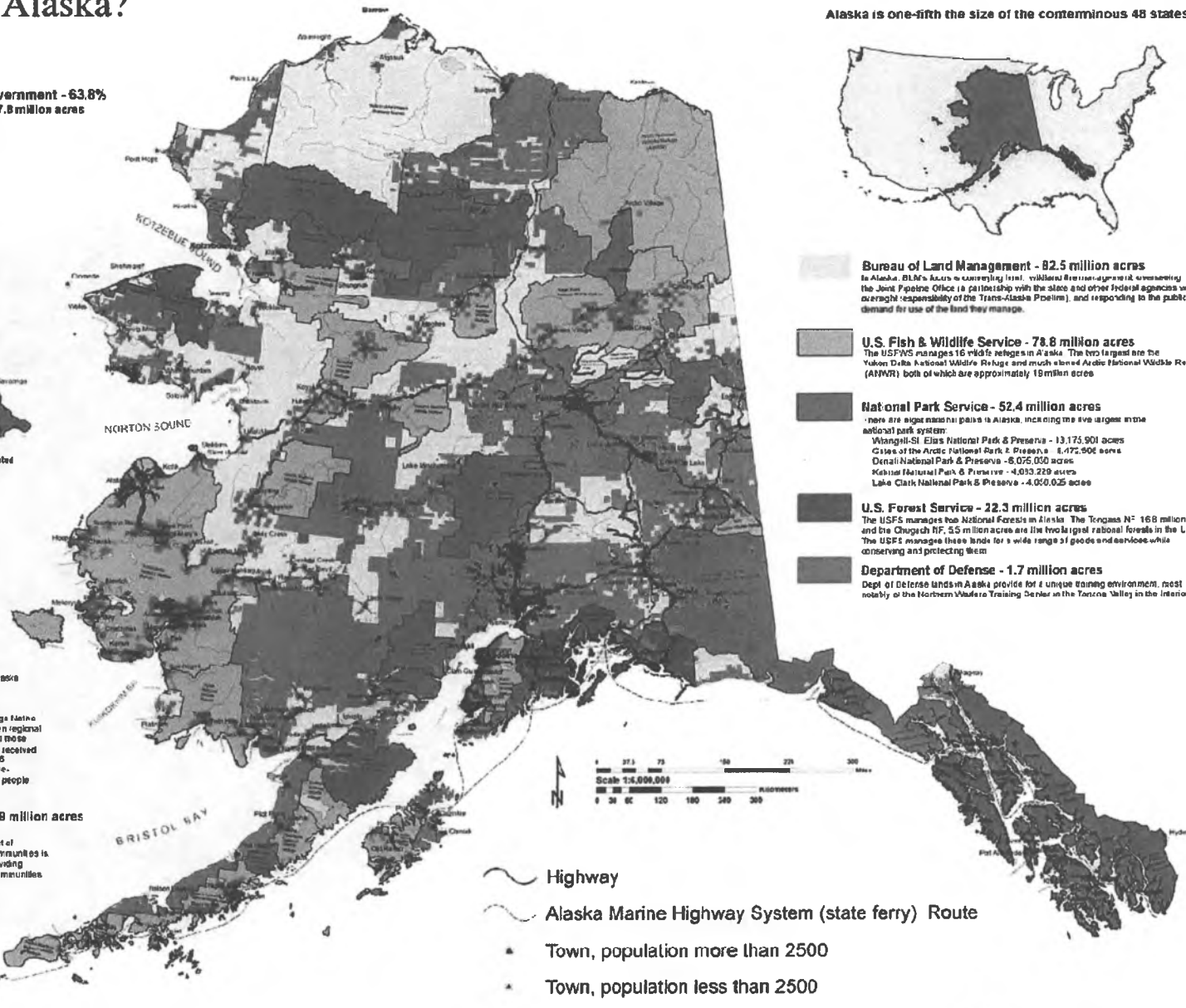
- Wangull-Si Elias National Park & Preserve - 13,173,901 acres
- Crater of the Arctic National Park & Preserve - 6,472,906 acres
- Denali National Park & Preserve - 6,075,000 acres
- Katmai National Park & Preserve - 4,033,229 acres
- Lake Clark National Park & Preserve - 4,000,025 acres

**U.S. Forest Service - 22.3 million acres**

The USFS manages two National Forests in Alaska. The Tongass NF - 16.8 million acres and the Chugach NF, 5.5 million acres are the two largest national forests in the U.S. The USFS manages these lands for a wide range of goods and services while conserving and protecting them.

