

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86727

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RUSSELL FIORDDescription

The Russell Fiord area is located approximately 20 miles northeast of Yakutat, Alaska. This area contains 295,000 acres of Federal lands administered by the Forest Service and 12,000 acres of public domain lands that are proposed for National Forest addition located at the head of Nunatak Fiord located on the eastern boundary of the area.

Yakutat Bay borders the area on the west; Russell Fiord and the Forest boundary form the north border. The eastern boundary runs approximately north-south from Cascading Glacier to Harlequin Lake. The southern boundary is irregular, running from Harlequin Lake to Yakutat Bay at Eleanor Cove.

Elevation within this area varies from sea level at Yakutat Bay to approximately 4,400 feet at Mt. Hendrickson near Russell Fiord. The northern portion of the area is primarily glacier covered and the southern portion is muskeg, swamp, and small pot holes and lakes. Russell Fiord bisects the area north and south.

The Situk River heads within the area at Situk Lake lies just outside this unit. The Situk River is excellent fishing from both the commercial standpoint as well as sports fishing. Many Yakutat residents depend upon salmon fishing with set nets at the mouth of the Situk River as their primary source of income.

Vegetation is quite variable within the area. Commercial forests are found along the southern boundary. Principal species are western hemlock and sitka spruce. Noncommercial tree species consisting of cottonwood and willow are found along the creek bottoms and swampy portions of the area.

Russell Fiord exhibits unusual scenic beauty and is high in scientific interest for its record of catastrophic geological events. The Yakutat region is considered one of the most active seismic areas of the United States. One area near Yakutat shows uplift of 14.3 meters, the greatest uplift ever measured for an earthquake sequence. Earthquakes of magnitude 8.5-8.6 (Richter scale) have occurred, some of them caused by movement along fault lines. Of particular interest is the Hubbard Glacier located at the entrance to Russell Fiord. This body of ice threatens to block Russell Fiord, diverting water flows southward into old river channels on the Yakutat forelands.

Big game species present are resident moose, brown bear, deer, black bear (including the blue color phase), goats, and wolves make up the big game

species. In addition, excellent waterfowl nesting and hunting grounds are found here. Bald eagle nesting concentrations are found in the unit. Seal are also found at Russell Fiord.

Furbearers are found in abundance along the major streams and are trapped by a few of the local residents of Yakutat.

Fish species include salmon, steelhead, Dolly Varden, and cutthroat and rainbow trout. Northern pike have been discovered in lakes on the forelands, the only known natural populations west of the Coast Range.

Both State and Native land selections are proposed and some have reached interim conveyance in the general vicinity of Yakutat.

204(c) 12 Points

1. Proposed Use

Consistent with the purposes of the 204(b)(1) withdrawal and with its LLD I designation, the proposed use of this 307,000 acre unit is wilderness management in which the scenic, historic, scientific, and/or primitive attributes are protected. Although people have utilized this area in a variety of ways, the evidence of such activity is minimal and the status quo should be maintained until Congress has made a decision on its classification and management. This withdrawal precludes only further State selection and mining claims location.

2. Natural Resource Use and Value

There are existing Forest Service special use permits in the Russell Fiord unit. A Forest Service recreation cabin is located at Situk Lake and this cabin is heavily used during the fishing and hunting seasons.

Forest Highway #10 is adjacent to this unit for approximately 10 miles. This highway begins at Yakutat and terminates at the Dangerous River about 35 miles southeast of Yakutat.

Major income activities associated with the Russell Fiord unit are commercial fishing, professional outfitters and guides who serve moose and goat hunters, air service providing access into the unit, and trapping. Many of the local residents use the area for subsistence hunting, fishing, and trapping.

The following proposals have been presented for resource development and use of the area:

Aquaculture sites. Due to the high water table that exists in many areas, there are a number of short streams that originate and run to

saltwater. It is economically feasible and possible to develop aquaculture sites in this area.

The Forestry Sciences Laboratory has proposed a Pike Lake Research Natural Area. Northern pike are found in a few lakes located in the unit.

Additional recreation cabins and trails have been proposed for access and to provide some degree of safety for recreationists who will use the area.

Timber harvesting has been proposed in the spruce-hemlock stands located in the area.

Permit applications have been received for facilities that would be constructed and used to accommodate packer-guide operations in the unit.

Recreation

Present recreational uses center around hunting and fishing activities. Access into the unit is via air or foot travel. Forest Highway #10, as described previously, provides an access route to within reasonable hiking distance to a small portion of the unit; however, due to the lack of trails the unit for the most part is unused.

Trails and recreation cabins have been proposed for access and some degree of safety and shelter in the Russell Fiord vicinity.

There are no developed campgrounds in or adjacent to the area.

Hunting and fishing are the primary recreational opportunities that attract most recreationists to the area. The Situk, at various times of the year contain most species of salmon found in Alaska. Opportunities exist for additional trails and cabins for the recreationists that use this area. Big game hunting (moose, goat, and bear) provide recreational opportunities in the area.

Sightseeing opportunities exist and this use is increasing. Access to the area is difficult and at the present quite an undertaking.

Wildlife and Fish

The area is superlative for its habitat diversity which results in the presence of both wide species variety and high concentrations of wildlife. Large populations of brown bear, black bear (including the blue color phase), goat, wolf, and furbearers are found in the area. Although some blue color phase black bear are found elsewhere in the Tongass, Yakutat supports the major population. Among the furbearing species are marten, mink, beaver, weasel, wolverine, coyote, lynx, and snowshoe hare.

Moose populations, low in recent years, are being restored. Range and habitat are such that the moose population is expected to reach former levels within the next few years.

The area supports hair seal and sea lion at the mouths of the major rivers and in Russell Fiord proper. Shore bird variety and numbers are extremely high during migration periods and swans nest at various locations. There is also a very high concentration of nesting song birds.

Base data used in the preparation of the TLMP rated the streams and lakes within the area for sport, commercial, and estuarine fishery values. Generally, the area rated low in sports fish, low in commercial fish, and medium in estuarine values. This rating was based on number of species, habitat condition, sport and commercial fisheries, and several other special values associated with the watershed.

Timber

Although there is commercial forest land in this area, the values associated with timber harvest were determined to be secondary to the preservation of the wilderness values. Based on that determination the area was classified in TLMP as LUD I to be recommended as and managed for wilderness. Since only LUD I classification areas are withdrawn, and the cumulative affect of LUD I's on historic harvest levels was considered acceptable, the volume of timber in this area is not considered critical to the economy of southeast Alaska.

Minerals

Base data used in the TLMP evaluated the mineral resource potential, number of claims, and the minerals associated with the Russell Fiord area. The area was rated low for mineral potential; no existing claims present; and gold was the primary mineral sought. In general, this portion of the area was considered to be unfavorable for metallic and related nonmetallic deposits.

Although little exploration has been done in the area, the most promising potential for several minerals appear to be on the beaches and elevated beach terraces near Yakutat Bay.

In summary, nothing about this withdrawal action nor the use of the area as proposed would either degrade the environment or, as determined by the 1979 TLMP Final EIS and Plan, unreasonably impact individuals, local communities, or the Nation.

3. Present Users

Present use was discussed under items 1 and 2.

Users consist of commercial fishermen, packers, guides, sport fishermen, hunters, hikers, beach combers, river floaters, prospectors, and general sightseers.

Prospecting would not be permitted during a continued withdrawal, however, all other present users would be permitted until such time as Congress gives specific management direction.

4. Proposed Use Conflicts

Prospecting for mineral deposits would not be permitted under a continued withdrawal, however, the loss of this activity was considered acceptable in the development of TLMP when LUD I classification was agreed upon. Although wilderness classification does not necessarily preclude claim staking until 1984, increased environmental constraints usually discourage prospectors.

5. Specific Use Requirements

The area is proposed as a wilderness area (LUD I) and a recreation opportunity inventory and plan, and a wilderness area plan are to be prepared. Fishery wildlife habitat improvement projects are also planned but must be compatible with wilderness management direction. This use is compatible with the requirements of wilderness area management found in the Wilderness Act and in Forest Service policy. The 204(c) withdrawal is not inconsistent with this purpose.

6. Suitable Alternatives

This area provides a unique wilderness experience, although, like other areas in many respects, it has its unique aspects and no similar area can be found in southeast Alaska. The impact of the withdrawal alternative would be minimal.

7. Consultation

The land allocations that occurred during the TLMP process required extensive public involvement which was documented in the EIS prepared for that plan. The current LUD I classification was a result of the involvement of many individuals, organizations, agencies, corporations, and state, local, and Federal Government interests.

Further public input will be received during the Regional planning process, and in August hearings are planned to meet the specific requirements of FLPMA.

8. Effect on State and Local Governments

Since the Russell Fiord Area was classified as LUD I during the TLMP process, and this decision was made after intensive involvement of State and local governments, the adverse impact would be minimal insofar as commodities go. The determination was made at that time that the timber resources on this and other LUD I units were not necessary to sustain the current local and regional economy. On the other hand, if the system of wilderness areas, of which this is one, is formally classified by Congress, a positive effect on the local and regional economy is anticipated through increased tourist and recreation visits.

9. Term of Withdrawal

This area was withdrawn until December 31, 1985. By that time, it will have been either classified wilderness by Congress and the withdrawal modified or extended, or addressed in the next RPA effort at which time the Forest land management plans will be reviewed and updated.

10. Public Involvement

This information is covered under point 7, Consultation, above.

11. Location of Records

Records may be found at the following locations:

Forest Supervisor
Chatham Area, Tongass National Forest
P.O. Box 1980
Sitka, Alaska 99835

Regional Forester
USDA Forest Service
P.O. Box 1628
Juneau, Alaska 99802

12. Geology Report

The mountains north and south of Russell Fiord are composed largely of graywacke, slate, and minor conglomerates deposited from Jurassic to Cretaceous periods.

South of the south side of the fiord and trending to the east at the head of the fiord is a large glacial moraine which effectively dams the fiord (Southeast Alaska Profile).

Yakutat Bay was a highway for early prospectors on their way to the goldfields of the Alsek Valley. One route was over the Nunatak Glacier; another was to the head of Russell Fiord, then overland to a glacier leading back to the Alsek. As a result there was much staking of claims, but no discoveries of important mineral deposits were made. Petroleum, coal, platinum, and gold were the minerals sought. The beaches in the fiord showed some gold but it was rarely in paying quantities (Brook, Alfred, U.S.G.S., Bull. 314, 1906).

FLPMA
204(c) REPORT

STIKINE-LECONTE

SIZE: 443,000 acres

LOCATION: Mainland, 25 miles southwest of Petersburg, Alaska

MANAGEMENT AREA: TLMP, S34

LAND USE DESIGNATION, TLMP: LUD I

STIKINE-LECONTEDescription

This 443,000 acre unit is on the mainland 25 miles southwest across Fredrick Sound from Petersburg, Alaska, and includes 143,000 acres of public domain. This is part of the Kates Needle proposed addition to the National Forest.

The dominant features of this area are the Stikine River and the LeConte Glacier. The LeConte Glacier flows into LeConte Bay, north of the Stikine River. The glacier completely dominates the landscape in this area. The icebergs litter LeConte Bay making safe boat passage almost impossible within the bay. The icebergs flow into Frederick Sound. Within this area, forest vegetation is limited except in areas adjacent or close to Frederick Sound.

The Stikine River is a major drainage which is located south of the LeConte Glacier area. It is a declared international waterway and is one of the few access corridors from saltwater into the interior of Canada. Vegetation along saltwater is typical of the southeast hemlock-spruce rain forest, but before reaching the Canadian border the rain decreases and the vegetation changes to cottonwood with interior type vegetation characteristics.

The status of the Stikine River as an international waterway is not affected.

204(c)(2) 12 points1. Proposed Use

Consistent with the purposes of the 204(b)(1) withdrawal, and with its LUD I designation, the proposed use of this 443,000 acre unit is wildland, primitive management in which the scenic, historic, scientific and/or primitive attributes are protected. Most of the area is relatively untouched by humans and should remain so until Congress has made a decision on its classification and management. In addition to the 204(c) withdrawal, this area will be managed as wilderness as prescribed in the Wilderness Act and in Forest Service policy until other direction is given by Congress.

2. Natural Resource Use and Value

The Stikine-LeConte unit has the same wide range of resources found throughout most of southeast Alaska. The recreation and wilderness attributes of the area are enhanced by its inaccessibility, wild

character, and prominent glaciers and ice caps. These resources and their current use are described on the next page.

Recreation

The major use of this unit is recreational. The LeConte Glacier area gets sporadic use from recreationists viewing the glacier from tour boats or airplanes. Some goat and waterfowl hunting does take place. The Stikine River drainage, however, receives far heavier use and the recreational resources are more fully used.

The major mode of access is by small boat but some access is by float plane.

The Stikine River area has two hot springs areas along the river, one of which is heavily used by recreationists.

Because of the tremendous variation in resources within the area, many government and privately sponsored trips are made into the areas for resource investigations and analyses.

Below is a listing of permits currently in effect for the area:

<u>Use</u>	<u>Number of Permits</u>
Communication repeater	1
Public recreation cabins	12
Public picnic grounds	1
Private recreation cabins	14
Private tent platforms	7
Stream Gauging station with cabin	2

Wildlife and Fish

The area, particularly the Stikine River drainage, has long been recognized as an important fish and wildlife area. Besides salmon, trout are also within the drainage. Big game animals include moose, goats, and wolves. The Stikine Flats is an important waterfowl area.

The saltwater tideflats of the Stikine River encompassing nearly 10,000 acres are currently classified as a game management area under Regulation U-36. There is a cooperative management agreement among the Forest Service, the Alaska Department of Fish and Game (ADF&G), and the Alaska Department of Natural Resources for the resources in this area. This classification would not be affected by this withdrawal.

Timber

The timber resource of this withdrawal is predominantly along the saltwater and the Stikine River. The stands are of commercial size and value. Except for a few saltwater areas, however, most of the timber is inaccessible and has very low developmental possibilities.

Of the 443,000 acres within this unit, only about 1,400 acres are operable commercial forest land. The values associated with timber harvest were determined to be secondary to the preservation of the wilderness values. Based on that determination the area was classified in TLMP as LUD I to be recommended as and managed for wilderness. Since only LUD I classification areas are withdrawn, and the cumulative affect of LUD I's on historic harvest levels was considered acceptable, the volume of timber in this unit is not considered critical to the economy of southeast Alaska.

Minerals

The south half of the unit is considered to be favorable to metallic and related nonmetallic deposits. A large block of claims has been staked in this area but the extent of the value is not known. No mineral production has taken place which may indicate that mineral values are not sufficient for economic extraction.

The Stikine River area does have a potential for geothermal development, but more research and investigation would have to be done to determine feasibility for development.

Those claimants who have held on to their claims over the years by doing only necessary assessment work, and not aggressively developing their discoveries, will now find that their claims may be determined invalid. Validity is determined by analysis of the production costs versus the value of the mineral. If the mine cannot be operated at a profit, the claim is not valid. This then, is an adverse impact on a few individuals; but, the economic impact would generally be minor even at the community level. Prospectors with valid claims would be permitted to develop their deposits.

In summary, nothing about this withdrawal action nor the use of the area as proposed would either degrade the environment or, as determined by the 1979 TLMP Final EIS and Plan, unreasonably impact individuals, local communities, or the Nation.

3. Present Users

There are nine separate parcels of private land in the Stikine River near the saltwater influence area. These parcels were all patented between

1913 and 1950 and amount to 1,062 acres. They were predominantly homesteads but now only receive occasional use from the owners who live in the nearby towns.

