

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

676 SCOM122: ALASKA LANDS FILE 1977-78

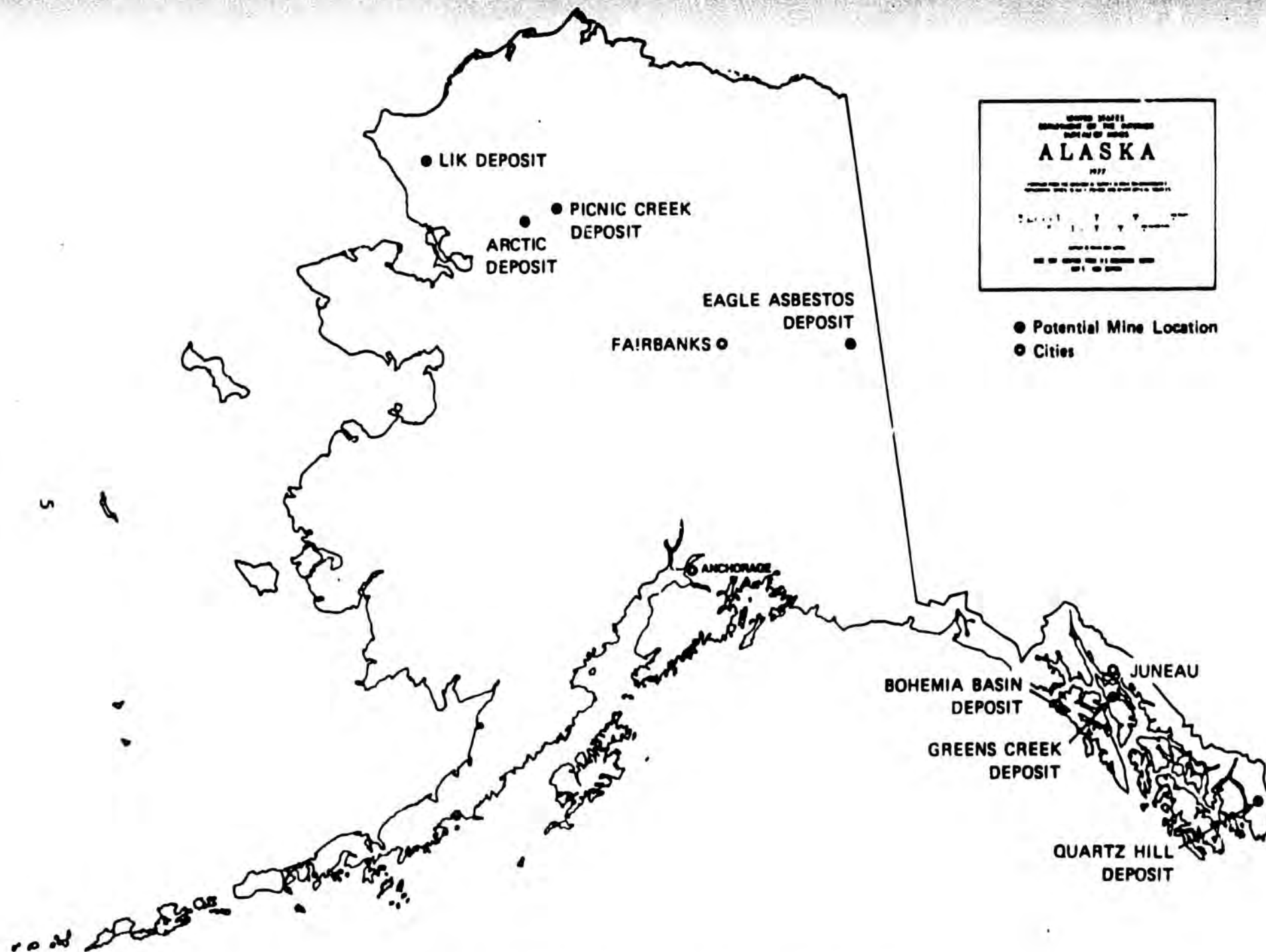


FIGURE 1 MINERAL DEPOSITS SELECTED FOR ANALYSIS

copper): copper, 60¢, 75¢ and 90¢ per pound; zinc, 31¢ per pound; lead, 35¢ per pound; silver, \$4.85 per ounce; gold, \$162 per ounce; molybdenum, \$4.01 per pound of contained molybdenum in MoS_2 ; nickel, \$2.06 per pound; and asbestos, \$491 per ton. The mineral production and gross and net smelter returns through 1992 are shown in Tables 1 and 2. Gross smelter returns* peak in 1991 at \$903 million to \$1,044 million, depending on the assumed copper price.

The seven mines range in size from small to large. The annual gross smelter returns for the seven, assuming a copper price of 75¢ per pound, are, in millions of 1977 dollars:

Greens Creek	\$ 21
Quartz Hill	79
Bohemia Basin	23
Eagle Asbestos	50
Arctic	300
Picnic	300
Lik	201.

All of the deposits are affected to some extent by proposed withdrawals of Alaskan lands, either because they fall within or close to lands proposed for withdrawal, or because access to the deposit is curtailed by the proposed withdrawals, or both. While more detailed study would be needed to fully determine the impact of the proposed withdrawals, it seems questionable whether any of the seven deposits could be developed if the more extensive proposals for withdrawal were enacted into law. Of perhaps even greater significance for the long term, the proposed withdrawals would likely have a severe effect on the possibilities for additional discoveries of rich deposits, such as the ones studied, because much of the area graded favorable or highly favorable by the Bureau of Mines for metallic minerals is included in the proposed withdrawals. That is illustrated in Figure 2.

* Gross smelter return is the amount of metal or mineral produced by the smelter times the selling price.

Table 1

STATE MINERAL PRODUCTION

	<u>Zinc</u> <u>(tons/yr)</u>	<u>Lead</u> <u>(tons/yr)</u>	<u>Copper</u> <u>(tons/yr)</u>	<u>Silver</u> <u>(oz/yr)</u>	<u>Gold</u> <u>(oz/yr)</u>	<u>Molybdenum</u> <u>(lbs. con-</u> <u>tained Mo/yr)</u>	<u>Nickel</u> <u>(tons/yr)</u>	<u>Asbestos</u> <u>(tons fiber/yr)</u>
1982	11,008	3,583	432	1,593,900	19,602			
1983	11,008	3,583	3,645	1,593,900	19,602		4,641	
1984	11,008	3,583	3,645	1,593,900	19,602		4,641	
1985	11,008	3,583	3,645	1,593,900	19,602	19,631,000	4,641	
1986	11,008	3,583	3,645	1,593,900	19,602	19,631,000	4,641	100,000
1987	11,008	3,583	3,645	1,593,900	19,602	19,631,000	4,641	100,000
1988	152,380	22,861	119,313	5,224,590	64,584	19,631,000	4,641	100,000
1989	152,380	22,861	119,313	5,224,590	64,584	19,631,000	4,641	100,000
1990	362,028	91,137	119,313	10,044,090	64,584	19,631,000	4,641	100,000
1991	503,400	110,415	234,981	13,674,780	109,566	19,631,000	4,641	100,000
1992	492,392	106,832	234,549	12,080,880	89,964	19,631,000	4,641	100,000

Source: SRI International

Table 2

STATE TOTALS

GROSS AND NET SMELTER RETURN
(Millions of 1977 Dollars)

Year	Gross Smelter Return			Net Smelter Return		
	Copper at:			Copper at:		
	60¢/lb	75¢/lb	90¢/lb	60¢/lb	75¢/lb	90¢/lb
1982	\$ 21	\$ 21	\$ 21	\$ 16	\$ 16	\$ 16
1983	43	44	45	33	34	35
1984	43	44	45	33	34	35
1985	122	123	124	111	113	114
1986	172	173	174	153	154	156
1987	172	173	174	153	154	156
1988	437	473	509	288	324	360
1989	437	473	509	288	324	360
1990	638	674	710	377	413	449
1991	903	974	1,044	512	583	653
1992	882	953	1,023	497	567	637

Source: SRI International



-  Highly favorable and favorable for metallic and related non-metallic deposits
-  Proposed withdrawals



FIGURE 2 PROPOSED WITHDRAWALS IN RELATION TO AREAS DESIGNATED HIGHLY FAVORABLE OR FAVORABLE FOR METALLIC AND RELATED NONMETALLIC DEPOSITS

SOURCE: Alaska Field Operation Center U.S. Bureau of Mines, 1978

Environmental Impact

Development of Alaska's mineral resources will have environmental consequences, even though regulations concerning emissions, ambient quality, and concern for environmental values in the planning process would ensure that only unavoidable impacts would result. The need for balancing various national goals, including that of environmental quality, has been faced before in developing Alaskan resources, particularly in the case of the Trans-Alaska pipeline.

If the pipeline decision is considered a precedent in trading off environmental goals with other national objectives, then a comparison of relative environmental consequences between the pipeline and the development of mineral resources would provide one anchor point in assessing environmental consequences versus economic benefits. A problem in making the comparison is the dissimilar consequences of the pipeline and the development of mineral resources. A multiple-attribute method of comparing such dissimilar consequences would be used if agreement could be obtained on the relative weights to assign to the different consequences. As a rough approximation, the area of land disturbed is taken as the proportional measure of environmental consequence. The land disturbed in the development of mineral resources is taken to be the land needed for the mines themselves, plus an allowance for a mining camp and the airstrip usually associated with remote Alaskan operations. Added to that is the land disturbed by the transportation system needed to serve the mines. The area disturbed for the seven mines then totals about 22 square miles, approximately one-half of the right-of-way of the Trans-Alaskan pipeline. A closer examination of comparative effects does not change the conclusion that the environmental consequences of an Alaskan minerals production program is significantly less than that of the pipeline.

This comparison does not consider the possibly more severe acoustic effects associated with the transportation of minerals as compared to pumping oil through the pipeline. However, offsetting that are the hundreds of square miles committed to oil production facilities on the north slope. According to guidelines published by the Department of

Housing and Urban Development,^{*} a corridor of 3,000 feet on either side of the transportation corridors should provide an adequate acoustic buffer zone. Including such a buffer zone, the amount of land affected by minerals development would be about 940 square miles--less than 0.2% of the state's area. That is contrasted with the approximately 180,000 square miles proposed for withdrawal by inclusion in the four conservation systems (parks, wild and scenic rivers, wildlife refuges, and national forests).

Impacts of Alaskan Mineral Development on the Economy of the State and the Nation

Two principal assumptions were made in the analysis of the impact of Alaskan nonfuel mineral production on the state and on the rest of the nation. The first assumption was that Alaskan production will be "small" relative to world consumption, so that any effects on the world price of the minerals under study could be ignored. The second assumption was somewhat more subtle, and related to the period of analysis--in excess of twenty-five years. That period is sufficiently long for structural change to occur in the economies of Alaska and the lower 48 states. However, for the purposes of this analysis, it was assumed that such structural changes did not occur.

The analysis was based on the notion of the "multiplier," a concept that rests on the idea that incomes are respent rather than hoarded. For example, people buy goods and services with their incomes, and their spending becomes business gross receipts. Businesses in turn buy raw and semi-finished materials and capital equipment, as well as hire labor with funds from gross receipts. The income and business receipts produced in the process in turn generate further spending.

Impact on the Alaskan State Economy

An expanded mining industry would have a beneficial effect on the Alaskan economy, with most sectors of the economy experiencing some

^{*} "Noise Assessment Guidelines," U.S. Dept. of Housing and Urban Development, Washington, D.C. 20410, BBM Report No. 2176, August 1971. (Currently undergoing revision.)

positive impact. Outside of the directly affected construction, mining, and transportation sectors, the four sectors of trade, services, communications, and utilities would enjoy the most growth. They are the sectors that support the local population and labor directly associated with mining. Associated industrial development in Alaska would be small, most likely concentrated in the wood products, cement, or similar construction supplies areas.

Table 3 presents summary estimates of impacts on Alaska of the three major phases of mine development: construction, mining and transportation. Direct expenditures shown in the table are those costs paid by the mine operators to build, to operate, or to ship minerals from, the mines. Value added or gross state product is the state equivalent of gross national product: the value of goods and services produced within the state. Employee compensation includes the wages, salaries, and fringe benefits paid to workers. Employment estimates show the full-time equivalent of new jobs created in Alaska.

Construction impacts on the state that are shown in the table are the average for the 1980 to 1989 period. Estimated increases in employment and gross state product equal between 0.5 and 1.0% of the totals for Alaska during that period.* The approximately 1,500 jobs would be transitory in nature and would likely draw some construction labor from the lower 48 states for temporary employment. Some of the jobs would be filled by the permanent Alaskan construction labor force.

Mining and transportation of the minerals are estimated to have a combined impact on Alaska's gross state product and employment of about 5% and 2.5%, respectively, by the early 1990s.† The impact on gross state product is higher than for employment because the use of labor in

* Value added or gross state product and employment estimates are derived from forecasts given in David T. Kresge, "Alaska's Growth to 1990," Alaska Review of Business and Economics, January 1976. Updated projections for most variables are contained in Oliver S. Goldsmith, "Alaska Electric Power Requirements, a Review and Projection," Alaska Review of Business and Economic Conditions, June 1977. These projections are very close to those in the January 1976 article.

† Ibid.

Table 3

ESTIMATED AVERAGE ANNUAL IMPACTS ON
ALASKA OF PROPOSED MINING DEVELOPMENT

	<u>Construction</u> [*]	<u>Mining</u> [†]	<u>Transportation</u> [‡]
	(Millions of 1977 dollars)		
Direct expenditures	\$ 76.4	\$ 504.4	\$ 72.5
Value added (Gross State Product) [‡]	63.5	556.5	90.4
Employee compensation [‡]	51.6	218.8	58.5
	(Full-time equivalent jobs)		
Employment [‡]	1538	7501	2010

* Average annual expenditures and impacts for years 1980 to 1989.

† Average annual expenditures and impacts for years 1991 and 1992.

‡ Includes direct, indirect, and induced impacts.

Source: SRI International

mining and smelting is low relative to the return on capital in those operations. Approximately 9,500 new jobs (full-time equivalent) generating \$275 million (1977 dollars) of employee compensation would result from those operations. Gross state product will increase by about \$650 million (1977 dollars). (The increase in gross state product is less than gross smelter returns because non-Alaskan transportation and smelting of concentrates is assumed to take place in the lower 48 states.)

Impact on the National Economy

Conceptually, two approaches were followed in estimating the impact of Alaskan nonfuel mineral development on the lower 48 states. In one, the impact of development on the nation was estimated as a whole, and then the impact estimated to accrue to Alaska was subtracted. In the other, the impact on the lower 48 states was estimated directly. The two approaches yielded similar results, adding confidence and credibility to the findings.

In both approaches, the 1967 input-output model of the U.S. economy developed by the Bureau of Economic Analysis was applied. First, the model was applied to projections of mine construction expenditures, mine output (net smelter return), transportation, and refining, in order to estimate the impact on the entire U.S. economy. Gross outputs estimated in that manner are not directly commensurate with GNP, but can be converted. Second, to estimate the impact directly on the lower 48 states, items that were assumed to be purchased from the lower 48 for use in Alaska were treated as additions to final demand, the impact from which was presumed to accrue to the lower 48.