**Department of Defense - 1.7 million acres**

Dept of Defense lands in Alaska provide for a unique training environment, most notably at the Northern Warfare Training Center in the Tesoro Valley in the interior.



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

## **Alaska National Interest Lands Conservation Act (ANILCA)**

### **TITLE I--PURPOSES, DEFINITIONS, AND MAPS**

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

### **TITLE XIII – ADMINISTRATIVE PROVISIONS**

#### **FUTURE EXECUTIVE ACTIONS**

§1326. (a) **No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective** except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. **Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.**

(b) **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.**

STATE CAPITOL  
PO Box 110001  
Juneau, Alaska 99811-0001  
907-465-3500  
fax: 907-465-3532



550 West 7th Avenue #1700  
Anchorage, Alaska 99501  
907-269-7450  
fax: 907-269-7463  
www.gov.alaska.gov  
Governor@alaska.gov

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

The Honorable Kenneth L. Salazar

January 26, 2011

Page 3

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 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 policies 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.



**Committee Action**  
NATURAL RESOURCES COMMITTEE  
CHAIRMAN DOC HASTINGS

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

CONTACT: [Jill 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 1<sup>st</sup> 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>.

# # #

<http://naturalresources.house.gov/>  
[Facebook](#) | [YouTube](#) | [Twitter](#)

SENATOR  
JOHN COGHILL

3340 Badger Road  
Suite 290  
North Pole, Alaska 99705  
(907) 488-5725  
Fax (907) 488-4271

# Alaska State Legislature



Senate

During Session:  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3719  
Fax (907) 465-3258  
1-877-465-3719

SENATE DISTRICT F

March 1, 2011

Congressman Doc Hastings, Chairman  
Committee on Natural Resources  
United States House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

Chairman, and members of this committee and to Congress, My name is John Coghill a member of the Alaska State Senate. I am grateful for this opportunity to give my testimony to you regarding "the impacts of the Administration's Wild Lands Order on Jobs and Economic Growth" Secretarial Order 3310.

The Impact of Secretarial Order 3310 to Alaska would be in at least three major areas.

First, it would undermine and overrule the work of Congress in passing the laws under (Alaska National Interest Lands Conservation Act) ANILCA, (Federal Land Policy and Management Act) FLPMA, (National Environmental Policy Act) NEPA, and (National Petroleum Reserve in Alaska) NPRA.

Secondly, it would make it more adversarial for the State of Alaska to work with federal land managers under the law if our confidence in our protection of these laws is destroyed through this type of administrative usurpation. As partners in management of land resources and activities within the boundaries of this state it is important to us that we be part of the input to the policies that affect our ability to live up to our duties as a state.

Thirdly, the people of this state are impacted in economic, cultural, civic and mobility ways that impact our way of life expected by us and guaranteed by our constitution. Because the land in Alaska is patchwork in its ownership boundaries it has been promised to us by law that we would have access through federal lands and use of these lands for hunting and fishing. Our ability to traverse the land and navigate our rivers and mine our minerals has been impacted already through wrong application of the law and this order would be a blatant ignoring of the law and make us wonder about our ability to live and thrive in this land.

It took nine long years and a lot of give on the part of Alaska and its people to come up with an agreement on wilderness lands in Alaska between the sovereign State, Congress, and a president

who praised the completeness of the process and considered it one of his biggest accomplishments, Jimmy Carter.

ANILCA preserved 60 million acres of wilderness (an area the size of Oregon or Colorado) and added another 46 million acres to the National Park System (an area the size of Pennsylvania). However, ANILCA protects valid existing rights, access to inholders, and access through BLM lands to mining claims, state owned lands, native owned lands, leased lands, guide and outfitter leases, and historic access routes.<sup>1</sup>

ANILCA clearly states there is no need for more parks, preserves, monuments, wild and scenic rivers, etc. in Alaska<sup>2</sup> and the intent of Congress was to preclude any future executive actions like Secretarial Order 3310 without Congressional approval<sup>3</sup>. Not only must the Secretary obtain Congressional approval, he must give proper notice and publication in the Federal Register.