There are also a number of special use permit holders who use the resources of this area. There has been prospecting in the recent past. Local citizens from Petersburg also use the natural resources of this area for subsistence food gathering. The glaciers attract viewers from outside the area.

Future timber harvest, prospecting for minerals, and State selection would not be permitted during a continued withdrawal; all other present uses would be allowed until such time as Congress gives specific management direction.

4. Proposed Use Conflicts

Prior to classification as LUD I in TLMP, timber harvest, mineral location, and other activities inconsistent with the effort to protect and preserve the scenic, historic, scientific, and/or primitive attributes were proposed and some planned. The State of Alaska made a selection at LeConte. This was disapproved by the Forest Service; other community development centers may be proposed in the future. These and similar uses inconsistent with the purposes noted above are clearly in conflict with the withdrawal and proposed wilderness classification. The impact of loss of these proposed activities was considered acceptable in development of TLMP when LUD I classification was agreed upon.

There are a number of special use permits in the area. These would not be in conflict with the withdrawal and would not be terminated. However, it upon classification as wilderness, Congress makes no special provisions for such uses, the permits could be terminated or put on tenure at that time.

5. Specific Use Requirements

The area is proposed as a wilderness area (LUD I) and a recreation opportunity inventory and plan, and a wilderness area plan are to be prepared. This use is compatible with the requirements of wilderness area management found in the Wilderness Act and in Forest Service policy. The 204(c) withdrawal is not inconsistent with this purpose.

6. Suitable Alternatives

This area provides a unique wilderness experience, although, like other areas in many respects, it has its unique aspects and no similar area can be found in southeast Alaska. The hydroelectric power potential of this

unit is relatively low and, in any case, more strategic locations for power sources do exist in the Panhandle.

State selection would be precluded by this withdrawal. This impact would be minimal and many viable alternatives exist for community expansion and development.

7. Consultation

The land allocations that occurred during the TLMP process required extensive public involvement which was documented in the EIS prepared for that plan. The current LUD I classification was a result of the involvement of many individuals, organizations, agencies, corporations, and State, local, and Federal Government interests.

Further public input will be received during the Regional planning process, and in August hearings are planned to meet the specific requirements of FLPMA.

8. Effect on State and Local Governments

Since the Stikine-LeConte unit was classified as LUD I during the TLMP process, and this decision was made after intensive involvement of State and local governments, the adverse impact would be minimal insofar as commodities go. The determination was made at that time that the timber resources on this and other LUD I areas were not necessary to sustain the current local and regional economy. On the other hand, if the system of wilderness areas, of which this is one, is formally classified by Congress, a positive effect on the local and regional economy is anticipated through increased tourist and recreation visits.

9. Term of Withdrawal

This area was withdrawn until December 31, 1985. By that time, it will have been either classified wilderness by Congress and the withdrawal modified or extended, or addressed in the next RPA effort at which time the Forest land management plans will be reviewed and updated.

10. Public Involvement

This information is covered both in the Introduction and under point 7, Consultation, above.

11. Location of Records

Records may be found at the following locations:

Forest Supervisor
Stikine Area, Tongass National Forest
P.O. Box 309
Petersburg, Alaska 99833

Regional Forester
USDA Forest Service
P.O. Box 1628
Juneau, Alaska 99802

12. Geology Report

The Stikine-LeConte area comprises the mainland of southeast Alaska from the international boundary westward to tidewater. The north boundary follows a hydrographic ridge beginning near Horn Mountain thence southeastward and northeastward to the boundary marker at Castle Mountain. The south boundary follows the hydrographic ridge beginning at tidewater near Garnet Ridge thence eastward to the boundary marker at Mt. Cote.

The distribution of the coast formations is in wide extensive belts, all striking in a general northwest-southeast direction with relatively steep dips. These beds in turn have been intruded by igneous rocks, essentially of granite, diorite, and gabbro which have caused displacement and metamorphism.

The main mountain mass within the area is composed of a light grey eruptive rock. This rock in general is a granidiorite or quartz diorite of coarse crystalline texture. Southwest of this coast range intrusive are gneissoid rocks and highly metamorphic schists, interstratified with narrow belts of marble. Adjacent to these and bordering the coast are argillaceous slates, more or less carbonaceous, including limestone, and these again are followed by more or less extensive belts of greenstones.

Glaciers and the ice cap covers the eastern part of the area.

APPENDIX 3, PART B

12 points of analysis for 204(B)(1) lands

NOT being recommended for withdrawal
under Section 204(c) of FLPMA (PL 94-579)

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FORWARD

This report addresses portions of the Tongass National Forest that were analyzed in the Tongass Land Management Plan (TLMP) and classified as Land Use Designations (LUDs) II, III, and IV in the plan. Permitted use by LUD is addressed in the Introduction of this report. Each area addressed was withdrawn on December 1, 1978, and published in the Federal Register on December 5, 1978, and June 8, 1979. This withdrawal was for two years and will expire on December 5, 1980.

Areas addressed in this report are not being recommended for continued withdrawal past the December 5, 1980, termination date, and this recommendation is based upon a 12 point assessment that follows.

These areas were allocated to the appropriate land use designation in the development of the Tongass Land Management Plan (TLMP). TLMP allocations were the result of extensive local and national public involvement, an analysis of the social and economic impact of various alternatives and further analysis of ways and means to meet long-term and small business timber sale commitments. As described in the following 12 point analysis information, the timber volumes on the LUD III and IV areas and the access provisions of the LUD II areas are critical to the 450 MM annual allowable harvest provisions of TLMP.

INTRODUCTION

This report covers areas that are not being recommended for continued withdrawal following the December 5, 1980, expiration date. These areas are classified as Land Use Designations (LUDs) II, III, and IV in the Tongass Land Management Plan (TLMP). A brief description of the forest management practice permitted in LUD II, III, and IV classifications follows:

LUD II

These lands are to be managed in a roadless state to retain their wildland character, but this would permit wildlife and fish habitat improvement and primitive recreational facility development. This designation will exclude:

- (1) Roads, except for specifically authorized uses.
- (2) Timber harvesting, except for controlling insect infestations or to protect other resource values.
- (3) Major concentrated recreational facilities.

LUD III

These lands will be managed for a variety of uses. The emphasis is on managing for uses and activities in a compatible and complementary manner to provide the greatest combination of benefits. These areas have either high use or high amenity values in conjunction with high commodity values. Allowances in calculated potential timber yield have been made to meet multiple objectives. These lands may include concentrated recreational developments.

LUD IV

Opportunities will be provided for intensive resource use and development where emphasis is primarily on commodity or market resources. Allowances in calculated potential timber yield have been made to provide for protection of physical and biological productivity.

West Chichagof-Yakobi
12 Point Analysis

Size: Approximately 193,000 acres

Location: 30 miles northwest of Sitka, Alaska

Management Area: TLMP - All or portions of C-25, C-35, and C-39

Land Use Designation, TLMP: LUD III and LUD IV



WEST CHICHAGOF-YAKOBI

Description

This area is located approximately 30 miles northwest of Sitka, Alaska, on Chichagof and Yakobi Islands. The area is approximately 193,000 acres in size and was classified during the TLMP process as LUD III and IV. It contains all or portions of Management Areas C-25, C-35 and C-39. It includes the eastern portion of Yakobi Island and that portion between Lisianski Inlet and the north arm of Hoonah Sound at the head of Peril Straits. Timber types are spruce and hemlock with scattered muskeg area with grass, forbs, and stunted conifers. There is private land within the area namely in Lisianski Inlet.

12 Points1. Proposed Use

The area was classified through the TLMP process as LUD III and IV. LUD III and IV permit a variety of uses including timber harvest, mining, gas and oil exploration and development, recreation, fishing and hunting. With the exception of gas and oil, these activities have occurred in the area.

2. Natural Resource Use and Value

For an overview of the adjacent area see West Chichagof-Yakobi Appendix I 204(c) report.

Recreation

Access into this area is via plane or boat and this contributes to the existing light recreation use in the area. Lisianski Inlet and Strait provides for boat access into the area. Open sea near the mouth of the Inlet and Strait is subject to changable water and weather conditions which can make boat travel hazardous. There are no Forest Service recreation cabins in the area. Hunting (brown bear and deer) occurs in the area. Commercial fishing occurs in the Strait and Inlet and along the coast line.

Wildlife and Fish

See Appendix I 204(c) West Chichagof-Yakobi for wildlife and fish detail.

Timber

There are some 46,000 acres of operable commercial forest land in this unit. As a component of the LUD complex upon which the flow of commodity

and market resources is dependent this unit contributes 7.5 MM board feet to the annual commercial timber harvest of the Tongass National Forest. Although not a significant volume by itself, it is part of the balance that was reached in the TLMP designed to maximize amenity and wilderness values while maintaining the established industry and the social and economic stability of Southeast Alaska. Withdrawals of this unit would adversely effect this balance and reduce the flow of timber in direct proportion to the annual yield within this unit.

Minerals

Gold, silver, lead, zinc, copper and nickle have been produced from lode claims in this area. For an overview of the mineral situation on the adjacent areas refer to Appendix I 204(c) for the West Chichagof-Yakobi Area. These claims are inactive at this time.

Ushk Bay has 160 mineral claims which involve approximately 1200 acres. These claims were filed in 1974.

North Suloia Bay has 11 claims which involve approximately 220 acres. These claims were filed in 1967 and are active now.

Yakobi Island has a block of 331 claims which were filed in 1972 and are active at this time. Lisionski Bay has 100 claims which were filed in early 1970 and for the most part are active at the present time.

In summary, there are approximately 540 claims on the area which have been filed during the past 10 years. These claims vary in activity from year to year. A withdrawal would have a serious impact upon the mineral resource in this area.

3. Present Users

There are a number of Forest Service special use permits within the area. There is private land within the area. Fishermen fish the streams, rivers and bays and a few people trap the area during the fall and winter months. Logging has occurred in the area. Beach combing is a use that is increasing. Brown bear and Sitka deer are hunted during the fall. For an overview on this subject for adjacent areas see Appendix I.204(c) for West Chichagof-Yakobi Area.

4. Proposed Use Conflict

Should this unit be withdrawn under section 204(c) it would conflict with timber harvest as allocated through the TLMP for LUD III and IV management areas. It would also preclude exploration and developing of the mineral resource in an area having medium to high potential for mineral location and possible development. This unit also has a high

potential for hydroelectric power development which would be allowed under a withdrawal. State land selections would not be allowed under a withdrawal.

5. Specific Use Requirement

This unit was designated through the TLMP process as LUD III and IV. Areas designated as LUD III and IV allow a variety of uses such as timber harvesting, mineral prospecting, location and development, hunting and fishing. Each activity is managed under various laws, regulations and guides and contribute substantially to the social and economic wellbeing of southeast Alaska. A withdrawal of the area under section 204(c) would preclude this area from contributing its designated portion of resources in reaching the desired planned level.

6. Suitable Alternative

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal. See Appendix I 204(c) report. As a LUD III and IV management unit, it is a part of the LUD III and IV complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. Any reduction of the LUD III and IV acreage will have a direct adverse effect on the flow of commodity and market resources upon which the economy of the area is dependent. Therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

See Appendix I of the 204(c) report for West Chichagof-Yakobi.

8. Effects on State and Local Governments

This unit was classified as LUD III and IV through the TLMP process and this decision was made after intensive involvement of State and local governments. The adverse impact upon withdrawal of this unit would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUD III and IV. Withdrawal under 204(c) is not recommended.

10. Public Involvement

See Appendix I of the 204(c) West Chichagof-Yakobi.

11. Location of Records

See Appendix I of the 204(c) West Chichagof-Yakobi.

12. Geology

See Appendix I of the 204(c) West Chichagof-Yakobi.

Duncan Canal
12 Point Analysis

Size: Approximately 163,000 acres

Location: 10 miles west of Petersburg, Alaska

Management Area: TLMP, S-13, S-14, and a portion of S-10

Land Use Designation: LUD II, III, and IV



DUNCAN CANAL

Description

This 163,000 acre unit is located approximately 10 miles west of Petersburg, Alaska on Kupreanof Island in Southeast Alaska. This is an "interior" island being about 75 miles towards the mainland and sheltered by other larger islands from the Gulf of Alaska. The unit composes most of the drainages into Duncan Canal and includes Towers Arm and Castle River. The landscape is a typical U-shaped valley with Hemlock-Spruce forest and muskeg on sites having poor drainage. This unit includes all or portions of S-10, S-13, and S-14. Primary access into the area is via boat or float plane.

12 Points1. Proposed Use

There have been timber harvesting activities on this area in past years. The TLMP has designated the area as LUD II, III and IV. A portion of the area was designated in the TLMP process as LUD I and this area has been recommended as wilderness and as stated in Appendix I a plan will be prepared for management. The LUD II portion was determined as the best alternative for management of a portion of the area and that portion borders the LUD I area on the west. The LUD III and IV portions would be managed for all resources and specific management direction is described in the TLMP.

2. Natural Resource Use and ValueRecreation

There are Forest Service cabins and special use permits within the area. Waterfowl hunting is quite popular along with fishing and hunting of big game species. The area is used quite extensively by local residents of Petersburg due to the protected water access route. Float planes are also used to access the area. Beachcombing is becoming popular in the area as is sightseeing and with Duncan Canal a major migration route for waterfowl birdwatching activities are increasing.

Wildlife and Fish

This unit supports moderate populations of black bear, deer, furbearers and other species of wildlife typical of southeast Alaska. There are streams within the area that support moderate numbers of Dolly Varden and cutthroat trout. Salmon sport fishing is popular in Duncan Canal for five major salmon species. Waterfowl are present in abundant numbers at various times of the year and the area is quite popular for both duck and goose hunting.

Eustarine resources were rated as high for this area.

Timber

There are approximately 21,000 acres of operable commercial forest land in this unit classified as LUD III and IV by the TLMP as a component of the LUD complex upon which the flow of commodity and market resources is dependent these units contribute 4.6 MM board feet of the annual harvest of the Tongass National Forest. This volume is significant unto itself and it is also a part of the balance that was reached in the TLMP designated to maximize amenity and wilderness values while maintaining the established industry and the social and economic stability of southeast Alaska. Withdrawal of this unit would adversely effect the overall balance and reduce the flow of timber in direct proportion to the annual yield within the unit.

Minerals

There are 33 claims located in the area. Gold, silver, lead, copper, zinc and barium are the minerals generally associated with the mining activities. During 1978 the Amoco Mineral Company filed several large blocks of claims not included in the numbers above. The minerals sought are believed to be copper, zinc, silver, and gold.

In general there has been considerable exploration on the area during the past years. A withdrawal under 204(c) would preclude further mineral exploration of the mineral resources.

3. Present Users

Present users were described partially under item 2 of this section; however, hunting, fishing, sightseeing and mining comprise the activities of most users. There are Forest Service recreational cabins present and special use permits on the area. Commercial fishermen use the coves as a refuge from rough winters during inclement weather.

4. Proposed Use Conflict

Portions of this area through the TLMP process were designated as LUD III and IV. This designation would allow timber harvest and mining prospecting and location to occur. A withdrawal under 204(c) would preclude these activities.

5. Specific Use Requirements

This unit was designated as LUD II, III, and IV in the TLMP and a withdrawal under 204(c) is not consistent with the purpose of this designation.