The impact of the development of Alaska's nonfuel minerals industry on the rest of the nation depends upon assumptions made about the use of such minerals; i.e., do they substitute for U.S. imports or do they replace mineral production in the lower 48 states? In the former case, the impact on the lower 48 states is additive to current activity; in the latter case, there is a transfer of employment, income, and economic activity to Alaska from elsewhere in the nation. Accordingly, two cases

were studied, the base case assumed that no mine output other than molybdenum replaced lower-48 production. For molybdenum, it was assumed that 80% of production replaced lower-48 production. The alternate case assumed that 80% of molybdenum, 70% of lead, and 30% of zinc replaced production that otherwise would have taken place in the lower 48 states.

The results of the analysis for the two cases for the two methods of approach, and the effect on employment (based on the 1977 ratio of \$23,000 of GNP per employee and 1967 gross output of 1.79 times GNP) are shown in Tables 4 and 5. As in the case of state impacts, the construction-period impacts are based on the average for the period 1980 through 1989, the operational impacts on the average of 1991-92. Construction-period impacts (gross output) range from \$6.1 to \$66.4 million, operational-period impacts from \$372.2 million to \$866.1 million (also gross output). The number of jobs in the construction period ranges from 148 to 1,614, and in the operational period, from 9,044 to 21,046. Those figures do not include induced impacts. If they were considered, the estimate of jobs created would, very conservatively, increase by perhaps a third, or to about 200 to 2,200 in the construction period and 12,000 to 28,000 in the operational period.

When those impacts are added to those shown previously for Alaska, the total number of jobs created in the entire United States, including Alaska, ranges from about 1,500 to 3,500 in the construction phase and 22,000 to 38,000 in the operational phase. During the 1990s, when both construction and operation will be going on concurrently, the total would be the sum of the two phases or on the order of 20,000 to 40,000 jobs. While that total is not large relative to the total U.S. work force, it represents about 0.5 percent of the current unemployment level.

Impact on Supply of Critical Imported Materials

Even though the production of minerals from the seven Alaskan mines is substantial, it is unlikely that it would have any significant beneficial effect on the nation's supply of critical imported materials. That is because, for the minerals produced by the seven mines, it is unlikely that the United States would be exposed to economic or political

Table 4

ANALYSIS OF OVERALL EFFECTS ON U.S. ECONOMY, LESS ALASKA

	<u>Base Case</u>	<u>Alternate Case</u>
<u>Construction-Period Impacts</u>		
Gross output (millions of 1977 dollars)	\$ 30.8	\$ 6.1
Value added (gross national product) (millions of 1977 dollars)	\$ 17.2	\$ 3.4
Employment (full-time equivalent jobs)	748	148
<u>Operational-Period Impacts</u>		
Gross Output	\$ 673.0	\$ 372.2
Value added (gross national product)	376.0	207.9
Employment	16,354	9,044

Table 5

DIRECT ESTIMATE OF EFFECTS

	<u>Base Case</u>	<u>Alternate Case</u>
<u>Construction-Period Impacts</u>		
Gross output	\$ 66.4	\$ 57.7
Value added (gross national product)	\$ 37.1	\$ 32.2
Employment	1,614	1,402
<u>Operational-Period Impacts</u>		
Gross output	\$ 866.1	\$ 703.4
Value added (gross national product)	\$ 483.9	\$ 392.0
Employment	21,046	17,093

blackmail by cartel suppliers whether or not there were any Alaskan production. Of course, it is possible that additional exploration may reveal deposits of other minerals in Alaska for which that is not the case.

Impact on the Balance of Payments

The Alaskan mineral production would, however, have a substantial beneficial impact on the nation's balance of payments. The precise impact is uncertain because, as noted in the discussion of impacts on the national economy, it is not clear what percentage of the Alaskan production would go to reduce net imports and what percentage would simply displace production that would otherwise occur in the lower 48. Considering the base case and alternative case described previously for the reduction of imports versus the displacement of lower-48 production, and a range of copper prices from 60¢/lb to 90¢/lb, it appears that the Alaskan mineral production would have a beneficial impact on the balance of payments of between \$700 million and \$1 billion (in 1977 dollars) per year throughout the 1990s.

Comparison with Other Arctic Regions with Similar Geology

As a check on the reasonableness of the assumed development of the mineral industry in Alaska, SRI defined areas in Siberia and Canada with similar geology and climatic conditions and examined the extent of mineral production there. In both cases, it was found that more mines were operating than the seven assumed for Alaska, even though the comparable areas are smaller. That seems to support the reasonableness of the assumed Alaskan developments. That is, once the uncertainty surrounding the ownership and status of land is removed, the example of the comparable regions indicates that a healthy mining industry will evolve, even though the area is remote and has a severe climate. The value of production from the seven Alaskan mines was found to be much higher than the value of production in the comparable regions, even though fewer mines were involved.

SCOMM

#22:11



Federal-State
Land Use Planning Commission
For Alaska

May 19, 1978

Director (210)
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

Dear Sir:

This correspondence is written to communicate our comments regarding the Bureau's discussion package for preproposed rulemaking under Sections 201 and 202 of the Federal Land Policy and Management Act and regarding the Bureau's interim management and study process for wilderness designation pursuant to Section 603 of FLPMA.

We believe that both proposals contain many excellent features and represent a careful effort by the Bureau to restructure its policies in light of the Congressional directives contained in FLPMA. Moreover, we would like to compliment the Bureau on its efforts to obtain meaningful public participation with respect to both proposals. Our comments in this correspondence relate to those areas which, in our opinion, raise problems that merit further Bureau consideration.

Inventory and Planning Proposal

Our comments are as follows:

1. While we recognize the need for flexibility in the administration of the public resource lands, we think that the inventory and planning proposal should specify in more detail the consequences of designating an area in accordance with the various categories and subcategories provided in the discussion package. Thus, in our opinion, the major uses which would be allowed or prohibited in a particular category, such as wildlife habitat, should be indicated. Otherwise, too much discretion is vested in individual BLM personnel, with the possible result that areas with similar characteristics will be treated differently. Also, the failure to specify major consequences will make the public participation process less meaningful. These matters are dealt with in greater detail in the enclosed correspondence which was transmitted to Assistance Secretary Guy Martin on May 3, 1978.

2. Recognizing that the Bureau's manpower and money are limited, we think that the inventory and planning proposal should indicate the kinds of areas that will receive priority attention - for example, areas of critical environmental or economic concern or areas of Alaska where disposal will be permitted under those public land laws which, under FLPMA, remain operative here until October 1986. In our opinion, the issue of prioritization is a major policy matter. In the absence of an explicit articulation, the public will be denied the opportunity to participate in the determination of priorities, and the Bureau's internal decision making process may be less comprehensive and systematic.
3. We recognize that the retention orientation contained in Section 102(a)(1) of FLPMA must necessarily govern future Bureau decision making, and that the retention-disposal issue probably will be dealt with in other sets of regulations. Nevertheless, we believe that the expression of Congressional policy contained in Section 102(a)(1) is so important that it should also be stated explicitly in the Bureau's planning and inventory regulations, particularly since the Bureau's historic mission was principally to dispose of Federal lands. In our opinion, the need for such an articulation of policy is especially important in Alaska, where the repealers in FLPMA do not become operative with respect to certain settlement and occupancy laws until 1986.
4. The disclaimer contained in Section 701(g)(6) of FLPMA regarding the grant of lands to the states suggests to us that the planning regulations should be explicitly related to the requirements of the Alaska Statehood Act. At present, Alaska has an unfulfilled selection entitlement of over 30 million acres. Many existing public land orders pertaining to Alaska preclude future State selection in the absence of further classification. Unlike the statehood acts of other western states, the Alaska Statehood Act permits the selection of vacant, unappropriated, and unreserved public lands, wherever located. In the absence of amendatory legislation of the type now contained in Title VIII of H.R. 39, the State's selection rights will expire at the end of 1984--well before the inventory and planning process is likely to be completed with respect to Alaska. Therefore, we believe strongly that provisions must be promulgated which will permit the State to satisfy its statutory entitlement.
5. The Commission has long believed that the intermixture of Federal, State, and privately owned lands in Alaska necessitates a cooperative approach to land use planning and management. This matter has been dealt with in a number of Commission publications, excerpts from which are enclosed for your ready reference. Within the context of the Bureau's inventory and planning regulations, we see an opportunity for the development of mechanisms designed to facilitate compatible planning and management of adjoining Federal,

State, and private lands. While the recently executed agreement between the Bureau and the State of Alaska represents a significant step in this regard, we believe that further action should also be taken. Accordingly, we suggested to Assistant Secretary Martin in the correspondence which is attached that additional steps be taken to develop compatible planning mechanisms, including the establishment of a test area where a cooperative approach can be implemented on the ground.

6. We suggest that the planning regulations contain appropriate cross-references to the review and appellate processes provided in other Bureau regulations, such as those relating to entries and other actions under the public land laws. Such cross-references would give additional notice to those adversely affected by Bureau planning decisions that a formal review process does in fact exist.
7. We believe that the regulations should define key terms and, to the maximum extent possible, should avoid the use of jargon unfamiliar to layman. With respect to the first point, we suggest that additional guidance be given with respect to the term "emergency." In our opinion, such a definition is particularly necessary, because a finding of this condition permits a short-circuiting of the planning process.

Wilderness Proposals

Much of Alaska qualifies for wilderness study and designation pursuant to criteria provided in the Wilderness Act of 1964. This situation presents unique opportunities for the protection of large areas that are currently untouched by man, but it also emphasizes the need to develop interim management and review procedures which take cognizance of the various impacts that may result from such an encompassing study process. The Commission has had a long standing interest in the designation of wilderness areas in Alaska. This interest is reflected in prior Commission recommendations to Congress, some of which have been excerpted and enclosed for your ready reference. Also enclosed for your review is a staff study which considers wilderness designation in Alaska on a comprehensive statewide basis and also sets forth some of the management and study alternatives which are available.

Our specific comments with respect to the Bureau's wilderness proposals are as follows:

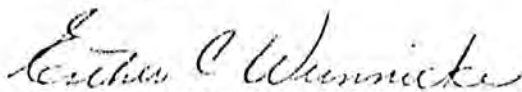
1. While we recognize that there are ambiguities in Section 603 of FLPMA, we question whether the interim wilderness management policy can restrict otherwise lawful activity on existing mining claims. Under the 1872 mining law, the holder of an unpatented mining claim has a right to increase the level of his assessment work and to make the transition from exploration to development and production. The interim policy appears to curtail this right. In our opinion,

such a curtailment which could last many years, would probably not be construed as a reasonable regulation, but rather as a taking. If so, the interim policy might well contravene applicable due process requirements.

2. We believe that the interim management policy should be better related to provisions of the Alaska Statehood Act. As now written, the policy would preclude future state selections except in areas previously withdrawn pursuant to Section 11 of the Alaska Native Claims Settlement Act. Yet, as indicated previously, the State has an unsatisfied land entitlement of over 30 million acres. While pending legislation (H.R. 39) seeks to clarify the relationship between the Statehood Act and FLPMA, prospects for passage of this bill are uncertain. This circumstance, together with the current termination date of 1984 for State selections, emphasizes the need to develop a wilderness review process which takes cognizance of the Statehood Act. While the Commission has long supported the designation or appropriated areas as wilderness, we have also been very supportive of the State's effort to fulfill its land entitlement under the Statehood Act. In the absence of appropriate regulatory provisions, selection opportunities might be lost, particularly since the wilderness proposal indicates that the study process will not be commenced in Alaska until the land ownership pattern is more certain. (A primary contributing factor to continuing uncertainty about future land ownership patterns would be an interim management policy which precludes future State selections.)
3. To the extent that a determination respecting wilderness nonsuitability involves an exercise of discretion, the wilderness study proposal should allow for the preparation of an environmental assessment or impact statement, is appropriate. While some such determinations will involve the mechanical application of the 5,000 acre criterion, others may be more discretionary in nature. For example, decisions about whether existing development should remove an area from the wilderness study process or about how to draw the boundaries of a proposed study area may not be totally mechanical.

In closing, we want to thank you for this opportunity to participate in the Bureau's rulemaking process. If we can be of any further assistance with respect to your consideration of the two proposals discussed herein, particularly as these proposals relate to lands in Alaska, please let us know.

Sincerely,



Esther C. Wunnicke
Federal Co-Chairman

Sincerely,



Walter B. Parker
State Co-Chairman

Enclosure: (1)

1. Excerpts from Commission publications
2. Commission recommendations to Congress
3. Staff Study on Wilderness

cc: Honorable Guy R. Martin
Assistant Secretary



Federal-State
Land Use Planning Commission
For Alaska

May 3, 1978

Honorable Guy R. Martin
Assistant Secretary
Land and Water Resources
Dept. of Interior
Room 6616
Washington, D.C. 20240

RE: BLM land planning regulations - suggested case study to test and evaluate planning categories.

Dear Guy:

As Esther mentioned during our discussion while she was last in Washington, the Commission believes it would be valuable both in the development of FLPMA planning regulations and in the current revision of the State land classification system to conduct a pilot study of a joint planning area, using a single set of planning categories for federal and state lands. We are writing to explain the basis of this proposal and to ask for Department of Interior participation in a sample area study.

One of the Commission's long-standing recommendations has been for the use of compatible planning and classification systems by Federal and State governments. Use of a "common language" of categories seems essential in shifting the focus in regional planning from boundaries of different ownerships to the overall character of the region. Of equal importance, the Commission believes that communication with other governmental agencies and with the public in general is greatly improved if the planning agency has a pre-established system of planning or classification categories that spell out alternative management policies for groups of compatible uses. By seeing the alternatives as a clear-cut, well defined set of categories, the public can debate the applicability of one or another category to a specific area and talk about boundary adjustments. Such categories should range from a settlement impact category, through resource development and primary use categories, to a category that would maintain the land as wilderness.

As you know, the existing BLM management framework plan system does not employ planning and classification categories, but, instead, allows the BLM district manager to decide allowable uses and management policy for

each area after considering social and economic factors and the merits of various resource policies advocated by different resource specialists. Public input is invited, but, since each area is treated individually, the public and other agencies are handicapped in their participation because the alternatives are not defined ahead of time. Without an established set of categories which has been used in many areas, it is difficult to compare management experience in one area with another and to offer comment on this basis.

The "discussion package" for the regulations seems to repeat this traditional management framework plan approach. Though the draft refers to "categories and subcategories" of public land and resource use as "general groupings of land and resource uses," it then goes on to list such categories as single uses; i.e., grazing, mineral development, timber, etc. The one exception to this orientation towards individual resource uses is a category for intensive land use for agriculture, commercial, industrial and urban expansion. As the planning process is described in the draft, there are several stages where policies for each "category," or to be more accurate, each resource, are developed. First, national policies for each use are developed. Then alternative policies for each use are defined as they would be applied to the planning area. Then, at the implementation stage, more specific management programs are developed for individual uses. In summary, under this system the Bureau develops across the board policies for individual resources, rather than policies defining a range of alternative levels and kinds of management which could be applied to different areas of the region. Without policies for various kinds of area management, the choice about the combination of permitted uses in different cases is left to the discretion of the individual manager on a case-by-case basis.

We suggest that the use of area management categories should at least be tested. This approach is common in urban and county planning and zoning where open communication with the public and similar treatment of similar situations is essential. In regulating private property, the categorical approach is a long accepted and workable method.

In discussing the use of regulatory categories with BLM officials, we frequently hear that such a system would not allow the necessary flexibility; one set of categories could not be used nation-wide. These are concerns that must be addressed, but their validity depends on the level of detail of the categories. We think that it would be possible to develop a basic set of regional categories ranging from no development to intensive development which would cover the spectrum of possibilities. The accommodation of regional variations could be achieved in the choice of applicable categories, and there should be some flexibility for preparation of specific implementation plans which would accommodate area-by-area differences. At any rate, we suggest that this different approach to Federal land planning is worth a test.