---

<sup>1</sup> **VALID EXISTING RIGHTS**

**SEC. 1109. Nothing in this title shall be construed to adversely affect any valid existing right of access.**

**SPECIAL ACCESS AND ACCESS TO INHOLDINGS**

**(16 USC 3170) SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.**

**(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands."**

<sup>2</sup> **"(d) This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."**

<sup>3</sup> **FUTURE EXECUTIVE ACTIONS**

**SEC. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of**

According to the State ANILCA Program Coordinator, there are over 100 specific provisions of ANILCA requiring some form of federal agency consultation with the State of Alaska. In addition, numerous other federal laws, regulations and policies require state notification and consultation.

Twenty-five years ago, Congress passed the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA instructs the Secretary to continuously maintain an inventory all public lands and clearly states such an inventory cannot change the management or public use of lands<sup>4</sup>. Further provisions of FLPMA require notification and comment from States and Congressional oversight.

Any effort to classify any portion of the National Petroleum Reserve in Alaska (NPR-A) as wild lands would be in direct violation of Section 6502 of the Naval Petroleum Reserves Production Act of 1976.<sup>5</sup> The secretary is restricted to four authorities in dealing with NPR-A. He was given no authority to reclassify land in the reserve<sup>6</sup>. The Naval Petroleum Reserves Production

---

*Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.*

*(b) 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.*

<sup>4</sup> *"The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands."*

<sup>5</sup> Section 6502: *"Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under the public lands laws, including the mining leasing laws, and all other Acts:"*

<sup>6</sup> TITLE 42 CHAPTER 78 § 6502

*"Designation of National Petroleum Reserve in Alaska; reservation of lands; disposition and conveyance of mineral materials, lands, etc., preexisting property rights*

*The area known as Naval Petroleum Reserve Numbered 4, Alaska, established by Executive order of the President, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344, dated April 24, 1961, shall be transferred to and administered by the Secretary of the Interior in accordance with the provisions of this Act. Effective on the date of transfer all lands within such area shall be redesignated as the "National Petroleum Reserve in Alaska" (hereinafter in this chapter referred to as the "reserve"). Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts; but the Secretary is authorized to*

*(1) make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended [30 U.S.C. 601 et seq.], for appropriate use by Alaska Natives and the North Slope Borough,*

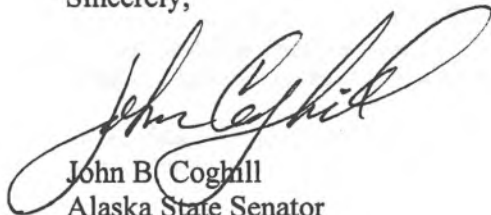
*(2) make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under this Act,*

Act of 1976 put the nation's petroleum reserves in a production mode versus a conservation mode. Wilderness restrictions set in the Secretarial Order would undermine the NPRA and further hinder Alaskan oil production, leaving the United States further dependent on unstable, unsecure foreign oil.

Federal regulations unfairly restrict Alaska's ability to develop our resources. In fact, federal laws have destroyed our timber industry and have crippled most of our other industries. Most Alaskans, including myself, believe we gave up too much but those defending ANILCA's passage said its enactment would put an end to further land grabs through federal restrictions; there would be "no more" federal lock up of Alaska's lands and resources. The impacts of Secretarial Order 3310 are detrimental to the federal government, to the State of Alaska, and to the people who have to live here.

I encourage you as the legislative branch of our federal government to preserve the integrity of Congress and put Secretary Salazar on notice that he is violating federal laws with the issuance of Secretarial Order 3310 and request he withdraw the order.