6. Suitable Alternatives

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal--see Appendix I. This management unit consists of LUDs II, III, and IV and is an integral part of the overall LUD complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. Any significant reduction of the LUDs II, III and IV acreage will have a direct adverse effect on the flow of commodity and market resources upon which the economy of the area is dependent; therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

See Appendix I of the 204(c) report for the Petersburg River report.

8. Effects on State and Local Governments

This unit was classified as LUD II, III and IV through the TLMP process and this decision was made after intensive involvement of State and local governments. The adverse impact upon these various governments by a withdrawal of this area under 204(c) would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUDs II, III and IV. Withdrawal under 204(c) is not recommended.

10. Public Involvement

See Appendix I of the 204(c) Petersburg River report.

11. Location of Records

Records may be found at the following locations:

Forest Supervisor
Stikine Area, Tongass National Forest
P.O. Box 309
Petersburg, Alaska 99833

Regional Forester
U.S.D.A. Forest Service
P.O. Box 1628
Juneau, Alaska 99802

12. Geology Report

The Duncan Canal area is generally underlain by sedimentary clastic rocks, calcareous, and volcanic rocks of Devonian age. These formations are part of the Duncan anticlinorium that strikes southeast from the northwest end of Kupreanof Island east of Cape Bendel along Duncan Canal and across the central part of Zarembo Island. Along the core of this anticlinorium the beds are folded into several anticlines and synclines. Duncan Canal is eroded along the crest of a closely folded anticline and pillow lava and andisitic tuff and breccia are exposed in a synclinal trough that lies along a line from Castle Islands through Deception Cove on Woewodski Island.

Idaho Inlet-Mud Bay
12 Point Analysis

Size: Approximately 109,000 acres

Location: 40 miles northwest of Sitka, Alaska

Management Area: TLMP - C-26 and C-27

Land Use Designation Areas: LUD II and LUD III



IDAHO INLET-MUD BAY

Description

Idaho Inlet-Mud Bay area is located on the northwest part of Chichagof Island and is approximately 40 miles north of Sitka, Alaska. This area includes Trail River and its tributaries and the Mud Bay River drainage north from Otter Lake. The western boundary bisects the Indian Peninsula and encompasses the Idaho Inlet drainage. Idaho inlet drainage has very steep ridges that rise to approximately 3000 feet in elevation and the inlet itself extends approximately 10 miles inland. The southern boundary is defined by the ridge that divides the drainages to the south into Tenakee Inlet, Port Frederick region. This area contains approximately 109,000 acres of lands administered by the Forest Service. The average annual precipitation in this area ranges from 100 to 180 inches per year. The average annual temperature is approximately 430 F.

Vegetation is predominately dense Sitka spruce and Western Hemlock timber stands. About 20% of the area is muskeg which is composed of sphagnum moss, grasses, sedges, and stunted conifers. About one third of the area is alpine which consists of forbs, sedges, grasses and shrub-like trees.

12 Points1. Proposed Use

In 1975, the Idaho Inlet-Mud Bay area was proposed by SEAC to be managed as a wilderness or roadless area managed primarily for recreation purposes. The Tongass Land Management Plan (TLMP) has classified the area as Land Use Designation (LUD) II and III. With the western portion as II, the eastern portion III. Uses within these LUD areas are described in the introduction of this report.

2. Natural Resource Use and Value

This area has a wide variety of resources as found throughout southeast Alaska. It is used extensively by residents of Hoonah, Pelican, and to a limited degree by residents of Sitka and Juneau for hunting, fishing, sightseeing, and trapping. The area was used for fox farms, timber harvest, exploration and mining in past years. It was scheduled to contribute significantly in supply timber volumes to meet the timber volume requirements of the timber sale under contract to Alaska Lumber and Pulp located in Sitka, Alaska.

Recreation

A trail between Idaho Inlet and Tenakee Inlet has been proposed to become a part of a trail loop system with Port Frederick. A recreation cabin has been proposed in Mud Bay. There are no existing Forest Service recreation cabins in the area at this time.

Sport fishing in the inland lakes within the area is a popular recreation activity. There are no Forest Service recreation cabins within the unit boundaries; however, a proposal has been made to construct a cabin primarily for bird watching and hunting. Beach combing, clamming and other shore related recreational opportunities exist and are being pursued. An excellent view of Glacier Bay can be obtained from observation points in this area.

Wildlife and Fish

There is abundant wildlife in the Idaho Inlet-Mud Bay area. Particularly heavy concentrations of brown bear and waterfowl are present in Mud Bay. The estuary in Mud Bay is used by geese, ducks and shorebirds continually in the spring and fall and is known as one of the best waterfowl resting areas in southeast Alaska. The tidal flat at the head of Idaho Inlet as well as Trail River and Marble Creek are intensively used in spring by brown bear.

Mud Bay River supports extensive populations of Dolly Varden char, cutthroat trout, as well as pink, coho, chum, and sockeye salmon and possibly steelhead. Mud Bay supports dungeness, king, and tanner crab, which are fished commercially.

The fisheries task force working report (TLMP) rates Idaho Inlet as high quality for sport fishing and very high for commercial fishing. Estuarine habitat throughout the area is very valuable, especially for waterfowl habitat and as a spring feeding area for brown bear.

Timber

There are approximately 12,000 acres of operable commercial forest land in this unit. As a component of the LUD complex upon which the flow of commodity and market resources is dependent, these units contribute 2.5 MM board feet of the annual harvest of the Tongass National Forest. This volume is significant unto itself and is also a part of the balance that was reached in the TLMP designed to maximize amenity and wilderness values while maintaining the established industry and the social and economic stability of southeast Alaska. This was to assist in fulfilling a portion of the timber volume associated with the long term timber sale contract with Alaska Lumber and Pulp. Withdrawals of this unit would adversely effect this overall balance and reduce the flow of timber in direct proportion to the annual yield within the unit.

Minerals

The dominant rocktypes are diorites and quartz-diorites which have intruded into the metamorphics of the east side of Idaho Inlet. The Northern Mud Bay region is predominately greywackes, argillites, and

conglomerates. The contacts are intrusive and along faults. The valley bottoms are alluvial deposits.

Joseph A. Nava of the Institute of Arctic Biology in Fairbanks reported to the FS in 1974 of having spotted a hot spring on the slopes west of Neka River and about three miles upstream from Neka Bay. Another hot spring is reported at the head of Mud Bay, but its existence has never been confirmed.

Potential for geothermal resources is unknown at present. There are no mining claims within the withdrawal area. There is a claim just southeast of the boundary, about two miles east of Otter Lake, named "Neka Bay #1". copper and iron were located there.

Future potential for mineral production is unknown, so no evaluation of economic impacts of withdrawal can be made.

3. Present Users

Present users of this area consist of sport hunters and fishermen who fish the lake and streams. Commercial fishermen fishing the Icy Straits area use the bays and inlets for shelter during periods of inclement weather. Hunters searching for brown bear use Idaho Inlet and Mud Bay. Recreationists from surrounding communities visit the area to beachcomb, sightsee and photograph wildlife. Local residents from surrounding communities also use the natural resources of this area for subsistence food gathering.

4. Proposed Use Conflicts

This area was classified in TLMP as LUD II and III. Areas classified as LUD II will remain in a roadless state to maintain their unroaded character, however, areas classified as LUD III will be managed for a variety of uses including harvesting of timber, mining, hunting and fishing, etc. Access roads will be needed in the LUD III area for a variety of purposes. Under a withdrawal timber harvest would be precluded.

5. Specific Use Requirement

This unit was designated as LUD II and III through the TLMP process and withdrawal under 204(c) is not consistent with this designation.

6. Suitable Alternative

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal.

July 21, 1980

See Appendix I. As a LUD II and III management unit, it is a part of the LUD II and III complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. Any reduction of the LUD II and III acreage will have a direct adverse effect on the flow of commodity and market resources upon which the economy of the area is dependent. Therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

The land allocations that occurred during the TLMP process required extensive public involvement which was documented in the EIS prepared for the TLMP. The current LUD II and III classification was a result of the involvement of many individuals, organizations, agencies, corporations, and State, local, and Federal Government interests.

Further public input will be received during the Regional planning process, and in August hearings are planned to meet the specific requirements of FLPMA.

8. Effects on State and Local Governments

This unit was classified as LUD II and III through the TLMP process and this decision was made after intensive involvement of State and local governments. The adverse impact upon withdrawal of this unit would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUD II and III. Withdrawal under 204(c) is not recommended.

10. Public Involvement

This information was covered under item 7 above.

11. Location of Records

Records may be found at the following locations:

Forest Supervisor
Chatham Area, Tongass National Forest
P.O. Box 1980
Sitka, Alaska 99835

Regional Forester
USDA Forest Service
P.O. Box 1628
Juneau, Alaska 99802

12. Geology Report

Idaho Inlet-Mud Bay is underlain almost entirely by highly crystalized rocks of Mesozoic and Paleozoic age and by extensive bodies of igneous rocks that are dominately dioritic in composition. Within this area the regional trend of the rocks is northwest.

The main period of intrusion probably took place during the latter part of the Cretaceous time. The dioritic body itself consists of multiple injections of magma which were dioritic in composition. Probably the intrusions were related to the major structures of the area. The magma was widely intruded into the Coast Range of Alaska and Canada and occurs as an elongated tongue which extends as far south as southern Baranof Island.

Keku Strait (Rocky Pass)
12 Point Analysis

Size: Approximately 82,000 acres

Location: 30 miles west of Petersburg, Alaska

Management Area: TLMP S-12

Land Use Designation: LUD II



KEKU STRAIT (ROCKY PASS)

Description

Rocky Pass is a narrow water passage separating Kupreanof and Kuiu Islands on the Tongass National Forest in southeast Alaska. Its name is derived from the numerous rocky shoals and islands which make passage by vessels larger than commercial fishing boats impractical. It is located approximately 10 miles south of the village of Kake and 30 miles west of Petersburg, Alaska.

The withdrawal area encompasses the major view areas on Kuiu and Kupreanof Islands as seen from boats traversing the passage. It extends from Keku Strait on the north to Three Mile Arm on the south. The east boundary is the only one of the area that does not follow watershed divides.

The area has long been recognized as an important wildlife area because of its unique shoreline characteristics and its use by both resident and migratory waterfowl and mammals.

The scenic quality is high but the area offers no particularly unique or special distinguishing scenic or scientific features.

Vegetative cover is typical of southeast Alaska with the hemlock-spruce forest throughout the landscape interspersed with muskegs. Numerous large and small streams drain into Rocky Pass from both the Kupreanof and Kuiu Island areas.

The total area encompassed by this withdrawal is 82,000 acres.

All of the public land within the management area is classified as National Forest administered by the U.S. Department of Agriculture, Forest Service. All tidelands belong to the State of Alaska.

The State of Alaska has applied for 602 acres of land on High Island within this withdrawn area under provisions of the Statehood Act. The selection was approved by the Forest Service on January 11, 1979. Title to the land will be given to the State after the appropriate surveys take place.

Under the Alaska Native Claims Settlement Act of 1971, the Sealaska Native Corporation has applied for patent to one historic village site encompassing 11 acres on the northern entrance of Rocky Pass near Dakaneek Bay. No action has been taken since this was applied for on December 12, 1975.

12 Points1. Proposed Use

This area was classified in the TLMP process as LUD II to be managed in a roadless state to retain its wilderness character. This classification would permit wildlife and fish habitat improvement and primitive recreational development. This designation would exclude roads except for specifically authorized uses, and timber harvest except for controlling insect infestations or to protect other resource values. No major recreational facilities would be developed.

2. Natural Resource Use and ValuesRecreation

Recreation use is centered along the waterway and at two Forest Service administered public recreation cabins at Devil's Elbow and Big John Bay. These are used predominately for migratory waterfowl hunting. Deer hunting also was significant until closure of the hunting season in 1972 because of low numbers. This deer hunting closure is still in effect.

Subsistence use, berrypicking, and fishing occur within this area but these activities would be more prevalent the closer one gets to Kake.

Recreation use is relatively light since no roads are in the area. Access is by float plane or boat. On both Kuiu and Kupreanof Islands roads are within hiking distance of the unit boundaries and thus facilitates some use along the fringe of the unit.

Water access is limited to small boats due to the rocky and shallow nature of the Rocky Pass channel.

Wildlife and Fish

The relatively sheltered nature of Rocky Pass with its many islands and intertidal flats provides an excellent quantity, quality and variety of habitats for both resident and migratory waterfowl and mammals. Relatively little harvest of the game species takes place because of the remoteness of the area from population centers.

The adjacent saltwaters rate high for both sports and commercial fishing.

Black bear, Sitka black-tailed deer, numerous furbearing species, shore birds and bald eagles inhabit the area. The area has been closed to deer hunting since 1972 because of low deer numbers.

Timber

Timber values are moderate in this area and timber harvest is not planned. Of the 82,000 acres in the area, about 18,400 acres are considered operable commercial forest lands.

Minerals

No mining claims are known to be present in this area. The extent of intensive mineral exploration is unknown. This area is within the Kupreanof mining district that is known to have gold, silver, and traces of platinum, lead, copper, zinc and barium.

3. Present Users

Present users of the area include a relatively few sport hunters and fishermen and others pursuing general outdoor enjoyment activities. Both sport and commercial fishermen using small boats use the waters of Rocky Pass for salmon and crab fishing.

4. Proposed Use Conflicts

This area was classified through the TLMP process as LUD II. As such, it would be managed to retain its wilderness character. Typically, timber harvest or roads construction would not be routinely allowed but could take place for specific purposes with specific authorization in order to protect other resource values. Such uses, as unlikely or infrequent as they might be, would be precluded by a withdrawal.

State land selection, if the State desired to expand to other islands adjacent to High Island, would be precluded by a withdrawal.

5. Specific Use Requirements

As a LUD II area, the possibility exists for very limited timber harvest and road construction. Mineral entry and State land selection are also possible. These potential uses are not consistent with the management direction under a withdrawal classification.

6. Suitable Alternatives

Other areas on the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal.

This unit, because of its moderate topography, has a potential to provide low impact road access to adjacent LUD IV areas that are to be managed

for intensive resource use. Alternative routes for access are available but their use would result in significantly greater impacts on the land.

7. Consultation

The land allocation that occurred during the TLMP process required extensive public involvement which was documented in the EIS prepared for that plan. The current LUD II classification was a result of the involvement of many individuals, organizations, agencies, corporations, and State, local and federal government interests. Further public input will be received during the Regional Planning process, and in August hearings are planned to meet the specific requirements of FLPMA.

8. Effect on State and Local Governments

Since this area was classified as LUD II during the TLMP process and this decision was made after intensive involvement of State and local governments, the adverse impact on State and local interests would be substantial.

9. Term of Withdrawal

Through the TLMP process this unit was classified as a LUD II and withdrawal under 294(c) is not recommended.

10. Public Involvement

This information is covered in both the introduction and under item 7 above.

11. Location of Records

Records may be found at the following locations.

Forest Supervisor
Stikine Area, Tongass National Forest
P.O. Box 309
Petersburg, Alaska 99833

Regional Forester
USDA Forest Service
P.O. Box 1628
Juneau, Alaska 99802

12. Geology Report

Keku Straits are generally underlain by a series of volcanic rocks ranging from Pliocene through Miocene age. At the north end of the

area several intrusions are exposed. These consist of basic rocks mainly diorete, gabbro and norite. (Geological Map of Southeast Alaska).

Intensive geological studies, specific to the area, have not been made and/or more detailed information is not known or not available.