We are aware that the State Director, Alaska and the Governor are in the process of preparing an agreement for cooperative planning in accordance with FLPMA, and that the State and Federal Governments are cooperating in planning for the Federal public lands in the haul road corridor. We have reviewed a preliminary draft of the agreement and fully support these useful and constructive measures. The testing of compatible planning categories in an area where, unlike the haul road corridor, Federal and State ownership is intermixed would be a step towards implementing the general directives for cooperation included in the pending agreement. We feel it is a step that should be taken now before the BLM land planning regulations are finalized.

The State of Alaska is in the process of revising its classification system and has offered to participate in a case study of joint classification in areas where State lands are intermingled with Federal lands. The Commission is willing to serve as the coordinator of such a project, developing a program, suggesting an area of mutual Federal and State interest, and working with Federal and State personnel to draft a preliminary set of categories which could be tested in the case area.

If the BLM participates, we would like to involve personnel who would be directly involved in drafting the regulations. The point of the study should be to give the regulatory drafting process a basis of objective experience. With adequate preparation before the case study, only several days in Alaska would be required. Would the BLM be willing to participate in such a project? And, if so, what time frame would be workable from your point of view?

Sincerely,



Esther C. Wunnicke
Federal Co-Chairman

Sincerely,



Walter B. Parker
State Co-Chairman

cc: Curtis V. McVee, State Director
Alaska Bureau of Land Management

REPORT OF THE

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

COOPERATIVE PLANNING, MANAGEMENT, AND ORGANIZATION

With some five years of first hand experience, the Joint Federal-State Land Use Planning Commission for Alaska remains concerned about Federal-State, intra and interagency cooperative planning and management that occurs in Alaska. After staff work, investigation by a subcommittee, and intensive outside review, the Commission, at its meeting of September 15 and 16, adopted the following recommendations.

The discussion of the recommendation is divided into four parts. First, the basic reasons for cooperative planning and management; second, the reasons for a joint Federal-State commission; third, the powers; and fourth, the organization that such a commission would have. An appendix has been added to the report which translates the Commission recommendation into legislative language. A bibliography is also attached.

I. Reasons for Cooperative Management

Basic reasons for cooperative planning and management in Alaska include:

1. There is a continuing State-Federal relationship. This did not begin and will not end with the disposition of the d-2 lands.
2. The land ownership pattern in Alaska is growing evermore complex as a consequence of the implementation of the Alaska Statehood Act and the Alaska Native Claims Settlement Act. Lands owned by the Federal government, the State, Native corporations, and other parties lie adjacent to each other in tracts of varying size which do not necessarily follow rational boundary lines. This intermixture of land ownership can easily jeopardize prudent management. A systematic approach to resources which are similar but owned by different parties must be initiated to insure consistent and complementary management.
3. Private and State lands may be the essential buffer zone for certain of the more sensitive areas in Federal control. In other cases, the Federal government will own and regulate the mountain tops while the valleys are in State control, or the Federal government will have the wild and primitive areas while State lands will contain the people. Cooperative management is essential to protect the commonality of interest and to protect the national interest.

4. Resources have been divided by mixed ownership across the surface of the land, and between the surface and subsurface. The State, for example, owns the bed of navigable waterways and tidelands, while the water column within the Federal withdrawals will be controlled by various State and Federal regulations and may be subject to claim under the Federal Reserve Water Rights Doctrine. Ownership of the land surface and the underlying minerals may also be split between private owners and Federal agencies.
5. Migratory wildlife, e.g., caribou, waterfowl, etc., require extensive habitat that will occur on all land ownerships. Habitat must be maintained, and movement must remain free if these species are to survive.
6. Even if parks or refuges are contained ecosystems to the extent possible, there will be elements of the ecosystem that cannot be contained in area boundaries. Protection of entire ecosystems, and the full use of new knowledge about those systems will require extensive cooperation.
7. Issues may have a local significance but are actually regional, statewide or national, and they must be approached from that perspective. These include: (a) Outer Continental Shelf programs; (b) Coastal Zone Management; (c) international fisheries management; (d) marine mammals; (e) energy development; (f) fish and game management; (g) transportation; (h) wilderness study; (i) research; and (j) information systems.
8. The social, economic, and land use interweave is more fundamental in Alaska than in states with a more developed infrastructure. Any change can have an effect across the State.
9. National parks will become destination points for tourists. The State will be called upon to provide access and other infrastructure outside the parks. Close coordination and planning will be necessary to permit the State to provide these services without harmful impacts.
10. Ownership of land in Alaska is concentrated in government and corporate hands. Thus, there is no "grass roots" force to develop means of cooperation.
11. There are extensive federally owned areas in Alaska which remain largely in their natural state, and have natural values that are clearly of national importance. Nonrenewable and renewable resources found on these lands are largely unevaluated, and their possible importance in meeting future national and international needs for energy, minerals, wood

fiber, and food cannot be accurately estimated at this time. The existing Commission has recommended this area be placed in a new classification called Alaska National Lands. Decisions regarding these lands must be made cooperatively, within a national context over time.

12. Land exchanges between Federal and State governments or between governments and Native corporations may offer a viable solution to certain problems. Cooperative planning is needed to provide the broader perspective to undertake such exchanges.

II. Reasons for a Federal-State Commission for Alaska

The trend in Federal programs over the last 15 or so years has been toward greater State-Federal cooperation. Many programs or statutes permit or require cooperation, including Coastal Zone Management, Sikes Act, BLM Organic Act, etc. These and earlier programs such as the river basin commissions have had degrees of success or failure for various reasons. The new joint Federal-State commission in Alaska is designed to enhance the national interest and is particularly important for the following reasons.

1. Alaska is unique in being a one-state region as well as a state in which few land use patterns are set. Alaska offers an opportunity to attempt a vital, close, and unique effort in State-Federal cooperation. Thus, State-Federal cooperative planning and management may be evaluated in isolation from problems which emerge from multistate jurisdictions.
2. A joint Federal-State activity will provide a mechanism to which both the Federal (President, Secretary of Interior, Congress, etc.) and the State government (Governor, Fish and Game Commission, Legislature, etc.) may relate and which will institutionalize communications between the many interests.
3. Many of the decisions to be made in Alaska are too important, too big to be made within the mission of a single agency or even department. A joint commission will provide an umbrella agency allowing a nondepartmental, cross-functional area review, and a joint planning and coordination that must occur.
4. The existing record of many agencies in cooperative management is simply not very good. There are tools in existing laws which may be used in cooperative planning and management, but each lacks a third party, a motivating force to insure that dialogue takes place, and, as appropriate, is acted upon. A joint Federal-State commission provides both the vehicle; stimulating Federal-State, interagency, and interdepartmental cooperation in and across functional areas such as transportation and fish and game, and energy and parks, and a means of unifying diverse elements into a coherent whole.

5. One of the major functions of any commission is to provide a public forum for the direct expression of ideas so issues and problems may not be hidden or ignored by line agencies.
6. State participation on the commission will also insure a meaningful State role in the governmental interface with Alaska citizens. In the absence of such participation, the Federal government would interact alone with private citizens, and many State responsibilities and regulatory approaches could be overlooked in the process. As a consequence, a traditional adjunct of American federalism might be jeopardized.

Should the State of Alaska decide not to join in a Federal-State effort, the Land Use Planning Commission recommends that a Federal commission be established which would coordinate Federal activities with particular emphasis on Alaska National Lands and such functional areas as transportation, fish and game management, research, information systems, and wilderness studies.

III. Powers

In order to carry out its intergovernmental, interagency, cooperative planning and management role, the Commission will need a certain limited range of powers.

"Donation" or "Matching" of Lands

Before proceeding with the discussion of "Powers," it is important to note that neither Federal nor State government is giving up, contributing, or donating land. Each is delegating only a portion of its regulatory authority and that subject to a veto by designated officials of the respective governments.

Joint Classification Areas

When land transfers are completed, there will be intermingled Federal, State, and local governmental and private ownership of numerous areas with key natural resources. Whether the public interest is best served by protection of natural values, by the development of needed resources or an appropriate blending, cooperative planning will be essential. With coordination, Federal, State, and private interests can all be served more compatibly; without it, conflicts may be aggravated and all interests frustrated. In those key areas, called Joint Classification Areas or JCAs, where the various interests are similar or complementary, land classification should be conducted jointly by the proposed Federal-State commission. General authority could be granted by Congress and the Alaska Legislature to the commission as part of its comprehensive planning function to identify JCAs and to classify the land.

JCAs would not encompass lands within or recommended as additions to the existing Federal land management systems. The State may also have sound reasons for reserving exclusive control over certain lands, and these would not be incorporated in JCAs. The prerogatives of the different governments should be further preserved by giving each government veto power within its sphere of ownership over joint commission classifications.

Private Lands

Cooperation of private landowners with the State and Federal government will be important in many areas. The commission should have the authority to include private lands in JCAs with the consent of the landholder.

Alaska National Lands

The existing Commission has recommended that Congress establish a new classification system to be called Alaska National Lands. Units of these lands are to be under the day-to-day management of one of the existing Federal agencies, but the Commission would be empowered within guidelines established by Congress to classify these lands. Even if Congress does not create Alaska National Lands, the other powers in this section will be needed if meaningful State-Federal cooperative planning and management is to become a reality.

Should Congress not establish the Alaska National Lands classification, there will remain a demanding need for a joint classification authority to work with JCAs.

Advisory Duties

The new commission should be empowered to continue the advisory functions of the present Commission. Specifically, the commission should be authorized to make recommendations to appropriate officials of both governments with respect to:

- ways to improve coordination and consultation in wildlife management, transportation planning, wilderness review, informative systems, research and other activities requiring regional or statewide coordination.
- programs and budgets of Federal and State agencies responsible for administration of public lands in Alaska.

Should an agency elect not to follow a commission recommendation, that agency shall, within 30 calendar days from the date of receipt of the recommendation, provide the commission a detailed, written report stating in full the reasons for rejecting the recommendation.

Operating Procedures

To avoid the complications of two sets of regulations, State and Federal, which differ, the commission should be authorized to establish its own personnel, property, procedural, etc., rules and regulations.

IV. Organization

Commission Structure

After discussion of several alternatives, the Land Use Planning Commission recommends the following structure for a future commission.

1. The commission should be created for a period of 10 years. This time frame will permit the general land ownership pattern to be set or certainly to become less fluid, and will provide the time for a number of important decisions to be made. While it is unlikely that the need for cooperative planning and management will decrease during this time, a congressional review should be provided for by statute to occur during the eighth year of the commission's work. This review would cover the first seven years of experience, would redirect the commission's work if necessary, and would recommend whatever actions are deemed appropriate upon expiration of the commission's mandate two years later. Thus, the commission would have a built-in "sunset" provision.
2. As indicated under Powers, there is to be a Federal veto over actions affecting Federal lands, and a similar veto provision for State lands. As actions move from the purely advisory mandate of the existing Commission to the classification authority of a new commission, the veto power should reside with the President and Governor. In the event of a veto, the appropriate official shall provide concurrent with the veto a written report stating in detail the reasons for such action.
3. The commission would consist of ten members, all of which would serve at the pleasure of the appointing official. The President would appoint a full-time Federal co-chairman, and four part-time commissioners.

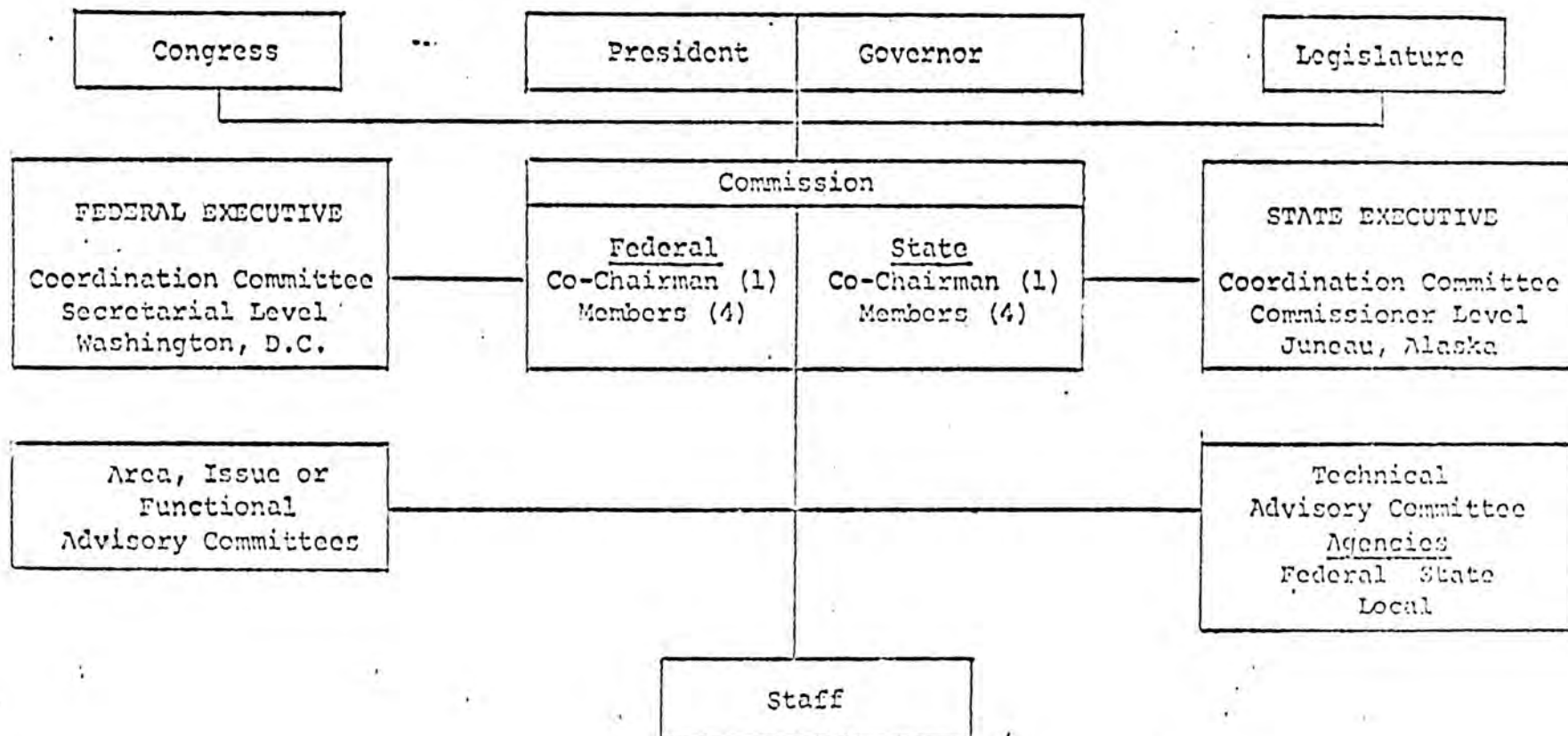
An equal number of commissioners, including a full-time co-chairman, would be appointed by the Governor.

Qualifications for Federal members should be established, if possible, which will insure a national perspective. State member qualification should be established by State statute. With respect to both Federal and State members, the subcommittee recommended that appointments not be ex officio or institutional, i.e., State commissioners or Federal department

or agency heads. It was also recommended that appointments not be representatives of special interest groups. The subcommittee felt that special interest representation tends to institutionalize conflict rather than contribute to problem solution.