Sincerely,



John B. Coghill  
Alaska State Senator

cc: The Honorable Don Young, United States House of Representatives  
The Honorable Lisa Murkowski, United States Senate  
The Honorable Mark Begich, United States Senate  
The Honorable Orin Hatch, United States Senate  
The Honorable Mike Simpson, Chair, Interior Appropriations Committee, United States House of Representatives  
The Honorable Sean Parnell, Governor, State of Alaska  
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  
John W. Katz, Director of State/Federal Relations and Special Counsel, Office of the Governor

---

*(3) convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and*

*(4) grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1761 et seq.] or section 28 of the Mineral Leasing Act, as amended [30 U.S.C. 185], as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope. All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Naval Petroleum Reserve shall remain in full force and effect to the extent not inconsistent with this Act."*



# Rep. Eric Feige

**R-Chickaloon**

Email: [rep.eric.feige@legis.state.ak.us](mailto:rep.eric.feige@legis.state.ak.us) • Ph: 465-4859

[housemajority.org/feige](http://housemajority.org/feige)

[twitter.com/houmaj](https://twitter.com/houmaj)



FOR IMMEDIATE RELEASE

PRESS RELEASE

## **HOUSE TO INTERIOR SEC. SALAZAR: NO WILD LAND DESIGNATIONS *HJR 21 points to lack of congressional approval in S.O. 3310 process***

**Friday, April 01, 2011, Juneau, Alaska** – The Alaska State House of Representatives today unanimously passed a resolution re-asserting state's rights and pushing back at a federal bureaucrat's proposed encroachment on Alaska's lands.

House Joint Resolution 21, sponsored by House Resources Co-Chair Rep. Eric Feige, R-Chickaloon, urges U.S. Department of Interior Secretary Ken Salazar to withdraw Secretarial Order 3310, which directs the federal Bureau of Land Management to inventory and designate land with wilderness characteristics as "Wild Lands."

"This is a made-up, unauthorized encroachment on Alaska's lands and we will not stand by and let it happen without a fight," Feige said. "This land classification isn't legally-defined and it's certainly not congressionally-authorized. The order clearly violates congressional law for Alaska both in ANILCA and ANCSA, which supersede S.O. 3310 – only the Congress has the authority to designate Wilderness Areas.

"Our Majority made promoting and working towards Responsible Resource Development and Access to Affordable Energy two of our Guiding Principles, and if Secretary Salazar has his way, the BLM could lock up NPR-A, or the coastal plain of ANWR. Unacceptable," Feige said.

Feige says HJR 21 is a response to, and in clear opposition statement against, Secretary Salazar's action, which he says is in conflict with the "No More Clauses" in ANILCA, the Alaska National Interest Land Claims Act, as well as the Federal Land Policy & Management Act.

Co-Sponsor Rep. Wes Keller, R-Wasilla, the Chairman of the Citizen's Advisory Committee on Federal Areas, agrees, and says HJR 21 follows CACFA and the governor's lead. "We at CACFA have been watching this action by the BLM since the initial order was released in December," Keller said. "HJR 21 adds the Legislature's support to CACFA and the governor's letters already on the record. The resolution sends a compelling message: the 'stroke of the pen' mentality cannot be tolerated."

If Secretary Salazar fails to withdraw S.O. 3310, HJR21 urges Congress to prohibit the use of any appropriated funds by the Dept. of Interior to implement, administer or enforce the order.

"Resolutions against the egregious over-step by Secretary Salazar have already been adopted by our peers in Idaho, Utah and Nevada, and Governor Parnell sent a letter of concern in January," Feige said. "HJR 21 is critically important to the citizens of Alaska and another milepost for other states to follow in standing up against this land and power grab from Washington, D.C."

HJR 21 now moves to the Alaska Senate for consideration.