ENDICOTT RIVER
12 Point Analysis

SIZE: Approximately 14,000 acres

LOCATION: Chilkat Peninsula

MANAGEMENT AREA: TLMP, C-16 (Eastern portion of VCU 105C)

LAND USE DESIGNATION, TLMP: LUD III



ENDICOTT RIVER

Description

This area is adjacent to the Endicott River area (LUD I) which was described and discussed in Appendix I. It has been classified as LUD III in the Tongass Land Management Plan (TLMP). The area is bounded by Lynn Canal on the east and the Endicott River area (LUD I) on the west. It is approximately 14,000 acres in size. There is no private land within or immediately adjacent to this area.

12 Points1. Proposed Use

This area was classified in the TLMP process as LUD III. LUD IIIs permit a variety of uses including timber harvest, mining, recreation, fishing, and hunting. A road has been proposed through this area to access resources within and adjacent to it. There has been mineral exploration and location in this area during the past years although none are active at the present time.

2. Natural Resource Use and ValuesRecreation

This resource is described in 204(c) Appendix I; however, it should be noted that a possible land access route to Glacier Bay National Monument exists through this unit. Trail access from Lynn Canal through the unit and on to Glacier Bay is possible. Present lack of access restricts public use of this area.

Wildlife and Fish

An estuarine area at the mouth of the Endicott River provides habitat for waterfowl and tidal life. Nesting sites for eagles are found along the lower reaches of the Endicott River. The Endicott River in this area has been rated as high for its contribution to the commercial fishing industry. For further details, refer to Appendix I Endicott River 204(c) report.

Timber

There are approximately 900 acres of operable commercial forest land in this unit classified as LUD III by the TLMP as a component of the LUD complex upon which the flow of commodity and market resources is dependent. This unit contributes 0.3 MM board feet of the annual harvest

of the Tongass National Forest. This volume is significant unto itself and it is also a part of the balance that was reached in the TLMP designated to maximize amenity and wilderness values while maintaining the established industry and the social and economic stability of southeast Alaska. Withdrawal of this unit would adversely effect the overall balance and reduce the flow of timber in direct proportion to the annual yield within the unit.

Minerals

This unit is located in a geologic region that is highly favorable for metallic and related nonmetallic deposits. Minerals that have been recorded are gold, silver, and lead. Claims that have been located in the area are not active at the present time. For a more detailed analysis of the mineral situation adjacent to the unit, refer to Appendix 1, Endicott River area.

3. Present Users

Refer to Appendix 1, Endicott River area 204(c) report.

4. Proposed Use Conflicts

If this unit is withdrawn under section 204(c), it would conflict with and preclude access to and from the LUD III unit south of the Endicott River as well as any possibility of a road terminus at the Endicott River which could provide access to a trailhead for a overland trail to the Glacier Bay National Monument and to the Endicott River LUD I proposed wilderness area. Without such access, the Endicott River proposed wilderness becomes for all practical purposes inaccessible. With the exposed shoreline of Lynn Canal and total lack of anchorage along that shore the area could be used and enjoyed only by a few who risk aircraft landings on the beach or leave boats anchored in exposed and generally unacceptable conditions. The LUD III prescription would permit exercise of the Haines, Endicott River road option plus the harvest of timber in adjacent LUD IIIs as prescribed in TLMP.

5. Specific Use Requirements

This unit was designated as LUD III in the TLMP and a withdrawal under 204(c) is not consistent with purpose.

b. Suitable Alternatives

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal. See Appendix 1. As an LUD III management unit, it is a part of the LUD III complex from which the commodity and market resources of the Tongass

must come to meet the social and economic needs of southeast Alaska. Any reduction of the LUD III acreage will have an adverse affect on the flow of commodity and market resoures upon which the economy of the area is dependent. Therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

See Appendix I of the 204(c) report for the Endicott River area.

8. Effect on State and Local Governments

This unit was classified as LUD III through the TLMP process and this decision was made after intensive involvement of State and local governments. The adverse impact upon withdrawal of this unit would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUD III. Withdrawal under 204(c) is not recommended.

10. Public Involvement

See Appendix I of the 204(c) Endicott River report.

11. Location of Records

See Appendix I of the 204(c) Endicott River report.

12. Geology

See Appendix I of the 204(c) Endicott River report.

Mansfield Peninsula
12 Point Analysis

Size: Approximately 87,000 acres

Location: Northern portion of Admiralty Island

Management Area: TLMP - C-21

Land Use Designation: LUD III



MANSFIELD PENINSULA

Description

Mansfield Peninsula is located on the northern tip of Admiralty Island approximately 10 miles west of Juneau, Alaska. The area is approximately 87,000 acres in size.

The Peninsula has a relatively regular coastline, interrupted by several significant waterways and bays. Beginning at the southern portion of the west coast is Hawk Inlet, a narrow waterway which clearly delineates the Peninsula from the remainder of the island. Midway up the western coast is Funter Bay with several extremely small coastal islands. Along the eastern coastline of the Peninsula, Barlow Cove extends from Point Retreat into the Peninsula approximately 5 miles. Finally, Young Bay is defined by the southeastern shoreline of the Peninsula and the Point Young northern coastline of Admiralty Island.

The western coastline of the Peninsula lies within a rain-shadow. Thus, while Point Retreat, at the northern tip of the Peninsula, reports annual precipitation of 79 inches and an average annual temperature of 42.20 F, the Funter Bay area is notably drier and colder. Funter Bay experiences annual precipitation of 40-50 inches.

The Peninsula includes one area, south of Funter Bay, which reaches an elevation of 3000 feet at Robert Barron Peak. The remainder of the Peninsula is relatively low elevation, general forest zone with characteristically rolling country and extensive muskeg and scrub timber.

Mansfield Peninsula is an area of relatively low-lying topography with vegetation types and animal species typical of scrub forest and muskeg terrain. Characteristic vegetation includes lodgepole pine, mountain hemlock, and Alaska cedar. The surface vegetation of the muskegs includes sedges, grasses, and sphagnum moss.

In the past, the Mansfield Peninsula included several developed areas. Today the Funter Bay Mine and other developed mining sites are abandoned and in a state of collapse; the Hawk Inlet Cannery has burned with no known plans to rebuild. Remaining is the single settlement at Funter Bay where occupational use is combined with hunting and fishing activities.

The Coast Guard maintains navigational beacons along the shoreline; there is an unmanned lighthouse at Point Retreat, on the northern tip of the Peninsula. There is no road system.

Thus, except for recreational users, the primary current activity on the Peninsula is minerals exploration.

Aside from Mansfield Peninsula's proximity to Juneau and its subsequent recreational popularity there are few apparent unique attractions. The Peninsula is typical of much of the low, rolling, and somewhat block landscapes of southeast Alaska. Several prominent old growth forest stands exist within low scrubby muskeg regions. Perhaps the most interesting features of the Peninsula are its deep protected bays and its scenic island complex above Barlow Cove and Point Retreat, the site of a now abandoned light station.

12 Points

Recreation

There are 15 special-use permits currently issued on the Peninsula, all but one for recreation residences and cabins. Five are at Funter Bay (including one non-recreation residence permit); 2 are at Barlow Cove; 4 are on Bear Creek; and the remaining permits are located individually at Pt. Symonds, Piling Point, and Hawk Inlet. There are no Forest Service public recreation cabins on the Peninsula.

The Mansfield Peninsula is perhaps the most popular boating, fishing, and hunting area in easy reach of Juneau recreationists. Funter Bay and Hawk Inlet on the west coast of the Peninsula are popular destination anchorages and afford consistently good opportunities for fall hunting. They also provide convenient transient anchorate for Juneau boaters traveling to and from Glacier Bay. The eastern waters of the Peninsula are extremely popular for sport fishing and pleasure boating. Fall hunting, primarily for deer, is popular from Barlow Cove to Admiralty Cove.

Recreation facilities on Mansfield Peninsula are oriented to a few private cabins scattered throughout the Peninsula and small picnic areas. Most recreationists use their boats or tents as overnight facilities.

Wildlife and Fish

Because of its prime habitat, the Mansfield Peninsula is supportive of excellent deer populations. Waterfowl populations are rated good and are found at the heads of most bays with the head of Hawk Inlet the most well-populated location.

Estimated salmon escapement on Mansfield Peninsula is 55,000; trout and char escapement, 2,000. These estimates, for use only as approximate comparison, indicate low fishery values when compared to Admiralty Island.

Timber

There are 32,000 acres of operable commercial forest land in this unit. As a component of the LUD III complex upon which the flow of commodity and market resources is dependent. These units contribute 6.7 MM board feet of the annual harvest of the Tongass National Forest. This volume is significant unto itself and it is also a part of the balance that was reached in the TLMP designated to maximize amenity and wilderness values while maintaining the established industry and the social and economic stability of southeast Alaska. This was to assist in fulfilling a portion of the timber volume associated with the long term timber sale contract with Alaska Lumber and Pulp Company. Withdrawal of this unit would adversely effect the overall balance and reduce the flow of timber in direct proportion to the annual yield within the unit.

Minerals

This unit is located within a geologic region that is highly favorable for metallic and related non-metallic deposits. There are approximately 350 claims located in the area, 64 of which are patented. The area of high density of claims is about midway down the Peninsula and the minerals claimed are gold, silver, copper, lead, nickel and cobalt.

3. Present Users

Present users of the Mansfield Peninsula area are miners, hunters and fishermen, sightseers, beachcombers and hikers that have limited time and use the area due to its proximity to Juneau.

4. Proposed Use Conflicts

Mineral exploration and possible development would not be consistent with section 204(c) withdrawal. The area is within a zone of known mineral potential and this is evident by the number of claims present.

Timber harvest would not be consistent with section 204(c) withdrawal. Portions of this unit are heavily timbered and through the TLMP process the entire area was designated as a LUD III which would permit timber harvest and a variety of other resource uses.

5. Specific Use Requirements

This unit was designated as LUD III in the TLMP and a withdrawal under 204(c) is not consistent with that classification.

6. Suitable Alternative

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal. See Appendix I. As a LUD III management unit, it is a part of the LUD III complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. Any reduction of the LUD III acreage will have a direct adverse effect on the flow of commodity and market resources upon which the economy of the area is dependent. Therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

See Appendix I of the 204(c) report for this subject area.

8. Effects on State and Local Governments

This unit was classified as LUD III through the TLMP process and this decision was made after intensive involvement of State and local governments. The adverse impact upon withdrawal of this unit would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUD III. Withdrawal under 204(c) is not recommended.

10. Public Involvement

See Appendix I of the 204(c) for public involvement.

11. Location of Records

Records may be found at the following locations:

Forest Supervisor
Chatham Area, Tongass National Forest
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12. Geology Report

The Juneau synclinorium which borders the coast range batholith on the west is a huge down-warping trough, the axis of which extends along Lynn Canal, Stephens Passage, and Seymour Canal. The western limb includes rock formations along the eastern half of Admiralty Island.

Immediately adjoining the synclinorium to the west is the Funter anticline, a local structure, the nose of which is shown by a marker unit of marble found on the southeastern side of Funter Bay. The marker bed pitches southeast at a low angle and is traceable to a point near Point Retreat. The Retreat group, a metamorphosed rock strata of interlayered sericite schist, green schist, slate, and graywacke at least 6000 feet thick overlies the marble. A pluton of quartz-diorite borders and perhaps underlies the group.

Southeast of the bay and on the western slope of Robert Barron Peak, a basic sill variously described as an olivine diabase dike; a basic sill; and as a gabbro has been intruded into the Retreat group of rocks. The sill is mineralized with sulfides of nickel and copper (Henry Jones; report of Admiralty Alaska Gold Mining Co., 1961).

Tracy Arm-Fords Terror
12 Point Analysis

Size: Approximately 24,000 Acres

Location: 50 Miles Southeast of Juneau, Alaska

Management Area: TLMP, C-12

Land Use Designation, TLMP: LUD 11



Tracy Arm-Fords TerrorDescription

This portion of the Tracy Arm-Fords Terror area is located on the mainland approximately 50 miles southeast of Juneau, Alaska. This unit is approximately 24,000 acres in size and it was designated as LUD II in TLMP and is located in the Holkham Bay area with an extension along Tracy and Endicott arms. Portions of the unit are heavily forested with hemlock and spruce. Establishment of a marina and recreation use site is currently being considered for use as an entry point for the Tracy Arm-Fords Terror proposed wilderness area. For an oversight of the adjacent area refer to the Tracy Arm-Fords Terror section in Appendix 1 of the 204(c) report.

B. 12 Points1. Proposed Uses

The area has been designated through the TLMP as a LUD II area which is defined in the introduction of this appendix. In general, this LUD II designation would allow roads only under very specific conditions and these are described in the TLMP. A timber sale (Gilbert Bay) has been proposed for the LUD III area directly north of this area. One proposed access from the sale area to saltwater is through a portion of this area to Williams Cove. An EIS is in the preparation stage at this time to analyze the impact the sale and related activity would have on this area.

A proposed marina and recreation site has been proposed for a portion of this unit as a jumping-off place for recreationists using the proposed Tracy Arm-Fords Terror wilderness. Due to the distance from Juneau and Petersburg to the proposed wilderness and the fuel capacity of most recreation boats, bringing enough fuel to safely make the trip and return is a problem. A marina to adequately handle fuel and possibly supplies for the recreationist has been suggested and this is currently being studied for feasibility.

Access to this area is by boat or airplane and the primary recreation opportunity available is hunting, fishin, sightseeing, and some beachcombing.

There are mining claims within and adjacent to the area. These claims are active at the present time. There are approximately 100 acres of private land in the area.

There are proposed State and Native land selections located in the area near the confluence of Tracy Arm and Endicott Inlet.

2. Natural Resource Use and Values

Recreation

The area is used primarily by hunters, fishermen, sightseers, and beachcombers. It serves as a gateway for access to the Tracy Arm-Fords Terror proposed wilderness area. Most recreationists reach the area via boats, however, some aircraft are also used to a limited degree. For a more detailed review of the recreation resource on adjacent areas see Appendix I 204(c) report for the Tracy Arm-Fords Terror area.

There are no Forest Service recreation cabins in the area, however, there are a few abandoned trapper cabins. These cabins are in various states of disrepair.

Wildlife and Fish

Mountain goat, wolverine, furbearers, black and brown bear, and a few Sitka black-tailed deer are found in the area. Bald eagles and shore birds are found near the coastal areas. Seals, whales, and sealions are found in the area at certain times of the year. The bays and coves of the area are considered as excellent rearing sites for anadromous fish as well as for shellfish, and herring. The occurrence of floating ice limits commercial fishing.

Timber

There is operable commercial forest land in this unit. The values associated with timber harvest were determined to be secondary to the associated recreation values. Based upon that determination, the area was classified in TLMP as LUD 11 and will be managed in a roadless condition. This unit was included in the Ketchikan Pulp Company's long-term timber sale contract. Due to the LUD 11 classification only limited timber activity is planned in this area.

Minerals

There are approximately 50 mining claims located within the area. Minerals claimed are gold, silver, and lead. Significant exploration activity has occurred in the area during the past several years. The area was rated as being a moderate to high mineral potential area for mineral occurrence.

Placid Oil Company's mineral exploration activities have been in progress in this area for several years. A group of claims near Williams Cove have been staked and patented.

3. Present Users

This topic has been discussed under item 1 above, and for a general overview for the area see Appendix I 204(c) for Tracy Arm-Fords Terror area.

4. Proposed Use Conflicts

Mining location and development would not be permitted under a 204(c) withdrawal. The area has been rated between moderate and high for mineral probability. There has been a past history of active mineral exploration by various individuals and companies seeking commercial mineral deposits and this is still occurring.