4. In all matters, the commission should be authorized to advise and work directly with the President, Governor, Presidential and Gubernatorial appointees, Congress, and the Legislature.
5. The commission should have a standing Technical Advisory committee consisting of the heads of Federal agencies with land related responsibilities in Alaska and their State counterparts. Other advisory committees or task forces should be appointed as needed on either an area, issue, or functional basis.
6. In order to assure a mutual understanding of joint problems, to develop common policy, and to insure that plans are implemented in the field, a Federal Executive Coordination Committee should be established in Washington at the Secretarial level. This committee would meet periodically in order to coordinate those programs and functions of their respective agencies which could affect administration of the lands and waters in Alaska.
7. A State Executive Coordination Committee should be established at the commissioner level by the Governor as the State's counterpart to the Federal Committee. This Committee would also meet periodically to coordinate those programs and functions wherever necessary to insure successful cooperative planning and management, and which interface with Federal lands and interest.
8. The commission's budget should be funded one-half by each government.

JOINT FEDERAL-STATE
COOPERATIVE PLANNING AND MANAGEMENT



SELECTED BIBLIOGRAPHY

- Barton, Waldon V. Interstate Compacts in the Political Process.
Chapel Hill: University of North Carolina, 1965.
- Council of State Governments. The Directory of Interstate Agencies.
Lexington, Kentucky, 1976. (See attachment.)
- Darst, Martha. Between State and Nation. Washington, D.C.:
Brookings, 1974. Chapter 8.
- Hanks, Eva Hanna. "Peace West of the 93th Meridian--A Solution to
Federal-State Conflicts Over Western Water," Rocky Mountain
Mineral Law Review, Vol. 7 (Fall 1969), 105-135.
- McKinsey, Lauren S. and Louis D. Hayes. "Regional Energy Development
in Comparative Federal Systems: The Case for the Future of Montana
and Alberta," Missoula: University of Montana, April 1974, p.6.
- Martin, Roscoe C. et al. River Basin Administration and the Delaware.
Syracuse: University Press, 1960.
- U.S. Advisory Commission on Intergovernmental Relations. Multistate
Regionalism. Washington, D.C., 1972. (This book useful for descrip-
tion of joint commissions. The principles could apply to a single
state joint commission as well as to multistate agencies.)
- Warren, Robert and Geoffrey Wandesforde-Smith. A Comparative Analysis
of American and Canadian Governmental Arrangements for the Develop-
ment of Regional Water Policy in the Columbia River Basin. Seattle:
University of Washington, Department of Political Science, 1970.

A FEDERAL-STATE ENTITY

1. Statement of Issue

Should such an entity be created? If so, what should be its makeup and authority?

When land transfers under the Alaska Native Claims Settlement Act and the Alaska Statehood Act are complete, Federal, State and private land managers, particularly Alaska Native corporations, will own lands in every region of Alaska. With the expiration of the Joint Federal-State Land Use Planning Commission there will be no continuing, formal entity in which Federal and State governments participate.

2. Background

It will be some time before land ownerships and management regimes in Alaska are finally established. At present there is need to reduce the present over-selection of Native lands in some regions. Also undetermined at this time is the location of the remaining 35-million-acre selection entitlement of the State of Alaska which need not be completed until 1984. Another element of uncertainty is the determination of the navigability of inland lakes and streams. This factor, alone, may result in significant State ownership of submerged lands within the d-2 lands now under consideration.

The policies, management objectives, and management authorities of the Federal land managing agencies differ. There are also differences among State land and resource managers, to say nothing of differences between public land managers and Native corporate land managers.

The land ownership patterns themselves often do not follow natural or ecological boundaries. Many of the resources, particularly wildlife, migrate from one ownership or one management unit to another irrespective of boundaries.

With few exceptions most Federal lands in Alaska are areas of concurrent jurisdiction between the Federal and State governments with respect to the exercise of the police power of the State. With liberal construction by the courts of the delegated powers of the Federal government and the provision in Article VI of the United States Constitution that the laws of the United States made in pursuance thereof are the supreme law of the land, and the further power of the United States Government under Article IV of the Constitution to enact laws dealing with Federal lands, as recently exemplified in the case of New Mexico v. Kleppe, there is

continuing potential for conflict between Federal and State regulatory and managing authorities.

As pointed out in the paper on cooperative management there are many cooperative agreements between Federal agencies and often between Federal and State agencies dealing with a single subject-matter or a single geographic area. The structure of the Alaska State government allows coordinative effort through the Division of Policy Development and Planning and various cabinet level task forces appointed for specific issues. The ability of the Federal government to coordinate activities at the Washington level is less apparent.

If Congress creates an entity classification of designated Federal and State lands whose management and land use may be closely inter-related could be delegated to it. There may also be need to place some lands under the management of such an entity.

3. Alternatives

- a. Create no entity and rely on existing coordinative tools leaving classification and management to each government and designated agencies within it.
- b. Create a Federal entity in Alaska with a corresponding entity at the national level to coordinate land use planning and management of Federal land managers in Alaska. (An entity similar to the Presidents Review Committee which was established in Washington, D.C. when the Federal Field Committee for Development Planning in Alaska was established in Alaska could be proposed.) Rely upon a similar state body for corresponding coordination of planning and management of State lands and the regulation of private lands.
- c. Create a Federal-State entity to provide planning and policy direction for Federal and State land classification and management in any of a number of combinations.
 1. Lands. Place designated Federal and State lands under the new entity. These could include:
 - o the so-called fifth system Reserve lands designated by Congress out of the present d-2 withdrawal lands,
 - o some or all of the remaining Federal lands now under
 - o lands to be designated by the State.
 2. Authority. The entity could be granted authority;
 - o only to plan and coordinate;
 - o only to classify lands under its mandate;
 - o to designate managers and provide management guidelines,
 - o to manage designated lands or any combination of these authorities

3. Composition. The entity could be limited to Federal and State representation or could provide for representation by representatives of local governments or Native corporate landowners. It can be a large or small Board or Commission with staffing dependant upon its delegated authority and responsibility. Because of the sovereign nature of the Federal and State landowners a veto perhaps should be provided with the Federal government holding a veto power over actions affecting Federal lands and the State government holding a veto power over actions affecting State lands.

A FIFTH SYSTEM

1. Statement of Issue

Is there a need to create a new land classification and/or management agency in Alaska?

In addition to lands which unquestionably meet the criteria for inclusion as Alaska units of the National Park, National Wildlife Refuge, National Forest and Wild and Scenic Rivers systems there are other Federal lands of national interest which do not readily fit within existing systems.

2. Background

Three nationwide management systems -- National Park Service, U. S. Forest Service, and U. S. Fish and Wildlife Service -- are named as potential managers of the d-2 lands. The fourth system -- Wild and Scenic Rivers -- is not a management but a classification system which takes its management from the adjacent land manager. Each of the agencies has some classification authority for the lands under its jurisdiction, as well as the full proprietary authority of the Federal government over lands owned by it. Each may have areas within a management unit designated wilderness areas under the Wilderness Act.

The National Park Service classified lands within national parks into natural, historic and recreational categories. National Park "natural areas", exemplified in Alaska by the present Mount McKinley National Park and Katmai and Glacier Bay National Monuments, are managed to place primary emphasis on the preservation of natural features, and use or management conflicts are resolved in favor of the protection of natural, scenic, wildlife or historical values. In Park Service "natural areas" mining and hunting are not allowed.

The U.S. Forest Service manages under concepts of multiple use and sustained yield allowing mining under the 1872 Mining Law and hunting with seasons, bag limits, methods and means of harvest set by ADF&G. Forest Service lands in Alaska, are also subject to the 400,000-acre selection entitlement of the State of Alaska under the Alaska Statehood Act.

The U.S. Fish and Wildlife Service is dedicated to wildlife conservation and rehabilitation. Uses compatible with this primary objective may be permitted including mineral leasing, hunting, fishing and trapping, for example. Basically all such acts are prohibited unless permitted. D-2 refuges will be created by Congress and not by Executive Order, as those in Alaska in the past have been. The Federal-State relationship with respect to resident game management is a major issue with respect to placing additional large mammal habitat areas under Fish and Wildlife Service management.

The effect of designation of a Wild and Scenic River depends upon which of three categories is used. Wild Rivers are to be free of impoundments with rivers essentially in a primitive state and inaccessible except by trail. Scenic rivers are also free of impoundments and largely primitive but accessible in places by roads. Recreational rivers are accessible by road or railroad many have some development along their shorelines, and may have undergone some impoundment or diversion in the past. Of chief concern to Alaska is the effect of this classification upon hunting, fishing and other subsistence activities, as well as the use of rivers for transport.

The Bureau of Land Management has interim managing authority over the d-2 lands, those withdrawn for Native selection, surface management of NPR 4, and Federal lands withdrawn for classification - the d-1 lands. The recently passed Federal Land Policy and Management Act of 1976 confirms BLM management on the basis of "multiple use and sustained yield" unless otherwise specified by law. The general policy of the Act also directs retention in Federal ownership in most instances. However, the repealer of the homestead laws, for example, in the rest of the nation does not apply in Alaska for ten years. Mining on BLM lands is conducted under the 1872 Mining Law, and seasons, bag limits, methods and means of harvest for hunting are set by ADF&G. BLM's new organic act gives the agency enforcement and closure authority on lands under its jurisdiction.

With the denial of some uses or the ability to prohibit all uses unless they are compatible with the wildlife values to be protected, the National Park Service and the U.S. Fish and Wildlife Service are able to provide the intensive management to critical areas of apparent national interest value. Neither service's management, however, is flexible enough to allow it to respond to multiple demands for land use.

In addition to lands which unquestionably meet the criteria for inclusion as Alaska units of the National Park, National Wildlife Refuge, National Forest and Wild and Scenic Rivers systems, there are other Federal lands which:

- are in Federal public ownership
- contain natural scenic values
- contain wildlife habitats
- contain geological, botanical, zoological, ecological, archaeological, or historical features
- minerals, timber, range or other commercial, valuable resources
- have significant relationship to adjoining state or private landholdings necessitating area-wide planning

3. Alternatives

- a. Place all lands in d-2 withdrawals in one of the conservation systems - National Parks, Wildlife Refuges, Forests or Wild and Scenic Rivers.
- b. Place Federal lands not included in one of the conservation systems into d-1 category for classification by the Bureau of Land Management. After proper classification disposal may be made through:
 - i. selection by the State of Alaska under the Statehood Act
 - ii. application of the 1872 Mining Law or the Homestead Act and other public land laws which apply in Alaska for ten years.
- c. Place Federal lands not included in one of the conservation systems in a Federal land reserve category under management by the Bureau of Land Management under the organic Act. The Reserve status would:
 - i. prohibit disposal by State selection
 - ii. prohibit disposal under the public land laws.
- d. Restructure an existing agency, or create a new Federal agency, with classification and management responsibilities for all, or most, of the d-2 lands.
- e. Create a new classification entity:
 - i. with land management authority in classification entity
 - ii. with land management delegated to an existing "line" agency
 - iii. establishment by Congress of basic management rules within which classifications must occur
 - a. such as a permit and lease system for mineral exploration or development
 - b. a lease system for grazing or farming
 - c. transportation planning and environmental analysis
 - iv. establishment of basic rules by the classification entity

(for more detail on management systems see Management Systems background paper.)

COOPERATIVE MANAGEMENT

1. Statement of Issue

Should Congress use the d-2 bill to promote cooperative management between adjoining public and/or private landowners in Alaska?

It has been suggested that the bill used to resolve Section 17(d)(2) of the ANCSA could also be used to promote cooperative management between State, Federal and even private landowners in Alaska. The need for strong cooperative management has been enhanced by the complex pattern of land ownership arising under ANCSA and the Statehood Act. This pattern increases the possibility of conflicts between land managers, particularly in regard to wildlife management. Habitat protection offered by a single land manager will often not be enough to protect a wildlife resource unless other land managers are willing to cooperate in this effort.

2. Background

a. Existing Federal Law

Federal law aimed at fostering cooperation among land managers includes the Coastal Zone Management Act, the Water Resources Planning Act, and the Sikes Act. The Sikes Act is probably most relevant to this discussion.

Under the extension to the Sikes Act (P.L. 93-452), the Secretaries of Interior and Agriculture are required "to develop...conservation and rehabilitation programs to be implemented on public lands under [their] jurisdiction...." Parks and refuges are excluded from this provision. The programs are required to be developed in consultation with State agencies and must be consistent with any overall land use and management plans. The Act also specifically allows the State agency administering fish and game laws to voluntarily enter into a cooperative agreement in respect to each conservation and rehabilitation program. The agreements are required to address several points including habitat improvements, range rehabilitation, threatened and endangered species, and off-road vehicles.

b. Existing State Law

The Alaska Statutes authorize the Commissioner of Natural Resources to enter into "cooperative resource management or development agreements." They also authorize the Commissioner of Fish and Game to enter into agreements concerning fish and game management. In establishing the authorization concerning resource management, the intent of the Legislature is worth noting:

"The legislature recognizes the changing resource ownership patterns and increasing complexity of natural resource management and development in the state and the reality that use and enjoyment of land and resources by one possessor or owner may significantly affect rights of other adjacent or remote possessors or owners. It is the intent of this Act to clearly authorize the state to enter into cooperative resource management or development agreements when in the state and public interest, and under specific guidelines designed to protect the public and state interest."

3. Alternatives

There are two approaches that could be used to promote cooperative management. One would simply make it attractive for adjoining, but distinct land managers to enter into voluntary cooperative agreements. This is the traditional approach.

The other would place certain lands directly under the classification or management authority of an agency representing varied interests. This would involve creation of a fifth system.

Specifically, the d-2 legislation could be written to do any or all of the following:

- a. It could endorse the creation and implementation of voluntary cooperative agreements. Guidelines for such agreements could be designated within the legislation, or the authority for establishing guidelines (and promoting passage of agreements) could be given to some type of cooperative agency.
- b. Legislation could establish a clearinghouse-type procedure. Management programs of individual agencies having implications for other land managers would be submitted to a cooperative agency for distribution and comment. The agency itself could even be charged with review responsibility. Participation of land managers in the clearinghouse could be mandated within the legislation or tied to budgetary purse strings.
- c. Legislation could designate certain lands directly under the authority of a cooperative agency representing Federal and State and perhaps private interests.

If the final d-2 legislation contains provision b or c above, it will also need to identify lands subject to the provision. The following approaches could be used in identifying such lands:

- a. The legislation (and companion State legislation) could make all Federal, State and voluntary private land owner/managers in Alaska subject to the cooperative provision.

- b. The legislation (and companion State legislation) could designate certain boundaries within which all Federal, State, and voluntary private land owner/managers would be subject to the cooperative provision.
- c. The legislation (and companion State legislation) could designate certain classes of Federal and State lands in Alaska which would be subject to the cooperative provision.
- d. The legislation (and companion State legislation) could make those lands disposed of within the legislation and designated State lands subject to the provision.

Institutions and Procedures

Most of the recommendations in this section pertain to institutions and procedures that would facilitate cooperative and compatible land planning and management by the major landowners in Alaska. These institutions and procedures would serve to bring different owners together to consider land planning issues that cut across separate ownership boundaries. Other recommendations for land exchange and State land selection propose ways of allocating land ownership so that the character of the land suits the primary interests and purposes of governmental landowner. By facilitating complementary and compatible land management, the institutions and procedures outlined in this chapter would serve to implement the total State planning framework recommended in the first section of this chapter.

Joint Planning Body

An ongoing Federal-State Planning Commission should be established in Alaska to provide continuing joint Federal-State planning and policy direction for the lands of Alaska. A review of the most appropriate structure and procedures for such a body should be undertaken.