# # #



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

Last updated: 12-29-2010

[USA.GOV](#) | [No Fear Act](#) | [DOI](#) | [Disclaimer](#) | [About BLM](#) | [Notices](#) | [Get Adobe Reader®](#)  
[Privacy Policy](#) | [FOIA](#) | [Kids Policy](#) | [Contact Us](#) | [Accessibility](#) | [Site Map](#) | [Home](#)

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



3100 Channel Drive, Suite 300 • Juneau AK 99801 • (907) 463-3488 • Fax (907) 463-3489  
E-mail: iuneauchamber@gci.net • jcc@alaska.com • Web site: <http://www.iuneauchamber.com>

#### Board Members

Tim McLeod, *President*  
AEL&P  
Bob Martin, *Past Pres.*  
Goldbelt  
Sheldon Winters, *Pres. Elect*  
Lessmeier & Winters  
Chuck Collins  
*Key Bank*  
Neil MacKinnon, *Treasurer*  
Alaska Laundry  
Sharon Burns, *Secretary*  
ABC Stations  
Jeremy Hansen  
*Hansen Gress*  
Dick Knapp  
*Petro Marine*  
Max Mertz  
*Elgee Rehfeld Mertz*  
Lance Stevens  
*Alaska USA F.C.U.*  
Nathan McCowan  
*Sealaska*  
Karen Hansen  
*Wings of Alaska*  
Murray Walsh  
*Walsh Consulting*  
Kelly Shattuck  
*Shattuck & Grummett*  
Wade Bryson  
*Subway of Juneau*

#### Benefactor Members

ACS  
Allen Marine  
ExxonMobil  
Juneau Empire  
GCI Communications  
Juneau Radio Center  
Sealaska

#### Platinum Members

AEL&P  
Alaska Litho  
Alaska Marine Lines  
Alaska Pacific Bank  
Alaska USA FCU  
Alaskan Brewing Company  
Bartlett Regional Hospital  
BP Alaska  
CBJ (Manager's Office)  
Capital Office Supply  
Coeur Alaska, Inc.  
Coogan Construction  
Copy Express  
Elgee Rehfeld & Mertz  
First National Bank of Alaska  
Hecla Greens Creek Mining  
Goldbelt, Inc.  
Huna Totem  
Shattuck & Grummett  
Taku Oil  
True North FCU  
UAS  
Wells Fargo Bank of Alaska  
Wostmann and Associates

### A Resolution of the Juneau Chamber of Commerce Encouraging the Governor, the Legislature and the Alaska Congressional Delegation to Take Aggressive Action to Oppose the Formation of New De Facto Wilderness Areas on all federal lands in Alaska.

4-11

**WHEREAS**, through ORDER NO. 3310 the U.S. Secretary of the Interior on December 22, 2010 sets new POLICY for the SINGLE-USE management of lands which the U.S. Bureau Land Management (BLM) may classify as lands with "wilderness characteristics" and designate such lands as "Wild Lands" and

**WHEREAS**, the BLM is purported to be a Federal land management agency with a MULTIPLE-USE land management mandate under the Federal Land Policy and Management Act of 1976 (FLMA) and

**WHEREAS**, the 1964 Wilderness Act (P.L. 88-577) established the National Wilderness Preservation System (NWPS) with a total of 9.1 million acres and

**WHEREAS**, the Congress of the United States of America retains the authority for additions to the NWPS and

**WHEREAS**, the BLM relies on Section 2(c) of the Wilderness Act for the definition of "wilderness characteristics" and

**WHEREAS**, the BLM manages approximately 245 million acres of federal land and thus under this new departmental level POLICY could potentially create multiple areas of a new wilderness preservation system that are much greater than the NWPS established by P.L. 88-577 and

**WHEREAS**, under ORDER NO. 3310 the Secretary of Interior has usurped the authority of the Congress of the United States of America and

**WHEREAS**, the MULTIPLE-USE management of the 245 acres of Bureau of Land Management land is essential to the economic well being of every individual in every state with such Federal land and is essential to the utilization of renewable and non-renewable resources from these lands by every individual in the United States of America and

**WHEREAS**, through ORDER NO. 3310 the Secretary of the Interior has set in motion actions that will adversely affect the economy of the State of Alaska and the economy of the entire United States of America.

**THEREFORE BE IT RESOLVED**, that the Juneau Chamber of Commerce strongly supports all actions by the Governor, the Legislature, and the Alaska Congressional Delegation to work together and/or with other states to defeat the imposition of new wilderness preservation systems on states with BLM managed lands.

**PASSED AND APPROVED** by the Juneau Chamber of Commerce Board of Directors on this date: February 15, 2011

Cathie Roemmich  
CEO, Juneau Chamber of Commerce Representing nearly 400 Business Members