Proposed State selections are located in the area. These would not be permitted under a 204(c) withdrawal.

5. Specific Use Requirements

This unit was designated as LUD II in the TLMP which allows various activities to occur. A withdrawal under 204(c) is not consistent with this purpose.

6. Suitable Alternatives

Other areas in the Tongass area as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal (see Appendix I). As a LUD II management unit it contributes significantly to the complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. A reduction of the LUD II acreage will have a direct adverse effect on the flow of commodity and market resources upon which the economy of the area is dependent. Therefore, no suitable alternative area can be considered available for this unit's land use designation.

7. Consultation

See Appendix I of the 204(c) report for the Tracy Arm-Forts Terror area.

8. Effect on State and Local Governments

This unit was classified as LUD II through the TLMP process and this decision was made after intensive involvement of State and local government. The adverse impact upon withdrawal of this unit would be significant.

9. Term of Withdrawal

Through the TLMP process this unit was classified as LUD II. Withdrawal under 204(c) is not recommended.

10. Public Involvement

See Appendix I of the 204(c) Tracy Arm-Fords Terror report.

11. Location of Records

See Appendix I of the 204(c) Tracy Arm-Fords Terror report.

12. Geology

See Appendix I of the 204(c) Tracy Arm-Fords Terror report.

YAKUTAT FORELANDS
12 Point Analysis

SIZE: Approximately 319,000 acres

LOCATION: 20 miles Southeast of Yakutat, Alaska

MANAGEMENT AREA: TLMP, C-53, C-58, C-59 and Portions of C-57
and C-60

LAND USE DESIGNATION, TLMP: LUD II, III, IV



YAKUTAT FORELAND

Description

This portion of the Yakutat Foreland area begins approximately 20 miles south of Yakutat, Alaska, at the Dangerous River and progresses south to the Alsek River. It is bounded on the west by the Gulf of Alaska and on the east by the existing National Forest boundary. Also included is that portion of the proposed National Forest addition of public domain land at Harlequin Lake. It encompasses all or part of the following Forest Management Areas (see TLMP): C-53, C-57, C-58, C-59, and C-60. This area is approximately 319,000 acres which is administered by the Forest Service.

The area is commonly referred to as the "Yakutat Forelands" and the geography is relatively flat. The Yakutat forelands extend from the base of the Saint Elias Mountains westward to the Gulf of Alaska, and from the town of Yakutat to the Alsek River. The area varies in width from 16 miles to approximately 4 miles. Land forms consist of unconsolidated material which has been swept down from the mountains to form large alluvial deposits and extensive sand and gravel flood plains. Sand dunes parallel the beach. These dunes were formed by wave and wind action which continues today causing shifts in the location of river outlets into the Gulf as well as relocation of the rivers themselves at the lower elevations.

Commercial fishing using set nets along the Alsek, Akwe, and Italio rivers is one activity that occurs when the salmon are running from the Gulf into the rivers to spawn.

The area contains a substantial moose population. During the past years a short (3-5 day) moose hunting season has been allowed in the area. There are six Forest Service recreation cabins present within the area which are utilized primarily by hunters and sport fishermen. Each cabin has a bush air strip nearby that serves land based aircraft providing access into the area from Yakutat.

Vegetation is predominantly Sitka spruce and hemlock. Muskeg comprises a portion of the area and the vegetative composition is composed of sphagnum moss, grasses, sedges, and stunted conifers. Muskeg is found in areas having a high water table and poor drainage. There are active glaciers adjacent to the area and float ice is common in the upper reaches of the Alsek and Dangerous rivers. Harlequin Lake is accessible by vehicle and this lake contains numerous icebergs which originate from the Yakutat Glacier located at the upper end of the lake.

12 Points1. Proposed Use

The Tongass Land Management Plan assessed the resource capabilities of this area and designated this area as LUD II, III, and IV. The area is approximately 319,000 acres. LUD II comprises approximately 40 percent; LUD III 48 percent; and LUD IV approximately 12 percent. The area is used by commercial fishermen, fish buyers, fish processors, and commercial packers and guides for fishing and hunting. Some 100 to 200 fish camps are found in the area from the Situk River to the Alsek River at the height of the gill net season.

Forest Highway #10 extends from Yakutat to the Dangerous River (approximately 35 miles). This road and the bridge across the Dangerous River were constructed primarily to access the timber resources of the area. See point 2 for further description of the use and value of the timber resource.

If this area is withdrawn under 204(c) timber harvest, mineral and oil, and other development activities would not be permitted. The impacts of such an exclusion are discussed in point 2.

2. Natural Resource Use and Values

There are Forest Service special use permits in the area. These permits authorize a variety of uses, namely fish camps, fish processing plants, packer-guide camps and operations, trapper cabins, and bush air strips utilized in the movement of cargo and people. Claims for gold have been worked along the beaches near the Alsek River. Many miles of service roads exist in the lower portion of the area and these roads are used by packers and guides as well as commercial fishermen to gain access to this area. A commercial timber sale program has been recommended for the area near the Dangerous River. River float trips are becoming a popular activity on the Alsek River. River-running expeditions are advertised in the lower 48 States and these expeditions begin on the Tatshenshini River and terminate at the mouth of the Alsek River at Dry Bay. Moose and bear hunting are popular activities and all Forest Service cabins are reserved and occupied during these seasons. Sport fishing in the Itallo and Akwe rivers have increased during the past few years. Many fishermen fly into Yakutat via commercial airline then charter local pilots to fly from Yakutat to air strips in the area for fishing and hunting purposes.

Recreation

There are no developed campgrounds in the area; however, many recreationists, using backpacking equipment, camp on gravel bars on the Italo and Alsek Rivers for fishing and sightseeing purposes.

Additional cabins, trails, and air strips have been proposed for the area to provide access and a degree of safety to the recreationist from unpredictable weather situations.

The recreation experience would perhaps be enhanced by a withdrawal that would preclude timber harvest, State selection, oil and mineral development, or other multiple use activities, however, the recreation resource as well as wildlife, fisheries, and others are provided maximum protection by laws, regulations, and by provisions in the Southeast Area Guide and TLMP during any development projects. The LUD II and III areas in particular are protected by extremely limiting prescriptions designed to protect other resources. No withdrawal does not mean loss of other resources.

Timber

There are 78,000 acres of operable commercial forest land in this unit. As a component of the LUD III and IV complex upon which the flow of commodity and market reserves is dependent. This unit contributes 16.4 MM board feet of annual harvest of the Tongass. This volume is significant unto itself and it is also a part of the balance that was reached in the TLMP designated to maximize amenity and wilderness values. While maintaining the established industry and the social and economic stability of Southeast Alaska. Withdrawal of this unit would adversely effect the overall balance and reduce the flow of timber in direct proportion to the annual yield within the unit.

Wildlife and Fisheries

The area is superlative for its habitat diversity which results in the presence both of wide species variety and of high concentrations of wildlife. Large populations of brown bear, black bear (including the blue color phase), goat, wolf, and furbearers are found in the area. Although some blue color phase black bears are found elsewhere in the Tongass National Forest, Yakutat supports the major population. Among the furbearing species are martin, mink, beaver, weasel, wolverine, coyote, lynx, and snowshoe hare. Moose are also present and a moose season has been offered the hunter during the past few years.

The area supports hair seal and sea lion at the mouths of the major rivers. Shore bird variety and numbers are extremely high during migration periods, and swans nest at various locations. There is also a high concentration of nesting song birds.

Base data used in the preparation of TLMP rated the streams and lakes within the area for sport, commercial, and estuarine fishery values. Generally the area rated high in these categories. The rating was based upon numbers of species, habitat condition, sport and commercial fisheries, and other values associated with the watershed.

Minerals

Portions of the area have petroleum leases by one or more oil companies or interest groups. To date no economically feasible petroleum reserves have been reported, however, the potential appears to exist and off-shore exploration has occurred.

Numerous small anomalous concentrations of many metals have been reported in the area, however, there appears to be limited economic significance at the present.

The Gulf of Alaska petroleum province is a bow-shaped lowland and foothill belt in which sedimentary rocks of the tertiary age are exposed, or are inferred to underlie lowland areas covered by consolidated deposits. The province borders the Gulf of Alaska from the Copper River Delta 300 miles southeastward to Icy Point in Glacier Bay National Monument, and extends inland 2 to 4 miles to the southern front of the Chugach and St. Elias Mountains. The area of the province, excluding the known exposures of granitic basement rocks with it, is about 5,200 square miles. Approximately 55,000 acres of the Brabazon Range-Deception Hills fall into this petroleum province. These areas are along the eastern and southern boundaries of the area.

In summary, the potential for oil, gas, and mineral development does exist within the area. A withdrawal would preclude development of these resources.

3. Present Users

Present use and users were discussed under items 1 and 2 and in the Russell Fiord portion of Appendix I. Sports fishing, commercial fishing and associated activities, trapping of furbearers, prospecting for mineral and oil and gas, hunting and associated activities compose the user of the Yakutat area. The area is a source for house logs, firewood, poles, and other associated timber related resource activities. A withdrawal would exclude access development for further expansion of many of these resource activities.

4. Proposed Use Conflict

The community of Yakutat is extremely dependent upon the resources either directly associated with the area or dependent upon it for a portion of their life cycle (salmon, etc.). A withdrawal could perhaps benefit or enhance the recreation experience of some users. Timber harvest, mineral, gas and oil exploration and development, and State selection would not be permitted by a withdrawal and this would prevent further expansion of these resources. These resources are offered maximum protection under laws, regulations, and provisions in the Southeast Area Guide and the TLMP during any development project. The lack of a withdrawal does not mean the loss of the resources from development activities.

Should oil or gas be found during future exploration operations Yakutat and many portions of this unit could be heavily impacted by employees associated with the development. These people will use this area for the Recreational opportunities that either exist or could be made available.

6. Suitable Alternatives

Other areas in the Tongass are as suitable for withdrawal as this unit and generally have been identified as LUD I and proposed for withdrawal. See Appendix I. As LUD II, III and IV management units, this area is a part of the LUD II, III and IV complex from which the commodity and market resources of the Tongass must come to meet the social and economic needs of southeast Alaska. Any reduction of the LUD II, III and IV acreage will have an adverse affect on the flow of commodity and market resources upon which the economy of the area is dependent. Therefore, no suitable alternative areas can be considered available for this unit's land use designation.

7. Consultation

The land allocation that resulted from the TLMP process required intensive public involvement and this is documented in the EIS prepared for that plan. The classification of the various LUDs resulted from input from many individuals, organizations, agencies, corporations, and State, local and Federal Government interests. Further public input will be received during the development of the 204(c) EIS process.

8. Effect on State and Local Governments

This subject was discussed partially under item 4. In summary, the determination was made through the TLMP process to classify portions of the area as LUD II, III, and IV. This action provides for various levels

of resource development in the LUD II, III and IV, and assists in sustaining local and regional economies, and in meeting TLMP allocation commitments.

9. Term of Withdrawal

Based upon the resource involved and the analysis presented in this report, a withdrawal under 204(c) is not being recommended for this area.

10. Public Involvement

Information on this subject is contained in point 7 and under Appendix I 204(c) report for the Russell Fiord area.

11. Location of Records

This information is described in Appendix I of the 204(c) proposal for the Russell Fiord area.

12. Geology Report

The Yakutat area is about 70 miles long parallel to the coast and extends from five to twenty miles back from it. The most prominent feature of this coast is the steep fronted range of mountains which extends in a nearly unbroken line from Yakutat Bay to the Alsek River and beyond. This coastal range is comparatively low, averaging 3,000 to 4,000 feet in elevation; but back of it rise serrate snowy ranges of greater altitude. Within the mountain front the valleys are filled with ice, so that the region is essentially an ice plateau which is relatively level in the interior but descends about its edges in the form of protruding glacial lobes.

The front range is separated from the ocean by a coastal plane which varies from six to fifteen miles in width. This foreland is without notable relief, except for a few low hills close to the base of the mountains and a few sand dunes near the coast. The area is underlain by vast deposits of sand and gravel apparently deposited as moraines or by uplift which exposed the coastal plain. Subsequent stream action has smoothed the area to its present forms (Brooks, Alfred H. and others, U.S.G.S. Bulletin 314, 1906).

FLPMA 204(c) REPORT STAFF
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The persons involved in preparing the 204(c) report are listed alphabetically below.

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1 year	Shift Foreman - Cresson Consolidated Gold Mines
4 years	U. S. Army
5 years	Mine Superintendent - Cresson Consolidated Gold Mines, Cripple Creek, Colorado
2 years	Self-employed mining lead, zinc, copper, gold, silver, and uranium
3 years	Mine Superintendent - Consolidated Uranium Corporation - uranium mining at Temple Mountain, Utah, and tungsten at Austen, Nevada

2 years Exploration Manager - Minerales Jeanette de Cuba, Santiago de Cuba (manganese)
2 years Mine Superintendent - Kerr McGee Corporation, Grants, New Mexico
3 years Mine Superintendent - Phillips Petroleum Company, Grants, New Mexico
17 years Mineral Examiner - USDA Forest Service - Regions 5 and 10

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2 years District Ranger - Teton NF
6 years District Ranger - Wasatch NF
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14 years District Ranger - USDA Forest Service, Region 6 - Washington and Oregon
2 years Program Manager - USDA Forest Service, Recreation Lands and Minerals - Chatham Area, Region 10
1 year USDA Forest Service, Region 10 - Lands, Minerals and Watershed - PP&B & Alaska NC - Easements Management

APPENDIX 5

MINING AND MINERALS POLICY ACT OF 1970

Mining and Minerals Policy Act of 1970

• Act of December 31, 1970 (84 Stat. 1876; 30 U.S.C. 21a)

Sec. 1. This Act may be cited as the Mining and Minerals Policy Act of 1970.

Sec. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

For the purpose of this Act "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

****PLEASE NOTE****

**THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA
STATE ARCHIVES TO VIEW THE ORIGINAL.**

Description:

Map

**Tongas Natl Forest, Federal Land Policy and Management
Act of 1976**

****PLEASE NOTE****

**THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA
STATE ARCHIVES TO VIEW THE ORIGINAL.**

Description: Map

Chugach Natl Forest, Alaska

Federal Land Policy and Management Act of 1976

SCOMM

#22:47

Utah
for land
MAR 10 1980

FEDERAL LANDS BILL RESOLUTION

1980 BUDGET SESSION

Engrossed Copy
H.J.R. No. 4

By Kevin Watt

A JOINT RESOLUTION OF THE BUDGET SESSION OF THE 43RD LEGISLATURE OF THE STATE OF UTAH ENDORSING THE BILL S.1680, HERETOFORE INTRODUCED IN THE SENATE OF THE UNITED STATES, WHICH PROVIDES FOR CESSION AND CONVEYANCE TO THE STATES OF FEDERALLY OWNED UNRESERVED, UNAPPROPRIATED LANDS, AND URGING THE PASSAGE INTO LAW OF S.1680.