Alaska's land will soon be divided into 10-15 million acres owned by the State, nearly 44 million to Alaska Natives and approximately 227 million acres remaining to the United States. Each of these categories will have ownership or administrative divisions. With the expiration of the Joint Federal-State Land Use Planning Commission in June, 1979, no formally constituted mechanism will exist which can take an overview of both intergovernmental (State-Federal) land use relationships and inter-bureau, departmental or agency relationships.

A continuing Commission could provide the framework for statewide planning, described in the first section of this chapter, and could serve to bring State and Federal policy makers together in the determination of land use issues involving both levels of government. In these capacities, the Commission could assist in minimizing duplication and maximizing the effectiveness of various planning efforts, and could advise decision makers at executive, legislative and line management levels as appropriate.

A review of the Councils of Governments, River Basin Commissions, this Commission and other efforts should be undertaken so that the best available mechanism could be utilized.

Compatibility of Classification Systems

State and Federal land managers should use similar or compatible categories for land planning and classification.

Use of the same or compatible land categories by State and Federal land managers would facilitate areawide planning encompassing lands owned by both levels of government. For the same reason, large private landowners as well as municipalities should be encouraged to employ land planning categories which, as far as possible, are compatible with a unified State and Federal system.

Implementation of this recommendation will require a revision of the State classification system and the development of a Federal classification system for use in d-1 withdrawals. The two systems should be drafted cooperatively. As is discussed in Part III, the Commission plans future work and recommendation on this subject.

Land Disposal and Retention

Generally, Federal landholdings located in Alaska should be retained in public ownership, and State and municipal lands should be regarded as the principal sources of public land needed for disposal.

As a consequence of the land selection rights granted to the State of Alaska and to Native corporations in the Alaska Statehood and Settlement Acts, respectively, much of the remaining Federal land will be located in remote areas which are unsuitable for intensive use. Some of this land is already withdrawn for special purposes, such as parks and wildlife refuges. Other Federal lands have been recommended pursuant to Section 17(d)(2) of the Settlement Act for permanent retention in Federal ownership as parks, wildlife refuges, national forests, and other management units. In addition, certain Federal lands which might otherwise be suitable for private use are withdrawn for other federal purposes, such as military reservations.

On the other hand, the State of Alaska has selected a significant portion of its land entitlement under the Statehood Act with a view toward making lands available for settlement and other private uses, and to providing nearby public recreation lands which will accommodate recreation demand generating from settled areas. Already, the State and municipal governments have conveyed land to private parties. In addition, much of the land which will be conveyed to Native corporations under the Settlement Act is in low-lying riverine and coastal areas, and is well suited for habitation and other settlement uses.

With these factors in mind, the Commission recommends that most of the Federal lands in Alaska be retained in public ownership. Proposed disposals should occur only after careful planning and classification of the lands involved. To facilitate these objectives, the

regulations which are subsequently promulgated by the Department of the Interior to implement Section 17(d)(1) of the Settlement Act should carefully delineate the criteria and procedures which will be utilized in making retention and disposal decisions.

Though State and municipal lands will remain as the principle source of public lands which may be needed for private settlement, disposal for this purpose should occur only where it conforms with a comprehensive land use plan for the surrounding area and meets a clearly identified need for private use and development of the land. The planning and classification process through which lands for settlement purposes are designated should also result in the designation of State and municipal public recreation lands in locations that will be readily accessible to settled areas. Commission recommendations on State land planning, classification and disposal policy are covered in recommendations set forth below.

Land Exchanges

(a) The Federal government, the State, and interested Native corporations should develop criteria and procedures to facilitate future land exchanges; (b) the State should enact legislation authorizing land exchanges for other than equal appraised fair market value, subject to appropriate restrictions; (c) the Federal government and the State should examine the advisability of amending Section 6(i) of the Alaska Statehood Act to permit the State to convey both the surface and mineral estates in an exchange; and (d) except where warranted by special circumstances, the surface and subsurface estate should not be separated and, where possible, previously separated surface and subsurface estate should be recombined.

The land ownership pattern in Alaska is growing ever more complex as a consequence of the implementation of the Alaska Statehood Act and the Alaska Native Claims Settlement Act. Lands owned by the Federal government, the State, Native corporations, and other parties lie adjacent to each other in tracts of varying size which do not necessarily follow rational boundary lines. This intermixture of land ownership often jeopardizes prudent management and use. In recognition of the possible need for future land adjustments, Congress enacted Section 22(f) of the Settlement Act, which authorizes certain Federal agencies to exchange lands with the State, Native corporations, and others. This section was recently amended to permit land exchanges for other than equal appraised fair market value upon a finding that the public interest would be served by such an exchange. In addition, the amendment allows the State to exchange mineral rights with the Federal government without violating the Statehood Act prohibition against the alienation of such rights.

With this background in mind, the Commission recommends that the Department of the Interior and other affected Federal agencies promulgate the regulations needed to implement Section 22(f). The promulgation of such regulations would enable the Federal government to initiate negotiations respecting particular land exchanges designed to improve ownership and management patterns. In addition, the regulations, by providing criteria and procedures, would give guidance to parties desiring to exchange lands with the Federal government.

The criterion of equal appraised fair market value has traditionally been included in Federal and State exchange statutes, and it works well where land values can be readily determined through appraisal. This standard breaks down in the Alaska context, however, because the paucity of comparable land sales in many rural areas, the vast acreages involved, and other factors often make it impossible to use standard appraisal methods.

Accordingly, we recommend that the appropriate State official be authorized to execute land exchanges for other than equal fair market value where the appraised value of the properties to be received by the State, together with the nonmonetary value of other public benefits, equals or exceeds the value of the properties which the State will relinquish. To avoid abuse, the Commission further recommends that any subsequent legislation provide an opportunity for the Legislature to disapprove such exchanges within a specified period (but not exchanges based on equal appraised value). In addition, we suggest that subsequent legislation require identification of the lands and other consideration involved in an exchange before the exchange is consummated. Such legislation should also provide, among other things, for a written statement of the basis for an exchange, agency coordination and consultation, public notice and hearings, and the protection of valid existing rights.

The prohibition against the State's alienation of mineral rights was included in the Statehood Act at a time when the lack of revenues and other factors led some to conclude that the State might barter away its mineral wealth. Whether or not such a conclusion was valid then, the situation has changed markedly since. The State is now a viable economic entity, with a large land base and a growing economy. In addition, the State has established the administrative infrastructure and legal framework necessary to manage vast acreage in a prudent manner. Of special relevance here, the restriction against transfer of mineral rights would appear to make well conceived land exchanges more difficult. Thus, except with respect to exchanges in which the Federal government would receive the minerals, the State is now required to use the Secretary of the Interior as an intermediary (an approach which is fraught with difficulty), to convey only the surface estate, or to forego certain trades altogether. None of

these alternatives is satisfactory, for the need to consummate two-party land exchanges is clear, and prior experience in other parts of the country shows the detrimental consequences resulting from divided ownership of the surface and mineral estates.

Accordingly, assuming State concurrence in order to avoid problems arising from a unilateral amendment of the Statehood Act, we believe that Congress should consider amending Section 6(i) of the Statehood Act to permit the State to convey both the surface and mineral estates in land exchanges not involving the Federal government. Any such amendment should be accompanied by State legislation which requires the appropriate State official to convey or receive both the surface and mineral estates, except where a prior separation of ownership or other special circumstances dictate a contrary approach.

Facilitating State Selection

The Federal government and the State of Alaska should each take the steps necessary to enable the State to complete its selection of the land entitlement granted in the Alaska Statehood Act.

The State of Alaska has yet to select approximately 35 million of the 103.5 million acres of land entitlement granted in the Alaska Statehood Act. The deadline provided in the Statehood Act for completion of the selection process is 1984. Various factors currently preclude the State from making selections in all but a few areas.

The Department of the Interior has not yet begun to classify the "public interest" lands currently withdrawn under Section 17(d)(1) of the Settlement Act. The relevant public land orders contemplate classification prior to State selection of lands located outside of areas withdrawn for possible Native selection. Within Native withdrawals, Section 17(d)(1) permits the State to select lands not chosen by Native corporations. At the present time, however, a public land order precludes any State selections within Native withdrawals until October 1, 1976, and many Native corporations have selected far more land than they are entitled to receive under the Settlement Act. Uncertainty about the final disposition of the "national interest" lands currently withdrawn under Section 17(d)(2) of the Settlement Act also affects the State selection process. While the State is permitted to "identify" such lands for selection, no selection applications can be processed until Congress has had an opportunity to determine whether the land involved should be retained in Federal ownership. Other factors, including the selection rights granted to the Cook Inlet and Sealaska Regional Corporations in the recently enacted amendments to the Settlement Act, will affect future State selections.

With this background in mind, the Commission recommends that the Department of the Interior promulgate necessary regulations and begin the process of classifying the "d(1)" lands not encompassed within Native withdrawals. In order to ascertain priorities and selection patterns, the Department should augment its dialogue with Native corporations which have selected much more land than they will receive under the Settlement Act. Implementation of these recommendations would facilitate State selections in certain areas which have not been proposed for retention in Federal ownership and which otherwise seem appropriate for such selection.

At the same time, the State should complete its efforts to formulate criteria governing the placement of future selections, for such criteria will enable the State to develop the comprehensive overview necessary to make prudent choices. In addition, the State should examine relevant legal principles and other considerations in order to determine the likelihood of ultimately obtaining certain categories of land which it might desire to select.

To the maximum extent possible, the Federal government and the State should cooperate with each other and with affected Native corporations to facilitate the State and Native selection processes. If such cooperation does not occur, the ability of the State to make selections will be adversely affected, and the final pattern of Federal, State, and Native land ownership may not be as rational as it otherwise might be.

Developing State Land Selection Policy

State land selections should be guided by a statement of land selection policy developed after full opportunity for public review and comment.

Making selection decisions requires a combination of (a) factual information about the nature of the land and (b) public policy about the values of land to the people of the State. To develop the public policy component of selection decisions, it is recommended that the State, with the participation of the Commission, draft a list of purposes for State land selection, ranking these purposes in order of their estimated importance. Public review and comment on the proposed draft should be elicited through a series of public hearings.

Adoption of a final policy statement of selection purposes and priorities, perhaps through legislative resolution, would provide the basis for a systematic means of ranking proposed land selections. With the policy statement, factual information about characteristics of the land in the proposed selection areas could be evaluated in relation to State purposes and priorities.

ALASKA LAND VALUES

Preface

This chapter presents basic information about Alaska's natural values and renewable and nonrenewable resource values. Natural values of potential national interest have been identified in a statewide context, as have the State's resources that may be required to meet other national needs. This information is provided in narrative description and on maps.

Each section shows the current allocation of the primary natural and resource values among the major public (State and Federal) and private (Native corporate) landowners. The State and Federal portions are based on the State's land selections to date. As the State selects its remaining entitlement under the Statehood Act from Federal lands, the Federal portion of the various values will correspondingly decrease. The allocation of land values and resources to private land ownership is based on an estimated projection of their actual 44-million-acre entitlement. "Over-selections" are not included. Private lands other than Native amount to less than one percent of the total land ownership in Alaska. Values on these lands are included in the State allocation. All acreage allocation figures given are approximate. Values contained in existing units of National Park, Wildlife Refuges, and Forest Systems; State conservation systems; and on lands in (d)(2) status after December, 1973, are also identified. Values on existing national reservations are shown in a table at the end of this chapter. Acreage or other units of allocation are often shown in simple pie charts on the maps. Some basic economic factors affecting the development of resources in Alaska and their related land use implications are also cited. Finally, the chapter shows the relationships of these values and resources to current (d)(2) withdrawals. The information compiled here provides a statewide context in which all proposals for new national interest reserves can be evaluated.

WILDERNESS, WILDLIFE, AND SCENIC VALUES

Wilderness Values

Most lands and waters of Alaska could be considered primitive or characterized as wilderness in a national context. Consequently, decisions on the protection of Alaska's wilderness values may need to be more refined than would be necessary elsewhere in the Nation. Applying the definition

in the Wilderness Act of 1964, nearly all roadless tracts of 5,000 acres or more remain in their natural state. Alaska contains a large part of the undisturbed primitive lands remaining in the Nation. These lands provide nearly all of the Nation's remaining opportunities for designation of large wilderness tracts (greater than 2 million acres). In the future, development on private corporate and State-owned lands and resource development interests on Federal lands may significantly reduce the amount of land now meeting wilderness standards.

Future wilderness areas will probably be designated, based upon findings on which of the many areas remaining in their natural state have unique or outstanding values that merit their special protection or designation as wilderness. The information on natural values and resources that follow in this section provides a basis to determine which lands may merit retention in their natural state.

At present, approximately 76,000 acres on eight small national wildlife refuges on remote islands have been designated wilderness. Other opportunities for wilderness study and designation are myriad and exist in all regions of Alaska. Proposals for wilderness areas in existing national parks and wildlife refuges comprising nearly 6.1 million acres have already been submitted to Congress. Proposals for another estimated 16.8 million acres on parks and refuges have been deferred because of possible new additions and ongoing changes in land status and planning needs. A total of 2.6 million acres in seven wilderness study areas have also been designated on the Tongass and Chugach National Forests. Finally, the recently enacted Federal Land Policy and Management Act of 1976 permits the review and possible classification of lands remaining in the large Federal public domain in Alaska as wilderness. The State of Alaska has established the Kachemak Bay State Wilderness Park, encompassing over 200,000 acres, and has developed management plans for other large State parks that identify wilderness zones.

Wildlife

Alaska's winters are long and harsh, and its wildlife habitats are frequently not as productive as in many other states. With the exception of waterfowl and seabirds, population densities are generally lower, for example, than those in Michigan. However, Alaska's habitats are extensive and generally unspoiled, and terrestrial wildlife populations frequently require larger areas. Alaska's caribou, the Nation's most far-ranging terrestrial mammals, use millions of acres. Caribou and other migratory species frequently use habitat in mixed ownership or classifications.

PROTECTION OF NATURAL VALUES ON LANDS NOT IN FEDERAL OWNERSHIP

Wildlife, scenic, and other natural values of national interest in Alaska are often found on lands selected by the State of Alaska or by Alaska Natives. Lands with these values frequently have integral natural relationships to adjoining Federal lands, which in some instances are existing or proposed national parks or wildlife refuges. Wildlife habitat and watersheds frequently extend beyond ownership boundaries, and lands along many scenic rivers and lakes are in mixed ownership. Several options discussed below could be utilized to assure protection of these values of national interest on State and private lands.

Land Exchanges

For lands selected by the State or Native corporations with high scenic, wilderness, or wildlife values integrally related to existing or proposed national park and wildlife refuge units, the Federal government could exchange lands in its ownership. Exchanges could take place within a local area or could involve Federal lands elsewhere in the State.

Proximity of land areas to national park or wildlife refuges may enhance or diminish the value of such lands to State or private owners, depending on their character and location. Adjoining lands may afford opportunities for more intensive recreational use and development of facilities than allowed in the parks and refuges and be of potential profit to the State and private owners. On the other hand, some uses may be deferred on these lands. Other lands in Federal ownership may have more real value to State and private owners for resource development and revenue generation purposes. For these reasons, the Federal Government and adjacent landowners may wish to consider land exchanges.

The State may choose to relinquish certain lands it has selected. This course will probably only be taken if the State is assured of alternative selection rights in areas of particular interest to the State. In addition, Congress can authorize funds for the acquisition of State selected lands in areas of high natural value.