Be it resolved by the Legislature of the State of Utah:

WHEREAS, equality of constitutional right and power is the condition of all the States of the Union, old and new;

WHEREAS, every new State admitted into the Union is entitled to exercise all of the powers of government which belong to the original States of the Union;

WHEREAS, the citizens of each State are entitled to all of the privileges and immunities of citizens in the several States;

WHEREAS, the power of Congress to admit new States into the Union under article IV, section 3 of the Constitution of the United States was not designed to impair the equal power, dignity, and authority of the States;

WHEREAS, as a condition of admission into the Union, Congress has, on occasion, imposed burdens upon new States that are not shared by the States equally;

WHEREAS, the original thirteen States, and States formed from the territories thereof, owned all public lands within their borders;

WHEREAS, title in the Federal Government to public lands within the borders of the thirteen States, and States formed from the territories thereof, rest only on deeds of cession voluntarily consented to by the legislatures of these States;

WHEREAS, as a condition of admission into the Union, Congress retained in the Federal Government ownership over substantial amounts of territory located within the borders of States west of the one-hundredth meridian, this occurring despite the Treaty of Guadalupe Hidalgo which specified that the lands which eventually became all or part of seven Western States of the union were to be formed into "free, sovereign, and independent" States;

WHEREAS, in the absence of such conditions of admission the legislative authority of the states would have extended over federally owned lands within these States to the same extent as over similar property held by private owners;

WHEREAS, during the course of the deliberations that resulted in the drafting of the Constitution of the United States, Founding Fathers, such as James Madison, recognized that the Western States neither would nor ought to submit to a Union which degraded them from an equal rank with the other States;

WHEREAS, article I, section 8, clause 17 of the Constitution of the United States authorizes the Federal government to exercise dominion over public lands only to the extent necessary to create a seat of government, and to administer places, purchased by the consent of the State legislatures, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, and in the absence of some express or implied legislative authority to perform some further function, Congress is limited by, and the rights of the States are protected by, the tenth amendment to the Constitution of the United States;

WHEREAS, the enabling Acts admitting the Western States into the Union expressly recognize that the Federal Government may some day choose to extinguish title to public lands held by it within the borders of these States;

WHEREAS, article IV, section 3 of the Constitution expressly provides Congress with the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States," and this provision has been interpreted to invest in Congress plenary authority to dispose of lands held in Federal ownership, through sale, grant, or any other means of disposition;

WHEREAS, there is precedent for large transfers of federally owned public lands designed to place new States on par with the original thirteen States of the Union; and

WHEREAS, the States of the Union and their citizens are at least as well equipped as the central government to make the often difficult policy decisions that are necessary with respect to the use to which lands within their States shall be put.

NOW, THEREFORE, BE IT RESOLVED by the Budget Session of the 43rd Legislature that the bill S.1680, heretofore introduced in the Senate of the United States, which provides for the cession and conveyance to the States of federally owned unreserved, unappropriated lands, and the establishment of policy, methods, procedures, schedules, and criteria for such transfers, is hereby endorsed, and passage into law of S.1680 is hereby urged.

BE IT FURTHER RESOLVED, that the state legislative bodies of the States of Hawaii, Washington, Montana, New Mexico, Colorado, California, Arizona, Wyoming, Oregon, Idaho, Nevada, and Alaska, which states are affected by the bill S.1680, are hereby urged likewise to endorse S.1680 and urge its passage into law.

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the Congressional delegation from the State of Utah, the Speaker of the United States House of Representatives, President pro tempore of the United States Senate, the Secretary of the Interior, and the President of the United States.

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the legislative bodies of the States of Hawaii, Washington, Montana, New Mexico, Colorado, California, Arizona, Wyoming, Oregon, Idaho, Nevada, and Alaska.



COMMITTEE TO RESTORE THE CONSTITUTION, Inc.

"If every person has the right to defend - even by force - his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly." *THE LAW*, by Frederic Bastiat, Paris, 1850.

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NEVADA CLAIMS VAST "GOVERNMENT LANDS"

GOV. ROBERT LIST SIGNS BILL DECLARING STATE SOVEREIGNTY OVER 49 MILLION ACRES OF TERRITORY "OWNED" BY FEDERAL GOVERNMENT. ALASKA, OREGON, OTHERS MAY FOLLOW.



Nevada's legislature passed and Governor Robert List signed in early June a State law of such mind-boggling magnitude that it makes inflation and energy issues picayune by comparison.

Central to Nevada's challenge of federal claim to western lands is the "equal footing doctrine" which describes the admission and status of new states on a basis of constitutional equality of right and power with the original States. The doctrine prohibits Congress from imposing, by consent or otherwise, conditions on admission to statehood which infringe upon the equality of the new state in relation to the other States.

Implementing statute is Nevada Assembly Bill No. 413, dated 15 February 1979, "AN ACT relating to public lands; creating a board of review; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; and providing other matters properly relating thereto".

The Nevada law flows from a Senate Bill No. 398, dated 25 March 1977, drafted by Attorney T. David Horton, Counsel, Committee to Restore the Constitution, a Colorado non-profit corporation. (See, "Nevada Challenges 'Public Lands' Concept", CRC Committee of Correspondence letter, April 1978.)

Horton's argument is that the land clearly belongs to the State of Nevada by way of the Constitution; it merely needs enforcement; it is not a matter of the federal government giving or approving anything.

"Article 1, Section 8, Clause 17 of the Constitution", Horton says, "specifically restricts federal agencies and prohibits them from having any lands within the boundaries of a state once formed unless: 1. They are purchased; 2. Consent of the Legislature is given; 3. They are used for the erection of forts, arsenals, dockyards or other needful buildings."

Complaints, authorities and provisions of the 1979 Act are set out in seven pages of text. Among its highlights:

SEC. 5. 1. Subject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control.

SEC. 5. 3. Public lands in Nevada which have been administered by the United States under international treaties or interstate compacts must continue to be administered by the state in conformance with those treaties or compacts.

SEC. 7. 3. All proceeds of fees, rents, royalties or other money paid to the state under sections 2 to 9, inclusive, of this act must be deposited with the state treasurer for credit to the state general fund.

Nevada's Attorney General Robert List (prior to his election to the office of Governor) enunciated the sovereignty of the State regarding unappropriated lands within its border in a sixty-six page opinion, "Equal Footing Doctrine and Its Application by Congress and the Courts", May 1977.

"The Power of Congress to admit new States into the Union does not carry with it the authority to maintain colonies or territories in perpetuity", said the Attorney General. "The retention under federal

dominion in perpetuity of vast areas of public lands within the boundaries of a State by Congress is an exercise of a power after statehood which is denied by the Constitution before statehood. Such a situation places the equal footing doctrine in direct conflict with the Property Clause, a conflict, which if litigated, might well result in a Supreme Court holding that Congress must pursue an active plan of disposal of unappropriated public lands", he said.

Harassed by Bureau of Land Management excesses, mining and ranching interests have spurred Nevada into calling on other western states to join in battle against federal dominion over state lands. Nevada's Legislature has appropriated \$250,000 to back their challenge.

The Nevada action involves no less than 87% of the entire State. That's how much is now under federal dominion. In all western states the federal government controls 607 million acres. That much land is more than twice the area of all European countries combined. One-third of the State of Colorado is controlled by the federal government, and the percentage for other western states is eye-popping: 96.4% of Alaska; 66.2% of Utah; 63.7% of Idaho; 52.3% of Oregon; and 45% of California. The U.S. Government claims 64% of all land in 13 western states - in contradiction to constitutional prohibitions.

Nevada argues that the U.S. Constitution and historic court rulings show the U.S. government was supposed to hold these lands in trust and turn them over to the territories when statehood was achieved. The State wants the revenues from the vast acreage involved. Ranchers fear that Washington,

(continued page 2)

Continued from page 3

under pressure from environmentalists wielding lawsuits, will cut back grazing on public lands. Ranchers and miners are in a rage over congressionally ordered plans to create new wilderness areas.

Constitutionally and historically the law is on the side of Nevada. Sovereignty over lands and resources within the borders of each of the original thirteen colonies, which by constitutional compact created the Union, is clearly set out in the Declaration of Independence:

"We, therefore, the representatives of the United States of America in General Congress assembled...solemnly publish and declare That these United Colonies are, and of right ought to be free and independent states...; and that as free and independent states, they have full power...to do all other acts and things which independent states may of right do."

Significantly, Article II, Articles of Confederation, adopted by the Continental Congress 15 November 1777, confirmed the sovereignty of each state.

"Each State retains its sovereignty, freedom and independence and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States..."

Further, Article IX provided that no state shall be "deprived of territory for the benefit of the United States".

At the time the Constitution became effective (1789) and the thirteen independent nations became a Union, each state had, and continues to retain, dominion, title, as well as jurisdiction of all lands within its borders.

"The internal sovereignty of these States was complete from the time they declared themselves free, sovereign and independent States and became thus entitled to all the rights and powers of sovereign states." *Harcourt v. Gaillard*, 1827, 12 Wheat. 523 527.

In a related case the Bureau of Land Management, attempting to appropriate coal under 91,780 acres of privately owned land in Alabama, has instituted litigation against 47 property owners and coal mining companies charging "trespass".

Mr. James Free, Washington correspondent for the BIRMINGHAM NEWS, stated in an article, "Lawyer Says State Owns Coal Lands in Dispute", 11 March; "But David Horton, a Carson City, Nevada Attorney and long time fighter against what he calls federal usurpation of state property,

says that all this coal really belongs to the State of Alabama. And he cites the U.S. Constitution and an 1845 U.S. Supreme Court decision to back up his claim".

The Supreme Court decision cited by Horton came in the case of *Pollard vs. Hagan*. At issue was an attempt by Congress to retain control over public land in Alabama and Mississippi as a condition to their admission into the Union.

The two States refused to disclaim title to the public lands in their respective borders, and the issue was brought to federal court, which ruled that:

"The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a state, or elsewhere, except in cases in which it is expressly granted."

The high court also declared, "The right of Alabama and every other new state to exercise all the powers of government which belongs to and may be exercised by the original states of the Union, must be admitted".

Horton said this ruling has never been overturned and suggested that the Alabama Legislature use its power to "block the pretensions of Bureau of Land Management bureaucrats".

In Oregon Representative Curt Wolfer's House Bill No. 2430 defining, "title to 'public lands' be vested in the State of Oregon", received initial hearing 3 May 1979. Testifying in favor was Archibald E. Roberts, Lt. Col., AUS, ret., Director, Committee to Restore the Constitution.

Patterned after Nevada's original Senate Bill No. 398, the Oregon bill is undergoing revision in compliance with recommendations by members of the Agriculture and National Resources Committee, according to Mr. Michael Kelsay, Legislative Aide.

In Alaska Representative Ray Metcalfe's House Bill No. 398 claiming 'public lands' for the State, will be introduced when the legislature reconvenes on 14 January 1980, reported Ms. Jennie Noah, Administrative Assistant, Legal Services Division.

Nevada's Legislature has focused the attention of legislators and citizens on an issue of immense importance; enforcement of the U.S. Constitution within the borders of the State.

The Denver ROCKY MOUNTAIN NEWS, in an editorial of 10 June, "Landlord of West", concluded, "Should Nevada prove successful in its land grab, it could do more to change the physical nature of our nation than anything since the Louisiana and Alaska land purchases".

REGIONAL BUREAUCRACY PART IV

TRANSCRIPT OF TESTIMONY BEFORE JOINT INDIANA COMMITTEE ON CORRECTIVE LEGISLATION

CONTINUED FROM THE JULY CRC BULLETIN

One of the clearest examples of this can be found in the history of the Habeas Corpus Act which all lawyers take for granted today. But it was not always so. There was a time when six members of the British Parliament were seized on the streets of London and thrown into the Tower of London for refusing to vote the King's revenue at a time when all British citizens had a right of habeas corpus. But it was only after the British Parliament enacted the Habeas Corpus Act and gave effective process to the vindication of that right, that we today can enjoy that right of habeas corpus.

Similarly, so far as the limitation in the Constitutional compact is concerned, they are very plain and very clear and we have a millieu of examples of where federal agents have exceeded these expressly enumerated powers. The question for this legislature and for any legislature is to determine whether or not they are going to continue to implicitly ratify the unauthorized acts of its' agents.

So far as the acts of regionalizers in Indiana are concerned, they are acting as agents of the State, because they have no authority under the Constitution. The Constitution prohibits...

SENATOR EDWARDS: Excuse me, but do... what may be the theory of this act is one thing, and I think we all understand what you are striving toward and I am not trying to initiate a Constitutional debate or a legal debate between lawyers, which I happen to also be on occasion when I am not practicing the legislative practice, but what is the intent and what is in fact written before us and we are asked to consider as a document may vary. What you are saying to me and what I read in this document, are not necessarily the same thing. I am concerned as a technician that if in fact this does require us to make a judicial decision. I am still not satisfied that you have given me an answer to that question.

MR. HORTON: No, I am saying that you are making a finding, a legislative finding.

SENATOR EDWARDS: But you are asking us to declare something void.

MR. HORTON: This is correct.

SENATOR EDWARDS: And you don't consider that to be a judicial determination.

MR. HORTON: Oh, no. Just like the powers of contempt are not the exclusive province of a court. But legislatures have the

(continued page 3)

...to directly prohibit or encourage any like action. Similarly if the legislature finds that there is an attempt in 11647 to exercise: (1) powers that were not delegated by this state in agreeing to the Constitution; (2) to exercise them in a manner that is prohibited by the agreement itself. In other words, being legislative in nature and being exercised by so-called Executive Order.

SENATOR EDWARDS: Let me ask you a question as a constitutional lawyer, do you not agree with the concept that the constitutionality of an Executive Order is well established?

MR. HORTON: Oh, heavens no. By no means. In other words, there is such a thing as a valid Executive Order. This is something where a head of a department, in this case the President, tells the Secretary of State or the Secretary of Defense what to do. But that's not the nature...

SENATOR EDWARDS: But, I think you are agreeing with me in the fact that we may be disagreeing or debating whether or not in fact this executive order is constitutional. But I think, if I understand the answer to your question, you are really saying that you do agree that the constitutionality of an executive order, assuming that we can both agree that the content is proper, is well established.

MR. HORTON: There is such a thing as a valid Executive Order, yes. 11647 happens to not be one of them.

SENATOR EDWARDS: That may be exactly right and the only thing that concerns me as a legislature is that you are asking us to make that determination and we are really crossing the separation of powers into the judicial branch of government.

MR. HORTON: Well, I think if you look at it as a question of defining what the problem is that you are addressing yourselves to legislatively, then you won't find the quandry or the qualms that many lawyers will feel. In other words, we lawyers are part of this problem. We continually think in terms of handling situations such as this by bringing a lawsuit. You have a client come into your office as a private practitioner with a problem. If you don't know what the answer is off the top of your head or you can't find it in a book, you say we can always put our nickel, or your thousand dollars as the case may be, into the slot machine of this litigation, pull the handle, it will come out jackpot or lemons.

SENATOR EDWARDS: Well, maybe you do that in Nevada. I don't know that we do that here.

MR. HORTON: I think in this particular case...

SENATOR EDWARDS: Paramutual has been declared unconstitutional in the State of Indiana.

MR. HORTON: I think that you will find this sort of thing go on in every law shop. The point, however, is in trying to address it in the terms that we ordinarily use as lawyers. We overlook the plenary power of the state in dealing with the basic constitutional infraction. And it is this that the statute is addressed to.

Now, if you feel, for example, that the description in the statute is too broad, it is perfectly feasible to single it out for specific use. For example, if it were addressed specifically to the actions of OSHA, you have probably had plenty of problems here, they have had plenty of problems in South Dakota for example, so much so have they had problems that they have solved their problems almost without a statute, but they are still coming in with a statute patterned after this that is addressed to the question of there being no authority in the federal agencies to address themselves to the general police powers exercised under OSHA. Therefore the act in South Dakota of the OSHA-crats can be, and if the bill passes, will be made a criminal act. And it will also provide several remedies for its enforcement.

SENATOR EDWARDS: I would point out in Indiana we're still attempting to fight regionalism and federalism by using Indiana's own version of OSHA and operate under that rather than under the federal...

MR. HORTON: Well, I don't know whether that's necessarily fighting... Of course it's... if you are going to have to take a pill like that you may prefer to have one with a local sugar coating. But when the shots are called, by the life tenure bureaucrats and in an area that is specifically prohibited to them by the Constitution, then it is whether you have a formal OSHA bill in Indiana or not. It is, again, the state power that is being used or misused in these areas.

SENATOR EDWARDS: I don't think you and I necessarily disagree in conceptual arguments on federalism. I think my concern is one of a technical nature as to the nature of this bill. I won't utilize all the time. Representative Becker, you indicated you had a question.

REP. BECKER: Thank you, Mr. Chairman. I don't care who answers this question. Somebody that is learned in the particular bill.

We as legislators are sworn to uphold the Constitution. One of the things that we are not able to legislate is a criminal act that is vague. The Constitution has been interpreted to say that any criminal law cannot be vague. In other words, the man on the street has to know what the law is so that if he does commit the crime he does know at the time that he is committing a crime.

Now, my question with the bill that is before us today deals in that area and section II says "any act by branch or agency of the federal government purporting to group a state or states into a 'so-called region' is void in Indiana" and then the penalties come afterward.

My question is, can anybody please describe for us, and the list may go on and on and on, but, what is a so-called region so that the citizens of the State of Indiana and the elected officials would know when they are treading upon this criminal activity.

MR. HORTON: I think that in the front of the April '78 issue of the Committee of Correspondence of the Committee to Restore the Constitution, you will find identified in the broad black lines the various regions that are referred to in Executive Order 11647 and it means that if you have an effort after Senate Bill 100 becomes law, for example, in Region V, I believe it is, for governmental powers to be exercised that have an effect in Indiana, even though they may have an effect in Illinois, where they may not object to it, or in Wisconsin where they may not object to it. If it has an effect in Indiana to this precise extent, the Constitution is being violated because the states, in spite of its prohibition, are being combined to that precise extent. In that respect it is an additional violation of the Constitution.

Now, that would be prohibitive conduct. Examples of it will depend upon what they are trying to do. But if they are trying to, by means of Executive Order 11647, exercise any kind of governmental power on a regionalistic basis then they had better stay out of Indiana.

Now, so far as whether or not to modify Senate Bill 100 in order to limit its scope. This concern of not having specifically defined criminal acts set out, is something that can be handled very nicely by using, let's say, an OSHA modification. You can have an EPA modification if they are giving you some trouble there.

I learned at the first meeting of the interim committee that you were even having a public land problem. We've got a dandy bill in Nevada that will do the trick beautifully.

The important thing is not that all bases be covered, but that a base start to be covered. Once the state starts to use its legislative powers to correct constitutional infractions, the writing will be plainly on the wall. I anticipate that if, let's say, the Public Lands Bill goes through in Nevada, that our BLM bureaucrats who try to control 98% of the State will come to the office, if they don't transfer them out, which is option number one. They will take the phone off the hook, they will lock the door behind them and they will sit there and read funny papers rather than run the risk of being accused of the prohibitive conduct that is in the proposed Senate Bill 398.

Now, this is perfectly precise enough to stop the type of prohibited conduct that you are trying to arrest. We haven't tried, even in the Lands Bill, to cover all of the areas that public lands are involved in. We left out the so-called 'green hornets'. The Forest Service. But it was thought to be technically completely immaterial whether they were put in or weren't put in, because they would realize that in the definition of what lands this bill applies to. Two words alone would be needed in the event the Forest Service continued to get out of line.

So if you make a start and cover one base, take any base you want, if you make a start and start to correct the constitutional infractions in any area, you will find that the benefits of that permeate the entire state and a lot of your problems won't arise.

REP. BECKER: You would agree then that this is vague. As the bill is written here,

MR. HORTON: I don't feel that it's vague because if you look at 11647 and see what they are trying to do and you lay that along side of...

REP. BECKER: Excuse me, this bill doesn't... preamble... But the law itself, that part that the elected officials are going to be held accountable for says "any act by a branch or agency of the federal government purporting to group a state or states into a so-called region" and anybody that is an elected official that purports to enforce or uphold, which I think would mean anybody that has a dealing with that, would be committing a crime in the State of Indiana.

Now, I would tend to agree with what you are saying at the last, and maybe we would be better off picking a few examples and saying that is bad and unconstitutional and we're not going to support that in the State of Indiana. I personally have a problem with the language being too vague and that if we do anything we end up being declared unconstitutional to begin with.

MR. HORTON: What ever you feel comfortable with is the thing to go with. The important thing is not to try to fix all infractions in one fell swoop. The important thing is to start and if you start in one little corner you will find that the whole picture begins to improve.

SENATOR EDWARDS: Senator Peterson.

SENATOR PETERSON: Senator Edwards, ladies and gentlemen, I appreciate your testimony very much. I am not sure who may want to answer the question, whomever feels that it is most appropriate.

I think all of us share your concern for bureaucracy whether it be at the federal level or the state level. I think all of us encounter bureaucracy at the local level. Senator Edwards and Representative Becker's questions are very much legal points that I think are well taken and should be well considered by your group.

I'd like to ask you a question about the thrust of your philosophical approach. Mr. Dodd's remarks concern me somewhat. I think there will be legislation passed in this General Assembly that may well be unconstitutional and there may be aspects of what you are fighting against that may well at some time be unconstitutional. Yet, I don't think there is a legislator in this General Assembly who is involved in any conspiracy to destroy mayors or county commissioners. Isn't it possible that what you are fighting against is a difference in philosophy? But when you come to us and find a conspiracy dating back to prior, to World War I, to destroy our government, beginning with the various foundations, do you consider the various Presidents from Wilson forward to be a part of that conspiracy or do you consider them duped by that conspiracy? Or is it possible that it is not a conspiracy, that within our great government, exist people who differ in philosophy and at one time or another we have the federal government or local governments or even state government extending themselves beyond their constitutional limits?

MR. HORTON: I think you are going to get two barrels on this. Col. Roberts has indicated he wants seconds.

I would say that it is not entirely by any means the result of a conspiracy. Many things happened that are not a result of a conspiracy. However, I think the best way to gauge what they are up to is by what they say themselves. In this case the Carnegie-Hiss Foundation, they call it the Carnegie Peace Foundation, but as Mr. Dodd has pointed out to you they were engaged in other activities that explain not just the original objectives of those who formed it, but some of the very anomalous conduct of such presidents as Nicholas Murray Butler and various others who have preceded to use this grant-making power in a way where I think it could best be described as a conspiracy.

However, this is immaterial as to whether or not the state can or should do something about it. The basic question is what is the end result. If the result is something that goes against the basic structure of constitutional limitation and the authority and responsibility of elected officials to keep their powers, not because we locals are perfect, but because we are more accountable and also we are more lawful. A state legislature is a plenary body. It has all legislative powers unless it is prohibited by either the state or the federal Constitution. The exact reciprocal is the case with Congress. Yet we find the Congress legislating in all kinds of different

areas. Or pretending to. They don't have the authority to speak for the state in its highest sovereign capacity, does nothing. They don't need any authority under the Constitution because they can get all the authority they need from usurpation.

But usurpation is a bilateral act and it is not necessarily the result of conspiracy. Even when good-meaning people and sometimes they are the most dangerous, come forward and undertake to exercise governmental powers that are prohibited under the Constitution, because they have such pure motives and humanitarian aims. Sometimes they can do a lot more damage than the actual scoundrel who is merely trying to line his pocket. I'd a lot rather deal in law enforcement with a scoundrel than with a fool.

Similarly, when it comes to determining whether it is a philosophical difference or whether it is the result of people putting their heads together, conspirators curiously enough, tend not to let us in on their secrets until after it is too late to remedy the deprivations. Consequently, even the law of conspiracy is governed by inferences, circumstantial evidence that you can't use in other types of crimes, for example. Because of the cover nature of it. But from the legislative standpoint, it is completely immaterial as to whether it is the result of a conspiracy or not. The question is does it violate the terms of the compact and if it does, do you want to continue to ratify it?

I'll pass this over to the Colonel.

COL. ROBERTS: Mr. Chairman, I would respectfully recommend the refocusing of the members of this Committee on the reality that now confronts us, namely, that we are involved in a revolution.

I do not believe that it is pertinent to discuss the detail as to whether or not this body, at this point, has authority to deal with revolution. I believe that it is clearly the responsibility of this body to deal with the revolution called federal regionalism. It is obviously going to deteriorate into a much more serious aspect unless something is done. The fact that federal regionalism itself is a conspiracy, I think, is evident. It is evident from not only the material that we have provided this evening, but in the documents that are presented to the two Committees.

One of these is the Newstates Constitution. The Newstates Constitution is the result of ten years of study by the Center for the Study of Democratic Institutions in Santa Barbara, California. That study was funded by the Ford Foundation in the amount of two and a half million dollars a year for ten years, an investment of twenty-five million dollars. The preparation of this Newstates Constitution, which is to replace the Constitution of the United States, is prima facie evidence that we are dealing with a revolution of such magnitude that it cannot be ignored by this or any other state legislative body. It is a conspiracy. It is funded by those agencies which do have vast financial resources and political authority available to them. Namely, the vast reservoirs of money collected under the tax exempt foundations.

It is therefore the responsibility of courageous men and women in this legislative body to challenge the conspiracy, to call a halt to the march toward dictatorship. To expose and to explain that this Newstates Constitution is a reality and that it is the objective to call a constitutional convention in the Congress of the United States for the purpose of introducing this Newstates Constitution.

This Newstates Constitution, incidentally, is taken out of "The Emerging Constitution" by Rexford G. Tugwell, who is the principal author of the Newstates Constitution. Those of you who are familiar with Rexford G. Tugwell, realize that he is a Socialist and that this new Constitution does reflect a Socialist government for the United States of America to replace elected officials in the Congress with appointees under regional government. To give color of law, to validate the regional concept by the merger of the states into the ten federal regions.

These are conspiracy movements. They are funded, as Mr. Dodd so eloquently pointed out, by the tax-exempt foundation families who began this conspiracy at the turn of the century.

It is within your powers to reverse this revolution and to restore control of government to the people of Indiana where it properly belongs.

end

ALTERNATE FUEL BILL HEADS FOR CONGRESS

A major bill requiring utilities to switch from oil and gas to alternatives such as coal and nuclear power will be sent by the Administration to Congress, says Deputy Energy Sec. Sawhill. He says the measure will call for \$12 billion in grants and subsidies to utilities in its initial form to ease the financial burden of converting electric power plants to alternative fuels.

The bill also is expected to compensate utilities that must shut down existing oil and gas plants and build new facilities using other fuels. Sawhill said the Administration's efforts on energy are now concentrated in four areas: discouraging the use of oil by utilities, building a natural gas pipeline from Alaska, promoting residential and commercial energy conservation, and speeding up offshore oil and gas leasing.

If the Administration does not forward the proposed legislation, the Senate Coal Caucus says it intends to move forward with a bill of its own.

Twenty members of the Coal Caucus joined in signing a strongly-worded

telegram to the President which expressed a growing frustration with the lack of Administration action. The telegram noted that time is running out if a bill is to be considered this year.

In a separate development, Sen. Robert G. Byrd (D-WV) urged Carter not

impose "unrealistic environmental restraints" on utilities wishing to switch to coal. Byrd, in a telegram to the President, said that such restraints "could seriously jeopardize the passage" of any coal conversion legislation by Congress this year.

BUREAU OF MINES ISSUES NEW COPPER REPORT

The Bureau of Mines released a report February 9th estimating the domestic copper reserve at 92 million metric tons, with about 74 million tons recoverable using current technology. The report is the first in a series of Minerals Availability Studies (MAS) to be published by the bureau, and it is intended to be used to analyze the supply of foreign and domestic minerals and to "provide data for the formulation of mineral policy." The report notes that "provide data for the formulation of mineral policy." The report notes that the U.S. is importing increasing amounts of copper, "largely because copper

prices are not high enough to permit continued operation of many American mines." It concludes that "a copper price of \$2.07 per pound would be required if all properties, producing and nonproducing, were at least to break even"

POND DESIGN RULES NEED MORE TIME

The Joint NCA/AMC Committee on Surface Mining Regulations this week urged OSM to defer development of design criteria for sediment ponds until EPA develops additional technical data relating to effluent limitations for total suspended solids.

NATIVE CORPORATIONS

Continued from page 9

In the area of resource development support activity, a joint venture agreement nearing completion at press time will link CIRI and Grandmet Development Co. Ltd., an English catering and housekeeping firm. Grandmet has experience in serving oil-related fields worldwide, particularly in the Middle East and the North Sea. The joint venture plans to bid for contracts in connection with such projects as the

Prudhoe Bay oil field, Alpetco, Pacific Alaska, LNG, as well as local work.

In April 1979, CIRI formed a business venture with Homes and Narver, Inc., a large international planning, design and civil engineering firm. The agreement was to combine efforts in offering development, construction and management services on Alaska land and natural resource-related projects. In addition to look at CIRI's own holdings, the venture offers its services to other Native corporations, private en-

terprise and government agencies.

The first major contract for Holmes and Narver/CIRI agreement was signed in early January with Acres American, the firm conducting a three-year Susitna dam feasibility study for the State of Alaska. The CIRI/Holmes and Narver subcontract will include logistics and construction and support of the camp as well as basic civil work. Folded into CIRI's involvement is an agreement with the villages of Knik and Tyonek to provide labor and management for construction and maintenance of the camp.

In 1980, the CIRI/Holmes and Narver joint ventures will focus on Northwest Alaska's pipeline camp maintenance and operation needs. Alpetco's civil planning, engineering and design needs, Pacific Alaska LNG's planning needs, particularly in the required pipeline feeder systems, and Arco's maintenance and operations needs in the Kuparuk oil field.

CIRI-selected lands contain a significant limestone deposit, chrome,

Continued page 14



the drilling company, inc.

mineral exploration
diamond coring: conventional and wireline
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STATES MOVE ON 'SAGEBRUSH REBELLION'

While Washington attempts to discourage talk of the 'Sagebrush Rebellion', several Western states are preparing to join Nevada in challenging federal ownership of public lands.

Utah is expected to be the next state to pass legislation, probably within 10 days. The legislature has voted by over a two-thirds margin to consider the measure, an indication the bill has enough support to pass. And Gov. Scott Matheson (Utah) has endorsed it after receiving an economic feasibility study saying state ownership of public lands would be wise in the long run.

Bills have been or are about to be introduced in Arizona, New Mexico, and Wyoming. Study bills may move in California and Idaho. In the latter state, the Senate passed a study bill January 31 by 19-16. However, Gov. Thomas Judge (D) opposes the concept, which doesn't bode well for the measure.

The California legislators passed a study bill last year but it was vetoed by Gov. Jerry Brown (D). He may get another chance.

Meanwhile the staffs of key Congressional Democrats and administration officials continue to talk negatively of the chances of the state challenges. They believe the Nevada challenge founded on an eventual Supreme Court decision has little substantive merit. And they are almost certain Congress will not pass legislation to transfer federal lands to states.

But that doesn't mean the Sagebrush Rebellion isn't taking its toll. Supporters of the rebellion admit a principal — if not the principal — reason for the rebellion is to make federal agencies go overboard in meeting the rebel's complaints. No doubt that is working.