Cooperative Planning and Management/Joint Classification Areas

Many areas of Alaska with natural characteristics and resources of critical interest to both Federal and State governments and to private landowners will be in mixed ownership. Of particular interest to the

Federal government may be those lands of mixed ownership surrounding existing or proposed national parks or wildlife refuges. Areas of interest to the State may be those where renewable resources are presently harvested or could potentially support economic activity, such as fisheries habitat. Without coordinated planning, protection of their natural values or the orderly and environmentally sound development of resources may be difficult.

Federal and State governments could designate, either administratively or legislatively, areas for cooperative planning and management. To insure coordination, both governments could agree to joint classification of the lands identified. Each government manager or owner using its own classification system might classify adjoining lands in an incompatible manner. As a result, conflicts could be precipitated and uses and management objectives frustrated. Each government could informally participate in the classification of the other's lands, or new classification categories and procedures could be formally instituted. Veto powers could be reserved to each government on classification of their respective lands and management could continue to be exercised by Federal and State agencies with jurisdictions in the area.

In some instances, the implicit flexibility of cooperative arrangements to accommodate multiple interests may jeopardize the goal of primary purpose withdrawals or unduly restrict certain land uses. Joint classification is probably not viable in those areas where Federal and State interests are not similar or complementary.

State Area Designations

Several areas with scenic or other natural values of national significance have been selected by the State of Alaska as part of its general land entitlement under the Statehood Act. The State can designate these or other areas as State parks or wildlife sanctuaries or classify them as critical habitat for protection of their natural values. Areas already designated, classified, or currently recommended by the Governor in these protective categories are shown on the map on p. 10, and others have been proposed.

Certain wildlife habitat, scenic, and recreational lands designated by the State adjoin existing or proposed national parks and refuges. Their management can complement that of the Federal reserves. For example, a State park adjoining a national wilderness park may afford opportunities

for visitor accommodation and intensive recreational uses that would not be appropriate within the adjacent park. Some State tidelands and submerged lands with significant habitat have been designated adjacent to national wildlife refuges to complement the values of the Federal reserve.

Two particular national programs which allow states to designate lands under their jurisdiction as parts of Federal systems are the National Wild and Scenic Rivers System and the National Trails System. The State maintains ownership and management of these lands, but certain additional Federal restrictions are applied to protect their designated values.

Land Bank for Private Lands

The Alaska Native Claims Settlement Act provided for the transfer of considerable acreage into private ownership. In many areas, these lands adjoin or are within proposed national interest land units and contain valuable related wildlife habitat, wildlands, scenic, recreational, and historical values. Federal, State, and private land managers are concerned over how these private lands will be used, developed, or perhaps sold in the coming years. In response to these concerns, a stabilizing mechanism termed a "land bank" has been suggested. Its main incentive to private owners is a moratorium on taxation while such private lands are placed under increased public control.

In this scheme, land not needed by a fee title owner for immediate development could be placed in the "land bank" where it would be systematically reviewed and withdrawn at regular intervals, such as every 5 or 10 years. While banked, the land would be managed by a designated land management agency with emphasis on preserving its natural values. Lands sold while in the bank would carry the development restrictions along with the title until the next designated time for review. Values accruing to the public through this arrangement could include availability of the land for certain public uses, compatible management of lands adjacent to or within national reserves, more public control over land sales, and a more stable land use pattern.

Pursuant to the Alaska Native Claims Settlement Act, taxation on the tracts of lands conveyed to Natives becomes effective in December, 1991, or whenever sold, developed, or leased before that date. When Native and other private landowners do not wish to generate revenues from their lands or when no economic development scheme seems viable, tax deferment

may hold strong appeal. Interest to the owner of the land in the bank beyond possible tax relief could include governmental protection against trespass and fire suppression. Long term protection of the cultural heritage values of banked land could also be afforded Alaska Native landowners. A land bank could be administered by the Federal or State governments, or both.

Cooperative Programs and Agreements

Many congressional acts provide for cooperation between the Federal and State governments in wildlife protection, restoration, and management. Some make funds available to the states, transfer certain authorities to manage some wildlife species such as marine mammals, and encourage private landowners to maintain wildlife habitat. One of the most recent is the Sikes Act which provides for expanded cooperative Federal-State wildlife programs on national forests, national resource lands, and military reservations, with Federal funds helping support such cooperative endeavors.

Two Federal programs are concerned with identification of natural areas and historic sites that best express the Nation's natural and historical heritage. Sites suitable for National Natural Landmarks and National Historical Landmarks are generally identified regardless of their location or ownership. The administrators or owners of designated sites are encouraged to manage the areas in a manner that preserves the qualities identified in the site. Federal funds may be applied in part towards preservation of historical sites. Landmarks are also afforded certain means of protection from federally funded projects, such as road construction, which might have adverse impact on a site. Long term protection is largely dependent on the owner or administrator who may decide to use the area or site in a manner that would degrade or destroy the landmark values. The landmark programs are ongoing and the identification and evaluation of potential natural landmarks in Alaska is not complete.

Another cooperative program involves research natural areas set aside to safeguard natural features and systems for scientific study. This evolving program has been in effect for many years and has encouraged identification and administrative designation of relatively small areas to preserve samples of forest types, soils, and other natural features. Management is directed towards protection and minimal disturbance of the area. Planning for a statewide system of ecological reserves in Alaska has been underway for the last several years. As currently visualized,

this program cannot protect extensive areas of wildlife habitat, wilderness, or other natural features, but can preserve representative samples of values of national scientific interest. The proposed initial system of 200 sites throughout the State includes six categories, ranging from unmodified natural areas or ecosystems to areas modified by man or available for scientific modification. Sites will vary in size depending on their nature and research needs. While many of these sites are on (d)(2) lands or other Federal lands, a number lie on State or Native corporation lands.

The Federal government conducts a cooperative State and private forestry program to encourage maintenance of forest values and wise practices and use. Forested lands affected by this program may be subject to periodic timber harvest, but intermittently furnish wildlife habitat, recreational opportunities, and help maintain water storage and quality.

While some of these programs are clearly mandated by law, others involve voluntary cooperative agreements. These may be limited in scope and duration, and may change depending upon the dispositions of new unit managers or bureau directors. Most cooperative agreements between Federal agencies or between Federal and State agencies usually deal with a single subject matter or a single geographic area, and may not provide the comprehensive coordinated Federal-State planning and management that may be needed for some lands.

Existing Regulations

Several Federal laws and regulations apply to State as well as Federal lands and act to protect and preserve environmental values. Provisions of the National Environmental Policy Act and the Coastal Zone Management Act and those pertaining to air and water quality and solid waste management are particularly significant. While these laws help protect certain natural values, they do not altogether govern or control land use to maintain primitive values, restrain development on critical or significant habitats, or prevent degradation of scenic values.

MANAGEMENT AND CLASSIFICATION SYSTEMS FOR NATIONAL INTEREST LANDS IN ALASKA

Many management combinations for the national interest (d)(2) lands are possible. Each option has opportunities and problems, as well as probable

While multiple national interests can be served by Alaska National Resource Lands, it is likely that more extensive alteration of natural values will occur than under national park or wildlife refuge management. Regulations for National Resource Lands have not been adopted at this time.

National Wilderness Preservation System

The Wilderness Act of 1964 provides the statutory basis for study and designation of wilderness. The Act gives general definitions and guidelines for identifying candidate areas and for their management once designated as wilderness. Nearly all Federal lands may now be subject to review as potential wilderness study areas. Wilderness study normally includes mineral reconnaissance and assessment with the submission of findings to Congress by the President. Lands to be presented for wilderness designation generally must be Federal land in tracts no less than 5,000 acres that are roadless and undeveloped. These criteria would apply to much of Alaska.

Subject to prior existing rights, policies for wilderness areas are determined by management principles of the administering agency, and, except as otherwise provided, no roads, motorized access, permanent structures, nor commercial enterprises are allowed. Where already established, use of aircraft and motorboats may continue. Fire, insect, and disease control may be undertaken, as well as other necessary management activities. State and private landowners within wilderness areas are guaranteed rights to customary modes of access, but use of snowmobiles, which are extensively relied upon in Alaska, may be precluded. Water development projects may be permitted on wilderness areas in national forests. During the wilderness study period, most uses may be restricted pending congressional designation.

Wilderness classification or study may create many of the same use and management conflicts cited in the previous discussion on National Park and Wildlife Refuge Systems, particularly regarding access or transportation corridors across such areas. Some recreational or subsistence activities and petroleum or other mineral exploration and development within or adjacent to wilderness area, may prove difficult or impractical if roads or motorized vehicle use is precluded.

A New Land Classification Procedure and Authority

Several options are available to Congress if it should decide that existing Federal land management systems and laws cannot provide for the Nation's interests in Alaska. For example, Congress may provide additional policy guidance to existing Federal agencies and systems in Alaska or it may establish a new classification system, seek a new land use classification procedure, or establish a new management authority for some or all of the Federal lands in Alaska.

Any new classification system that is considered must reflect a balance between multiple use management, which according to some opinion, may not provide sufficient protection to some natural systems, and primary purpose management which if applied to large acreages may not allow the development of needed commodity resources. A new classification system could be administered entirely by new or existing land management agencies. A concern identified with this approach is that the objectives of the agency or agencies selected to manage and classify the new system, or units of it, will dominate the planning process and override public input or resource use concepts which are contrary to their traditional goals and objectives. Multiple purpose land use managers are often viewed by some as "too resource development oriented" while it is thought by others that primary purpose land managers will seldom if ever classify an area for any resource development. An alternative is to assign to existing or new agencies the preparation of information, planning alternatives, and management of appropriate units and place policy direction and land use classification authority elsewhere. This authority could be incorporated in a joint Federal-State mechanism with broad coordinative and planning responsibilities. A classification institution with members of varying backgrounds might be considered more responsive to the broad spectrum of public interests. Concerns for national and State sovereignty in land use decisions from such a body can be protected by retaining veto power in the executive branches of each government. Overlapping terms of office would provide a continuity and balance of interests. The Congress may also provide guidance on any particular issues that arise.

The presence of numerous State and private inholdings in areas which have nationally important scenic and wildlife values, and the ecological relationship of Federal land to adjoining State and private lands is a factor that is generally not considered by existing classification systems. The use of Federal lands may have no correlation to the use of State lands of similar character; and Federal as well as State land

management objectives may be frustrated as a result. A uniform set of land use classification criteria could be adopted and used by Federal and State agencies, or a mechanism for joint classification in which both governments participate could be established.

With respect to a new management authority, Congress could choose to create a new Federal agency with classification and management responsibilities for lands now withdrawn under Section 17(d)(2), or for all Federal lands in Alaska. The chief benefit from the establishment of an "Alaska Office of Land Management" would be its ability to tailor national standards, criteria, and regulations to the unique size, climate, and predominately wild character of Alaska's lands and waters. It would also be possible to reduce some duplication of effort and expertise in Federal land management, and the coordination of many land management functions would lie in one office. Certain problems could result if Federal land management in Alaska were removed significantly from the mainstream of national policy-making and funding. There would be a time lag for such an agency to become functional, and the probability that its regulations and decisions would undergo testing through the courts. A further detriment might also be the possibility of a one-dimensional across-the-board treatment to a variety of lands and resources. The diversity of Alaska's Federal lands, the values they contain, and the variety of public interests are such that within a consolidated management structure of this kind, it is likely that it would soon be necessary to develop divisions serving many of the same purposes and needs now met by the existing Federal land management agencies.

Footnotes:

1. Federal Field Committee for Development Planning in Alaska, Alaska Natives and The Land, Washington, U.S. Government Printing Office, October, 1968, page 195.
2. Department of the Interior, (2)(c) Report: Federal Programs and Alaska Natives, "Task III, Survey of Natives' Views," Portland, Oregon, 1974.

COMMISSION GENERAL RECOMMENDATIONS

In analyzing issues and alternative resolutions, the Commission has sought a combination of planning, classification, and management systems that could:

- ... best protect wildlife, wilderness, and scenic and other natural values of national importance;
- ... assure that future needs for nonrenewable and renewable resources can be met; and
- ... minimize land use and jurisdictional conflicts among varying landowners and provide means for their resolution.

The Commission has identified by geographic region those lands it has found that merit designation as new national interest units, and has recommended a manager for each unit. For certain of these lands, the Commission has proposed a new classification and planning institution. For each of its recommendations, the major management conflicts and issues discussed in the previous section are addressed.

RECOMMENDED LAND MANAGEMENT AND CLASSIFICATION SYSTEMS

SUMMARY: THE COMMISSION RECOMMENDS (1) NEW UNITS AND ADDITIONS TO EXISTING MANAGEMENT SYSTEMS AND (2) ESTABLISHMENT OF A NEW CLASSIFICATION SYSTEM OF LANDS.

The Commission has found that application of existing classification and management systems to some of the national interest lands in Alaska are merited where there are clear and outstanding values to be protected or managed. The Commission has also determined that circumstances and conditions over many of Alaska's lands indicated a need for a combination of stringent environmental protection combined with flexible land classification which cannot be met by existing systems, with the ability to respond to new knowledge and changing national needs. To provide a consistent basis for designation of lands in different systems and classifications, the Commission used the criteria set forth below.

River recommendations made by the Commission are organized into four groups:

- (1) Rivers primarily on Federal lands that are recommended for immediate wild, scenic, or recreational river designation.
- (2) Rivers primarily on Federal lands that are recommended for study as potential additions to the National Wild and Scenic Rivers System. These rivers are to be further studied and evaluated in the context of the classification of surrounding lands and should receive interim protection. The Commission makes this recommendation in the belief that the river study should be part of a broader planning process for many areas in Alaska and that river classification should not occur before other classifications in the same area are recommended.
- (3) Rivers recommended for potential designation flowing through both Federal and Native corporation-selected lands. These rivers meet applicable criteria, but the issues related to mixed ownership should be mutually resolved before final recommendations are made. Planning and classifications comments in category (2) above apply to these rivers as well.
- (4) Certain rivers or sections in State ownership are recommended for study by the State of Alaska for possible inclusion in the National Wild and Scenic Rivers System. The Commission believes that many of the proposed wild, scenic, and recreational designations should include entire rivers. Consequently State, private, and federally owned river segments should be studied.

NATIONAL WILDERNESS PRESERVATION SYSTEM

SUMMARY: NEW UNITS AND ADDITIONS TO THE NATIONAL PARK, WILDLIFE REFUGE, AND FOREST SYSTEMS SHOULD BE REVIEWED FOR WILDERNESS SUITABILITY WITHIN THREE YEARS IN ACCORDANCE WITH RECENT CONGRESSIONAL PRACTICES. OTHER FEDERAL LANDS WITH WILDERNESS VALUES SHOULD BE STUDIED PRIOR TO THEIR CLASSIFICATION.

A comprehensive preliminary assessment to determine areas of prime wilderness potential is particularly necessary in Alaska where nearly all of the Federal lands meet the national wilderness study criterion of at least 5,000 roadless acres remaining in their natural state. Individual proposals should be evaluated in a statewide context as they relate to other existing and potential wilderness areas. The wilderness system in Alaska should include a range of environments distributed throughout the State.

Areas thought potentially suitable for wilderness should be identified as soon as possible to provide interim protection of their wilderness character and to assure sufficient time for consideration of their designation. Those areas within new national parks, wildlife refuges, and forests should be reviewed within three years after establishment of the unit. Longer review periods appear more feasible for candidate areas on other Federal lands.

A NEW CLASSIFICATION SYSTEM

SUMMARY: THE COMMISSION RECOMMENDS THE CREATION OF A NEW ALASKA NATIONAL LANDS CLASSIFICATION SYSTEM. ADMINISTRATION OF THE UNITS OF THE ALASKA NATIONAL LANDS SYSTEM WOULD BE ASSIGNED TO EXISTING FEDERAL LAND MANAGING AGENCIES.

Alaska National Lands

From the Commission's extensive study of (d)(2) lands, it has become clear that conditions and circumstances affecting many of these lands are different from those for which the existing Federal land management systems were designed. Some extensive federally owned areas in Alaska remain largely in their natural state and have natural values that are clearly of national importance. In many instances, these lands adjoin existing national parks and wildlife refuges, and their values are similar to those protected in these units.

Nonrenewable and renewable resources found on these lands are largely unevaluated, and their possible importance in meeting future national and international needs for energy, minerals, wood fiber, and food cannot be accurately estimated at this time. Use and development trends on these and adjoining lands are difficult to discern at present, with one important exception. Alaska's rural residents heavily rely on fish, wildlife, and plants to meet their subsistence needs, and hunting and

fishing are the major current uses of many of these lands. Ownership and uses of nearby Federal, State, and privately owned lands--and, in some locations, small tracts selected by Alaska Native corporations--have not been decided. Access across these lands may become of critical importance to adjoining landowners and managers.

Based on these findings, the Commission has determined that a new classification system is needed to respond to current uses and possible future demands for resources and access. The Commission has determined that the primary national interest in these lands is in the protection of their natural values and primitive character, and that traditional multiple use management, such as the U.S. Forest Service and the Bureau of Land Management provide, would not be appropriate. Conversely, the present uncertainty of needs for resources found on these and adjoining lands argues for greater planning, classification, and management flexibility than exercised in national parks and wildlife refuges. In determining which Federal lands in Alaska warrant a new approach to their classification and management, the Commission first identified lands with one or more of the following natural values meriting their designation as new national interest units:

- ... primitive character of most of the lands and waters;
- ... important wildlife habitat and a variety of significant wildlife species and populations;
- ... geological, botanical, ecological, archaeological, or historical features of scenic or scientific interest;
- ... rivers and lake of recreational, scenic, or scientific value;
- ... hiking, hunting, fishing, and other recreation opportunities;
and
- ... watersheds, habitats, or other natural characteristics integrally related to existing or proposed national parks, refuges, and forests.

Many lands meeting those criteria are clearly core areas of outstanding natural values and have been recommended as additions to the National

Park, Wildlife Refuge, and Forest Systems. Areas with one or more of the following characteristics were further considered:

- ... resources such as minerals, timber, cultivable soils, or rangelands of potential national importance;
- ... significant hunting and fishing by local residents to meet their subsistence needs;
- ... predominantly Federal, although in some instances mixed land ownership; and
- ... natural transportation routes providing access to adjoining areas and regions of the State.

For lands with one or more of the above characteristics, in addition to predominant natural values, the Commission recommends that Congress establish a new classification system to be called the Alaska National Lands System. Such a system would constitute a new approach to Federal land management. Instead of immediately determining allowed uses of lands in the new system at the same time as units of the traditional national conservation systems are designated, the Commission recommends that Congress create an ongoing planning mechanism equipped to make decisions over time as new knowledge becomes available and as national needs change. Lands assigned to this new classification system should be permanently retained in Federal ownership, unlike the National Resource Lands managed by the Bureau of Land Management which will be available for selection by the State of Alaska and for other disposal. Congressional guidelines for the system should emphasize protection of the land's natural values and primitive character when and where any land use is permitted. Prior to land use classification, hunting, fishing, and other wildland recreational activities, trapping and research activities should be the only allowed uses. Related snowmobile use would be allowed unless closed or restricted following review. Activities, e.g. governmental mineral exploration and timber and agricultural studies, necessary to acquire an adequate knowledge of the area for classification purposes should be permitted. Hunting and fishing should be allowed under Alaska Department of Fish and Game regulations and statewide species management plans developed in coordination with the Federal habitat manager.

Where in accordance with eventual classification, mineral exploration and development should be conducted through a permit and lease system. Prior to location of major roads and other transportation facilities, a thorough analysis of environmental impacts should be made. Farming, grazing, and timber harvesting could be allowed in areas so classified.

Existing Federal land management agencies should be assigned for each unit of the Alaska National Lands System. The Commission has recommended managers for specific areas, based on the agency's expertise and experience in research and management of the resource found to be of primary value in the area, and the extent of prior intensive study given the area by the selected agency. In addition, the Commission believes, to the extent practical, the number of Federal land managers within a given area or region should be minimized. Accordingly, in some instances, the Commission has recommended that the present or proposed manager of a national conservation system unit manage adjoining Alaska National Lands.

A New Federal-State Commission

SUMMARY: THE COMMISSION RECOMMENDS THE CREATION OF A PERMANENT NEW FEDERAL-STATE COMMISSION WITH BROAD STATEWIDE PLANNING RESPONSIBILITIES AND CLASSIFICATION AUTHORITY FOR THE ALASKA NATIONAL LANDS. VOLUNTARY PARTICIPATION BY ADJACENT PRIVATE LANDOWNERS IS ENCOURAGED IN THE PLANNING PROCESS.

The Commission believes that planning for and classification of Alaska National Lands can be most effectively done through a new Federal-State commission. In addition to authority over the proposed Alaska National Lands, this proposed commission should be given broad responsibilities for coordinated statewide planning. Such coordination is needed to achieve a satisfactory completion of the land reallocations mandated by the Alaska Statehood Act and the Alaska Native Claims Settlement Act. A major goal of the commission should be the development of findings and recommendations regarding State selections, Federal withdrawals, and land exchanges among Federal, State, and major private landowners.

In cases where the Federal and State governments share jurisdiction on the same lands, for example, where the Federal government manages the habitat of wildlife populations managed by the State government, coordination will be required. Similarly, in those areas where separate governmental entities own or manage adjacent tracts within interrelated natural

systems, some coordinating mechanism such as the proposed commission should be utilized to assure protection of the natural values. Both the Federal and State governments may find joint classification by a commission to be in their respective interests. Landowners of large private tracts should also be encouraged by the new commission to voluntarily participate in cooperative planning efforts.

Finally, the Commission believes certain land use decisions would best be made in a statewide context. Wilderness and wild and scenic river designations should be made in accordance with a statewide plan to assure a variety of wilderness and river experiences throughout Alaska.

Decisions to designate transportation corridors should be evaluated as components of a statewide transportation system. The new commission should facilitate and coordinate the planning of such a system as part of its classification authority. Where and when appropriate, the commission should designate corridors across Alaska National Lands or any other areas which the Federal and State governments agree should be jointly classified. With respect to those lands designated as national parks, wildlife refuges, forests, and other Federal and State lands, transportation proposals should be evaluated according to the needs of a statewide system and advisory recommendations made.

Unlike the existing Joint Federal-State Land Use Planning Commission, the new commission proposed should have more than advisory powers and be permanent in nature. It would be jointly constituted, with representatives appointed by both Federal and State governments. Veto powers should be retained by Federal and State governments over classification and transportation decisions affecting land under their respective jurisdictions.

The Commission believes State participation in the commission is essential if natural values of national interest are to be fully protected and if the Nation is to remain assured that any future needs it has for resources in Alaska can be met. Natural values of national importance will exist on State and privately owned lands; resources to meet national needs may be met from development on these lands as well as on those under Federal jurisdiction. If major Alaska land use decisions are to be made in a comprehensive context, the involvement of all major landholders and full-ongoing involvement of the public will be critical. The Commission believes that a new Federal-State commission is the most effective instrument to secure the broadest possible involvement for decision-making in the years ahead.

JOINT CLASSIFICATION AREAS

SUMMARY: AREAS OF SIGNIFICANT NATURAL VALUES AND/OR RESOURCE DEVELOPMENT POTENTIAL OUTSIDE OF THE EXISTING NATIONAL CONSERVATION SYSTEMS AND THE ALASKA NATIONAL LANDS SYSTEM WHERE OWNERSHIP WILL BE MIXED SHOULD BE JOINTLY CLASSIFIED BY THE FEDERAL AND STATE GOVERNMENTS. CLASSIFICATION OF THESE AREAS SHOULD BE THE RESPONSIBILITY OF THE PROPOSED JOINT FEDERAL-STATE COMMISSION. MANAGEMENT RESPONSIBILITIES AFTER CLASSIFICATION WOULD REMAIN WITH THE FEDERAL AND STATE AGENCIES EXERCISING JURISDICTION IN THESE AREAS.

When land transfers are completed in Alaska, ownership of numerous areas with key natural resources will be divided among Federal, State, and local governments, as well as private landowners. Whether the public interest is best served by protection of natural values or by the development of needed resources, cooperative planning will be essential. With coordination, Federal, State, and private interests can all be served more compatibly; without it, conflicts may be aggravated and all interests frustrated. Accordingly, the Commission believes that in those key areas where the various interests are similar or complementary, land classification should be conducted jointly, and the best instrument for such classification is the proposed joint Federal-State commission. Areas for joint classification could be established by congressional act and corresponding State legislation, or general authority could be granted by Congress and the Alaska Legislature to the commission as part of its comprehensive planning function.

Joint classification areas should not encompass lands within or recommended as additions to the existing Federal land management systems, nor include State-owned lands that are singularly important to the State for settlement and resource development purposes. The Commission believes that both governments have sound reasons for reserving exclusive control over certain lands, and for this reason, does not propose incorporating all lands in joint classification areas. The prerogatives of the different governments should be further preserved by a veto system giving each government veto power within its sphere of ownership over joint commission classifications.

The Commission has not delineated proposed areas for joint classification at this time because the eventual configuration of land ownership is not yet clear. And for those lands where mixed ownership patterns emerge from these major land transfers, other options such as land exchanges should also be explored.

BOUNDARY DELINEATION CRITERIA

SUMMARY: BOUNDARIES OF NEW NATIONAL INTEREST UNITS AND ADDITIONS TO EXISTING UNITS SHOULD FOLLOW HYDROLOGIC, PHYSIOGRAPHIC, OR OTHER NATURAL FEATURES THAT ARE EASILY IDENTIFIED ON THE GROUND. BOUNDARIES SHOULD BE DRAWN TO EXCLUDE LARGE PRIVATELY OWNED AREAS. WHERE LARGE AREAS OF STATE OR PRIVATE LANDS ARE LOCATED WITHIN AREAS OF HIGH NATIONAL SIGNIFICANCE, LAND EXCHANGES SHOULD BE EXPLORED. COASTAL BOUNDARIES OF PROPOSED UNITS SHOULD EXTEND OFFSHORE TO ENCLOSE MARINE WATERS AND SUBMERGED LANDS WHICH ARE CRUCIAL TO THE EXISTENCE OF MAMMALS OR BIRDS ASSOCIATED WITH THE TERRESTRIAL PORTION OF THE UNIT.

Boundaries around reserves intended to contain natural values have not always conformed to ecological units or been demarcated by easily identifiable physical features. Prior land status and use and the rectangular survey system have previously influenced boundary delineation to the detriment of the values whose protection and management were intended. Boundaries around proposed national interest lands in Alaska should, where possible, be drawn to encompass complete watersheds and "ecosystems." Many boundaries are not likely to be surveyed for years or decades because of more pressing survey needs elsewhere; thus, boundaries easily identified in the field will be especially important.

Frequently out of necessity, Alaska Native corporations have currently selected more land than their entitlement, and in some cases in areas integral to proposed Federal reserves. It is not known at this time which overselections will be relinquished.

The Commission has adopted the following guidelines to seek resolution between containment of natural features of national interest in logical units with the rights and needs of Alaska Native corporations and the State of Alaska. Privately owned lands should be enclosed in proposed reserves where: (1) the tracts have overriding national significance and opportunities for alternative selections or a voluntary land exchange are afforded; (2) Native selected tracts in areas of key natural values appear to be overselections or of low priority to the corporation; (3) scattered small tracts including mineral claims lie within the recommended boundaries; or (4) relatively small tracts are inside the best natural boundaries, but on the peripheries, of the proposed unit.

Terrestrial ecosystems do not generally end at mean high tide along the ocean coast or at the edge of large lakes. There are often strong interrelationships between the land and sea relative to food chains;

Preliminary

Towards An
Alaska Wilderness System
Some Considerations

December, 1977

Joint Federal-State Land Use Planning Commission

Towards An
Alaska Wilderness System
Some Considerations

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K. Map - Selected Primitive Areas as Listed in Appendix J (to be added) available 6/2/78

L. Resource Analysis of Primitive Lands and Waters in Alaska (Draft - January 15, 1975)

Towards An
Alaska Wilderness System
Some Considerations

INTRODUCTION:

The concept of preserving some of the country's wild lands in their natural condition for various direct and indirect benefits to present and future citizens has existed for many decades. In 1964, the Congress formally recognized the values of wilderness and declared a policy of securing an enduring resource of wilderness. These areas were to be federally owned lands designated specifically as wilderness areas by the Congress. This "Wilderness Act" initially set aside many areas of the national forests for inclusion in the National Wilderness Preservation System.

The Act directed the Secretaries of Agriculture and Interior to study roadless areas in the then existing units of the National Park and Wildlife Refuge Systems as well as other national forest areas and report their findings and wilderness recommendations periodically through the President to the Congress with completion by September 3, 1974. These studies and their recommendations were completed in late 1974 with several refuge and park areas in Alaska proposed over the years for wilderness designation (see Appendix A). A few Alaska exceptions were allowed, however, because of proposed additions, land selections and other factors affecting these existing reserves brought about by the Alaska Native Claims Settlement Act of 1971. Also peculiar to Alaska was the fact that the law required no national forest areas be studied in Alaska as the law directed that administratively designated primitive areas be studied, and there were none in Alaska at that time. The Forest Service has since designated several wilderness study areas in Alaska.

Primitive lands suitable for wilderness designation are essentially areas where the earth and its community of life are untrammelled by man, and where man himself is a visitor who does not remain. They are lands retaining for the most part their natural character and balance without permanent improvements or human habitation. Primitive lands can be further defined as areas which generally appear to be affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable, and having outstanding opportunities for solitude or a primitive and unconfined type of recreation. The areas may also contain ecological, geological, botanical, or other features of scientific, educational, scenic, or historical value.

Major categories of value assigned to primitive lands are scientific, recreational, habitat for wildlife needing wilderness conditions, and as reservoirs where primitive or near-primitive ecological communities continue to evolve. Individual primitive areas may have more value in one category than another. Areas can be qualitatively rated for these values. Their relative appeal to man can be rated, at least in part, by evaluating their recreational attributes.

ALASKA WILDERNESS OPPORTUNITIES

Alaska may be distinguished from the other 49 states in several respects, but one particular attribute is the amount of land and water remaining in an essentially primitive or pristine condition. These wild lands prompt some to want to preserve some of this increasingly rare resource for various benefits while others view them as places to tame and exploit.

Two hundred million and more acres of projected remaining Federal land alone meet national criteria for potential wilderness. Consequently, decisions on the protection of Alaska's wilderness values may need to be more refined than would be necessary elsewhere in the Nation.

Alaska contains a large part of the relatively undisturbed primitive lands in the Nation. These lands provide nearly all of the Nation's remaining opportunities for designation of large wilderness tracts of two million acres or more. However, the growing demand for commodity resources, and future development on private corporate and State-owned lands as well as Federal lands, may significantly reduce the amount of land now meeting wilderness standards.

Future wilderness areas will probably be designated, based upon findings on which of the many areas remaining in their natural state have unique or outstanding values that merit their special protection or designation as wilderness.

At present, approximately 75,000 acres of Federal land in Alaska on eight small national wildlife refuges on remote islands have been designated wilderness. Other opportunities for wilderness study and designation are myriad and exist in all regions of Alaska. Proposals for wilderness areas in existing national parks and wildlife refuges comprising nearly 6.1 million acres have already been submitted to Congress. Proposals for another estimated 16.8 million acres on parks and refuges have been deferred because of possible new additions and ongoing changes in land status and planning needs. A total of 1.6 million acres in seven wilderness study areas have also been designated on the Tongass and Chugach National Forests. Finally, the recently enacted Federal Land Policy and Management Act of 1976 permits the review and possible classification of lands remaining in the large Federal public domain in Alaska as wilderness. The State of Alaska has established the Kachemak Bay State Wilderness Park, encompassing over 200,000 acres, and has developed management plans for other large State parks that identify wilderness zones.

Philosophy for designation and management of wilderness in Alaska is not of one accord. One school of thought supports separate wilderness studies of parks, wildlife refuges, and forests to develop plans that place proposed wilderness areas in the context of other legitimate needs or uses in these Federal reserves. Legislation now before Congress would alter this present procedure by establishing instant wilderness at the same time new reserves are enacted. Further, studies would then

have to justify what kind of development, if any, would be allowed in the wilderness.

With respect to management of wilderness, some in addition to supporting large wilderness areas, believe these areas should be administered stringently, barring all but the most essential physical intrusions for people use or to carry out management programs. Motorized equipment would generally be barred. Others believe a somewhat more liberal approach is appropriate for some areas. These include retention of rustic shelters such as the Forest Service cabins at scattered locations in the Tongass and Chugach Forests. Aircraft landings and motorboat use of certain waters would be allowed. Snowmachines might be allowed in some instances. This diverse opinion raises issues that must be dealt with.

GENERAL FINDINGS REGARDING POTENTIAL WILDERNESS AREAS IN ALASKA

1. Much of Alaska remains today in a primitive state, but the stage is set for rapid changing of these conditions through a massive land ownership reallocation, increasing commodity resource development, and increasing recreational use of the rural environment.
2. Interest exists within and without the State in establishing wilderness areas in Alaska because the State contains some of the most scenic and wild lands and waters remaining in the country. A grand opportunity is present in Alaska to designate some of the finest and largest wilderness areas in the nation.
3. Much interest also exists in not designating wilderness areas or in minimizing the amount of acreage involved for several reasons, including:
 - a. A need for further inventory of Alaska's resources, especially its mineral potential.
 - b. Desire to develop mineral, agricultural, and timber resources.
 - c. Desire to minimize impact on life styles, subsistence activities and means.
 - d. Concern for future transportation and utility corridor needs.
 - e. Not wanting restrictions on means of transportation to certain areas.
 - f. Concern with wilderness restrictions on habitat manipulation or other land use practices.
4. A general analysis of primitive lands, high quality natural feature values, wildlife habitats, identified areas of scientific interest, existing and potential resource development opportunities, and apparent Federal, State and private land ownership patterns,

indicates that areas with the most feasible potential for designation as wilderness are within existing and proposed Federal reserves. A lesser amount of potential lies on likely remaining Federal domain or on State lands or likely State selections.

WILDERNESS PLANNING

As followup to Commission memoranda of September 1973 and October 24, 1975 regarding a wilderness system in Alaska, an initial identification of potential wilderness areas in Alaska has been prepared and is appended. This study considered potential wilderness on both Federal and State lands even though units of the national system are limited to Federal lands. A comprehensive wilderness system in Alaska may not be achieved solely on Federal lands. Some State parks and other suitable State lands are so located that they are more accessible. Other areas may possess attributes not found in some of the Federal areas. It is contemplated that the State could designate certain State land areas as wilderness which would complement the national system and in some cases be more readily available to large numbers of State residents.

Potential wilderness areas were identified in accord with the several factors listed in the Commission's planning guide "An Approach to Planning a Wilderness System in Alaska, Appendix C." In addition, several other factors, concerns, and approaches were considered in the primitive lands analysis and the identification and selection of potential wilderness areas in Alaska. These included:

1. Initial identification of primitive areas regardless of quality or land ownership.
2. Quality evaluation of all primitive or roadless areas considering a number of factors related to recreational attributes of primitive lands (Appendix D).
3. Evaluation of lowland areas with concern to assure a qualitative range for primitive lowland areas as well as scenic mountain areas.
4. Consideration of wildlife species generally requiring spacious primitive habitat.
5. Consideration of scientific interest in a variety of natural landscapes and ecosystems.
6. Exclusion of large aggregates of privately owned land around communities (Appendix F).
7. Exclusion of many areas of known or potential commercial value to mitigate resource use conflicts to some degree (Appendix F).
8. Exclusion to some extent of areas most strongly involved in rural subsistence activities.

9. Feasibility of wilderness designation, not avoiding all potential conflicts. Feasibility relationship with land use categories (Appendix E).
10. Categorization of potential wilderness areas by land ownership, quality, other prospective land use, and identification source (Appendix G).

Products from this effort include:

A map (Appendix I) - Primitive Lands Quality Evaluation - which delineates exclusions of the major areas of non-primitive lands as well as differentiates major zones of essentially primitive lands evaluated as to quality with respect to recreational attributes. This map was made from larger scale more detailed maps. Small villages and lesser areas of intrusions that are not primitive are not shown as exclusions on this map.

The list of potential wilderness areas in Appendix J and as indicated on the map entitled "Alaska Wilderness System -- An Initial Identification of Suitable and Potential Wilderness Areas," represents many of the finest areas in Alaska where wilderness quality is a major attribute in addition to other natural, historic or recreational values.

A second map (Appendix K) portrays the selected identified potential wilderness areas listed in Appendix J. The areas vary in scenic quality, though most are good to high quality. They also contain a great variety of ecological, geological, zoological, and botanical features as well as key or important wildlife habitats.

This portrayal by list and map can be considered as a first cut of all of the primitive lands in the State attempting to separate out areas where higher quality is indicated, expression of interest has been made, and the areas tend to include unique features or a greater variety of natural features, important wildlife habitats, and many areas of scientific interest. Relatively small areas of equal value may not appear on the map. It is anticipated that additional smaller areas will be identified in future years as some Alaska lands are more intensively studied.

Certain judgments were made in delineating area boundaries on this map. Potential areas have been drawn to exclude areas surrounding village or urban centers for the most part, where man's works tend to be concentrated, though some portions of these excluded areas are rated as having good qualities. Some lowland and low mountain areas have been included but many large areas of similar terrain have not. Nor have all high mountain areas been included.

While an entire island or a large area may be identified as having potential for wilderness designation, further study and evaluation might recommend only a portion or portions instead, and some areas may not be found suitable. It may also be desirable to delete some areas or

portions to allow for recreational facilities or more intensive recreation uses, or for other reasons.

The accompanying appendixes identify many of the factors considered in developing the potential wilderness areas listed and delineating areas on the map.

WILDERNESS PLANNING POLICIES

The complexities identified of considering a statewide system of wilderness in a very large state richly endowed with prime quality primitive lands raises the need for policies to guide the development of such a system.

In its previous discussions or actions regarding wilderness, the Commission has supported certain concepts regarding a wilderness planning process. It has made specific recommendations regarding wilderness studies in its national interest lands (d-2) recommendations to the Congress.

Altogether, the Commission's policy with respect to wilderness planning and designation embodies the following concepts and points.

1. A diversified statewide system of wilderness areas be supported.
2. Wilderness designation should generally be in conjunction with areas recognized as having other special natural values to be preserved or conserved.
3. A comprehensive preliminary assessment to determine areas of prime wilderness potential is appropriate to identify such areas for further study and to serve as a statewide context for further evaluation of specific areas and development of a statewide system.
4. Existing or proposed units of the following systems or areas in other land categories should be further studied and evaluated for areas of wilderness suitability in the context of developing master management or land use plans for units or through multiple use planning and classification as appropriate:
 - a. National Park System
 - b. National Wildlife Refuge System
 - c. National Forest System
 - d. Other special national reserve classifications
 - e. State Park System
 - f. National Resource Lands
 - g. National Petroleum Reserve in Alaska
 - h. Other State lands
5. Wilderness studies on (d) (2) lands should be accomplished with reports to Congress within three years after establishment of proposed new national parks, wildlife refuges, forests or additions

to existing units, and over a longer period for candidate areas on other Federal lands.

6. Wilderness proposals now pending Congressional action should continue to be monitored by the Commission during its remaining existence with testimony presented when deemed necessary.
7. The Commission should encourage wilderness studies of selectively identified State and Federal lands and monitor such activities.

APPENDIX A

National Reserves Existing at the Time of Passage
of the Wilderness Act or Subsequently Established and Current Status
Regarding Wilderness Area Recommendations

<u>Name of Area</u>	<u>Acreage</u>	<u>Wilderness Area</u>	<u>Wilderness Acreage</u>	<u>Status*</u>
Mt. McKinley NP	1,939,492			Deferred ¹
Katmai NM	2,792,137	2-areas	2,603,547	Proposed
Glacier Bay NM	2,803,611	2-areas	2,225,481 ⁶	Deferred ²
Sitka National HP		None		No action ³
Bering Sea NWR	41,113	1-area	41,113	Established
Bogoslof NWR	390	1-area	390	Established
Forrester Island NWR	2,832	1-area	2,832	Established
Hazy Islands NWR	42	all	42	Established
St. Lazaria NWR	65	1-area	65	Established
Tuxedni NWR	6,400	1-area	6,400	Established
Aleutian Islands NWR (part)	1,722,170	several islands	1,395,357	Proposed Deferred ⁴
Arctic NWR	8,900,000			
Chamisso	641	1-area	455	Established
Cape Newenham NWR	265,000	1-area		Proposed
Clarence Rhode NWR	2,817,000			Deferred ⁴
Hazen Bay NWR	6,800			Deferred ⁴
Izembek NWR	415,000			Deferred ⁴
Kenai N. Moose Range	1,730,000	Andy Simon	829,000	Proposed Deferred ⁵
Kodiak NWR	1,815,000			Not Recom- mended
Nunivak NWR	1,109,400			Proposed
Semidi NWR	8,400	all		Established
Simenonof	10,400	all	25,145 ⁶	
Unimak Island (part of Aleutian Islands NWR)	998,260	1-area	973,000	Proposed

Established wilderness areas in Alaska total 76,442 acres

*Status: Established -- (by an act of Congress)
Proposed -- Pending Congressional action
Deferred -- See specific footnotes

Footnotes:

1. Wilderness study deferred pending Congressional action on proposed additions to the park in order to make a more comprehensive study and recommendations of wilderness and development aspects.
2. President asked Congress to defer action on wilderness proposal pending further mineral surveys.
3. Area did not meet study criteria.
4. Wilderness study deferred because of unsettled land patterns from pending Native land selections, and proposed additions.
5. Wilderness study deferred pending Native land selections and resulting land ownership pattern.
6. Includes marine water acreage in part.

APPENDIX B-1

National Forest Wilderness Study Areas
Designated by the Forest Service

	<u>Approximate Acreage</u>
Chugach National Forest	
Nellie Juan	703,000
Tongass National Forest	
Russell Fiord	227,000
Tracy Arm - Ford's Terror	900,000
Petersburg Creek	24,000
King Salmon Capes	120,000
Granite Fiords	591,400
Khaz Bay	<u>40,000</u>
TOTAL	2,605,400

The Tongass and Chugach Forests total about 19.7 million acres excluding Native land selection entitlement and lands the State may select pursuant to the Statehood Act.

November, 1977

APPENDIX B-2

Other Areas Identified for Potential Wilderness or Roadless Watershed or Recreation Areas on Tongass National Forest Lands by Interested Parties

<u>Area</u>	<u>Approximate Acreage</u> (if known)
Admiralty Island	1,030,000
Anan Creek	39,000
Basket Bay	
Beecher Pass	8,000
Berners Bay	90,000
Chilkat Peninsula (includes Endicott R. and St. James Bay)	
Dall Island	
Duncan Canal	120,000
East Behm Canal	215,000
Etolin Island	
Eudora Mountain	
Harding River	41,000
Heintzleman	53,500
Idaho Inlet-Mud Bay	101,000
Kadake Creek	
Karta	47,000
Lake Eva	12,000
Misty Fiords (includes Unuk R., Blue Point-Lava, Mighty Fiords, and Granite Fiords)	
Mt. Edgecumbe	
Naha	
North Krusof	
Pavlof Harbor	18,000
Port Stewart	23,000
Reflection Lake	13,000
Rocky Pass	72,000
Rynda-Greys Islands	4,000
Salmon Bay	
Sarkar Lakes	
Security Bay	
Skagway	53,000
South Baranof	
Southern Kuiu Island	
Stikine-Le Conte	
Sweetwater-Honker Divide	
Taku River	
Thomas Bay	
Thomas Creek	30,000
West Chichagof-Yakobi	405,000
Yakutat Forelands	300,000
Yes Bay	21,000

APPENDIX C

FEDERAL-STATE LAND USE PLANNING COMMISSION

November, 1973
(Revised 10/25/75)

From Primitive Lands to Designated Wilderness Areas An Approach to Planning a Wilderness System in Alaska

Primitive Lands and Some Considerations for Wilderness Designation

Planning:

1. By design
2. Not default (leftovers)

Types of primitive lands to be considered:

1. Highly scenic areas oriented towards compatible recreation activities.
2. Areas to preserve various ecosystem types in Alaska for baseline research, critical habitat, or other values.

Size - Units of various sizes are appropriate:

1. Very large - Alaska possesses the Nation's major opportunity to have any wilderness areas in this category.
2. Large
3. Medium
4. Small

Location related to recreational utility:

1. Some close to population centers
2. Remote areas

Distribution:

Both large and small areas to be scattered throughout the State to the extent possible.

Variety and Representation related to natural features and processes:

1. Physiographic Provinces (12)

- | | | | |
|-----|------------------------|---|-------------------------|
| a. | Coast Mountains | } | Pacific Mountain System |
| b. | Coastal Trough | | |
| c. | Pacific Border | | |
| d.1 | Alaska | | |
| d.2 | Aleutian | } | Intermontan Plateaus |
| e. | Northern Plateaus | | |
| f. | Western Alaska | | |
| g. | Ahklun Mountains | | |
| h. | Bering Shelf | } | Rocky Mts. System |
| i. | Seward Peninsula | | |
| j. | Arctic Mountains | | |
| k. | Arctic Foothills | | |
| l. | Arctic Coastal plain - | } | Interior Plains |

2. Ecosystem Types (broad)

- a. Terrestrial (10 types)
- b. Lake - freshwater
- c. Riverine - freshwater
- d. Marine - (7 types)

Administrative Categories:

- 1. National Wildlife Refuge System Wilderness
- 2. National Park System Wilderness
- 3. National Forest System Wilderness
- 4. Other Federal (potential)
- 5. State (potential)

Restrictions related to administrative categories, and other purposes of units, tastes and preferences of user groups, and to the requirements of law:

- 1. Hunting allowed
- 2. No hunting
- 3. Motorized vehicles allowed (certain places, certain kinds)
- 4. No motorized vehicles
- 5. Restricted scientific areas
- 6. Prospecting permitted or not
- 7. Other

Access as a key to people use:

Key access points identified

- a. Land
- b. Water