And Bureau of Land Management (BLM) Director Frank Gregg revealed frankly the Interior Department's nervousness to the National Public Lands Advisory Council January 29. Gregg said the department has debated whether to take the initiative and seek a declaratory judgement against the Nevada law to forestall an eventual Supreme Court challenge.

"The feds are pretty confident about how the case would come out," said Gregg. "But they are worried what would happen if a court made its decision on a procedural issue."

Arguing before the public lands council for the state was Nevada state legislator Dean Rhoads, one of the principal architects of the state bill. Rhoads characterized the state move as "not a seizure of land but an orderly legal challenge."

Rhoads said the state would have its next legal maneuver figured out by

the end of the year when the state legislature may be asked to finance the next step in the challenge.

Meanwhile, legislation (S 1680) introduced in the Senate by Sen. Orrin Hatch (R-Utah) is apparently going nowhere this year. In the long term Senate Energy Committee staff member Mike Harvey held out little hope for the measure. He said the Western states, excluding California, only provided 32 votes in the House. Why, he asked, would House members from other areas want to give up those lands?

Although the Nevada law does not specifically lay claim to national forest land, other states are expected to. At any rate a successful legal challenge by Nevada on BLM lands would automatically apply to national forests.

YOU MAY STILL HAVE TIME TO ATTEND PLACER CONFERENCE

By the time you receive this issue of The Miner, you may still have time to attend the Second Annual Conference on Alaska Placer Mining, April 7 and 8

at the University of Alaska Campus at Fairbanks.

Registration is \$20, dormitory rooms may still be available at \$15 and \$20 and there are two luncheons and a banquet scheduled at a cost of \$32.

Monday's session calls for talks on Geology of Placer Deposits; Classifi-

Continued page 13

APPLICATION OR RENEWAL FOR MEMBERSHIP

ALASKA MINERS ASSOCIATION, INC.

509 W. 3rd Avenue, Suite 17, Anchorage, Alaska 99501

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If operator or corporate, designate two officers: _____

- _____ Individual \$20.00
- _____ Professional \$50.00
- _____ Mining Operator \$100.00
- _____ Corporate: Local or Service Industry \$100.00

208 PROGRAM

Continued from page 10

A Forest Practices Training Program for the timber industry and government is also outlined and the final project is for an industrial sludge disposal program.

Introduced: 1/16/80
Referred: State Affairs
and Finance

IN THE SENATE

BY HACKNEY AND ZIEGLER

SENATE CONCURRENT RESOLUTION NO. 42

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

Urging the Governor to support
Nevada's legal challenge to federal
control of public land in that state.

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

WHEREAS over 90 per cent of all federal land is located in 12 western
states; and

WHEREAS federal land in the western states is subject to overregulation
and undue restrictions imposed on its use by the federal government; and

WHEREAS the constant changes in federal regulations and the resulting
confusion have created arbitrary and unreasonable limits to community growth,
agricultural, mineral, energy and recreational resource development; and

WHEREAS the western states were not admitted to the Union on an equal
footing with the original 13 states which retained a majority of their land
in state ownership; and

WHEREAS the State of Nevada has initiated a proper course of action
leading to a responsible legal challenge to federal land policies by enacting
legislation which declares state ownership of certain federal land; and

WHEREAS the State of Alaska is in a similar position to the State of
Nevada, since, apart from Native-owned land, less than one third of one per
cent of Alaska's land is in private ownership;

BE IT RESOLVED by the Alaska State Legislature that it supports the
concept of the Nevada challenge to federal control of its land; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully urges
the Governor to join Nevada as a "friend of the court" if a federal court
test of the Nevada statute is initiated.

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RAL E. HORTON*
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*ADMITTED IN D.C.

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January 3, 1980

Myrton R. Charney, Esq.
Executive Director
Legislative Affairs Agency
Pouch Y - State Capitol
Juneau, Alaska 99811

Dear Myrt:

We are well into the "Sagebrush Rebellion" report that we are completing under contract to the Legislature. The report is due on or about the day the next Legislature convenes, but we would like to request an extension to January 28. This short extension would allow us to have the report in a polished form that we believe will be in everyone's best interest. If need be, we can produce a report by mid-January, but once again, our preference would be to add the extra time. Please respond as to this request.

Thank you for your consideration.

Warmest personal regards and
Happy New Year,

BIRCH, HORTON, BITTNER & MONROE

Joe Chomski
Joseph M. Chomski

cc: Honorable Mike Colletta
Honorable Bill Miles
Honorable Joe Hayes

RONALD G. BIRCH*
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January 3, 1980

The Honorable Patrick Rodey
Alaska State Senate
601 W. 5th Avenue, Suite 820
Anchorage, Alaska 99501

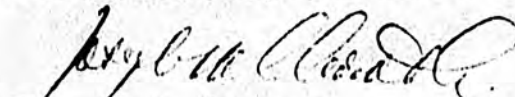
Dear Pat:

We are well into the "Sagebrush Rebellion" report that we are completing under contract to the Legislature. The report is due on or about the day the next Legislature convenes, but we would like to request an extension to January 28. This short extension would allow us to have the report in a polished form that we believe will be in everyone's best interest. If need be, we can produce a report by mid-January, but once again, our preference would be to add the extra time. Please respond as to this request.

Thank you for your consideration.

Warmest personal regards and
Happy New Year,

BIRCH, HORTON, BITTNER & MONROE



Joseph M. Chomski

cc: Honorable Mike Colletta
Honorable Bill Miles
Honorable Joe Hayes

JAMES H. BIRCH
 GIL E. HORTON
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January 25, 1980

The Honorable George H. Hohman
 Chairman
 Alaska Legislative Council
 Pouch Y
 Juneau, Alaska 99811

Dear Senator Hohman:

Pursuant to our contract with the Legislative Affairs Agency, we are hereby tendering our report on the "Sagebrush Rebellion". The report should reach you on January 28, 1980, which is the amended deadline for its submission. We hope the report is satisfactory and adequately describes the issues covered in the Statement of Work clause of the Contract.

During the period in which we were conducting our research, a question arose as to whether or not the report should include a section covering the following issue: What rights do the State of Alaska, the Alaska Legislature and/or individual legislators have to intervene in existing Sagebrush Rebellion litigation commenced by other states? The Alaska Attorney General's office felt that our opinion should not be included in this report, but some opposite sentiment existed in the Legislature. It is my opinion that an honest misunderstanding or omission occurred during the writing of the contract that caused this disagreement. We have resolved the conflict thusly: we have not included our analysis in the bound copy of the report, but we are submitting with the report a memorandum to the Legislative Council that contains our conclusions on the subject (see attached memorandum). We hope this solution satisfies all parties.

The Honorable George H. Hohman

Page 2

January 25, 1980

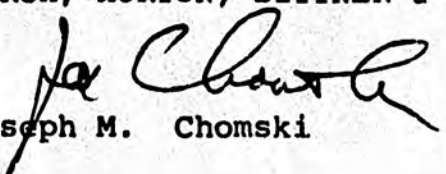
We have honored the "confidentiality of communications" section of the contract by releasing no copies of the report other than those attached. We will hold the report confidential until it is made public by the Legislative Council and distribution is permitted. We have had requests from the attorney general offices of several western states for a copy of the report upon completion, but will not provide it to them until so authorized by the Legislative Council.

I believe this completes our responsibilities under the contract and will assume so unless informed otherwise by you.

We appreciate your granting us the two week extension and your understanding in resolving some prior communications problems. We have enjoyed working on this matter and stand ready to assist the Legislative Council in any future matters upon request.

Cordially,

BIRCH, HORTON, BITTNER & MONROE


Joseph M. Chomski

JMC:brk

Encls.

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MEMORANDUM

To: **ALASKA LEGISLATIVE COUNCIL**

Date: **January 28, 1980**

SAGEBRUSH LITIGATION INTERVENTION

Assuming Nevada or another western state initiates litigation (or has initiated litigation) against the United States to determine the status of unappropriated federal lands, the question arises as to whether the State of Alaska, the Alaska Legislative Council, or individual legislators would be permitted to intervene in the suit.

There is no federal statute providing any of the potential intervenors the right to intervene. Federal Civil Rule 24(a)(2) reads as follows:

. . . anyone shall be permitted to intervene
. . . when the applicant claims an interest relating to the property . . . which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties. [emphasis added].

Since none of the potential Alaska intervenors has a specific interest in the public lands of Nevada, no right to intervene would exist. However, Civil Rule 24(b) provides for permissive intervention "when an applicant's claim or defense and the main action have a question of law or fact in common."

The rule also provides that the court, in exercising its discretion to allow intervention, shall consider whether the intervention would unduly delay the original action. If the court felt the presence of intervenors would be helpful to it, and that there would be no prejudice to the original parties, the question of intervention might be decided favorably, although it must be emphasized that this is a matter almost entirely within the trial judge's discretion.

The "standing" of the intervening parties poses a more difficult question. Many of the western public land states, including Alaska and Nevada, are in the Ninth Judicial Circuit. The U.S. Court of Appeals for the Ninth Circuit ruled in U.S. v. Imperial Irrigation District, 359 F.2d 509 (9th Cir. 1977), that the intervenors need not have the standing necessary to have initiated the original lawsuit; however, most jurisdictions require standing before intervention is allowed, and standing is required even in the Ninth Circuit to participate in an appeal.

"Standing" is generally defined as a "direct personal stake in the outcome of the controversy" so that its resolution focuses on the party seeking relief, and not the issues to be decided. By these standards, it is probable that the State of Alaska would have standing to intervene as a proprietor, in order to have its claim to unappropriated federal lands within Alaska decided in the same court action as the original suit. On the other hand, the State of Alaska may not want a district court judge in Nevada or Utah deciding the ownership of land in Alaska.

The standing of individual legislators to intervene as legislators (rather than as citizens) is more problematical. Standing is always granted when a legislator asserts injury to a right granted to legislators, such as the right to be seated after election. The U.S. Supreme Court has ruled that while the more indirect and derivative injuries commonly alleged do not necessarily preclude standing, they "may make it substantially more difficult to meet the minimal requirements" for standing.

While the constitutional duty of developing or conserving natural resources in Alaska is given to the Legislature, the day-to-day responsibility has been statutorily delegated to the Executive Branch. Previous federal cases have held that the right to operate "effectively" as a legislator does not confer standing. Harrington v. Bush, 553 F.2d 190 (D.C. Cir. 1977). It is likely that the Alaska Legislature's constitutional mandate would be found to be too subjective and prospective to give individual legislators standing to intervene in the action presently pending in Nevada, or in similar cases which are being contemplated.

In Croft v. Thomas, C.A. 76-997, the Superior Court in Juneau ruled that the Alaska Legislative Council lacked the authority to sue without a specific authorization by legislative resolution. Even armed with a resolution, the Legislative Council would have no better standing than the Legislature as an institution. Thus, the constraints noted above would probably result in a ruling of no standing.

It is common practice for courts to allow parties who lack standing to participate as amicus curiae ("friend of the court"). In matters of public concern, the courts usually allow amicus participation in the form of briefs and memoranda, and sometimes oral argument. The ultimate decision does not bind the amicus party, but it stands as judicial precedent and, if rendered by the U.S. Supreme Court, substantially binds any trial court which would later hear the claim of the amicus party.

We conclude that there is little likelihood that the courts would allow the Alaska Legislature, individual legislators, or the Alaska Legislative Council to intervene in the Sagebrush Rebellion litigation, but that amicus participation might well be ruled in order.

A more detailed legal analysis is available on request.

BIRCH, HORTON, BITTNER & MONROE

Any How... P72

THE SAGEBRUSH REBELLION

For over 100 years, more than 60 percent of all the land west of the Rockies has been owned by the federal government. A recent tightening of Washington's grip on this land has some states talking secession from the Union.

By Bill Endicott

Elect public officials from across the West gathered in Reno, Nev., not long ago to map strategy for what U.S. Sen. Orrin G. Hatch of Utah told them would go down in history as the "second American Revolution"—destined to emancipate the West from "economic and political control" by Washington.

Hatch can be excused a bit of hyperbole—he was, after all, playing to his fellow westerners—but there is no question that his comments reflect a strongly populist, anti-Washington fever that is sweeping across the West like a wind-whipped prairie fire.

At the heart of the discontent is land—lots of it. The federal government has it. The states want it. And they have put together what has become popularly known as a "Sagebrush Rebellion" to get it.

"Throw off the shackles," Hatch told the officials, "in which the federal government now holds the destiny of the West—ownership of the public domain."

What has triggered the rebellion is a growing maze of federal rules and regulations, implemented and enforced by the Bureau of Land Management, that has sharply restricted access to federal lands by ranchers,

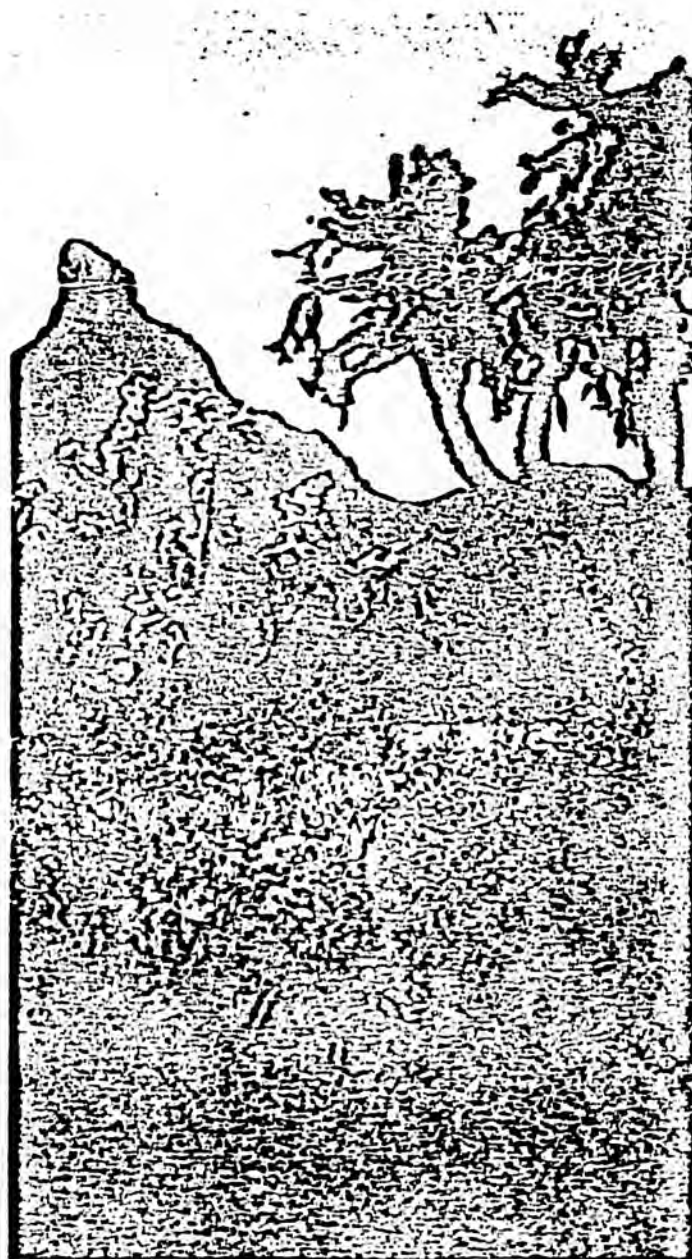


Photo by Shelly Grossman/Woodlin Camp

loggers, and miners.

In southern Utah, for example, a cattleman who has leased federal land for grazing is told that next year he will get no grazing allotment.

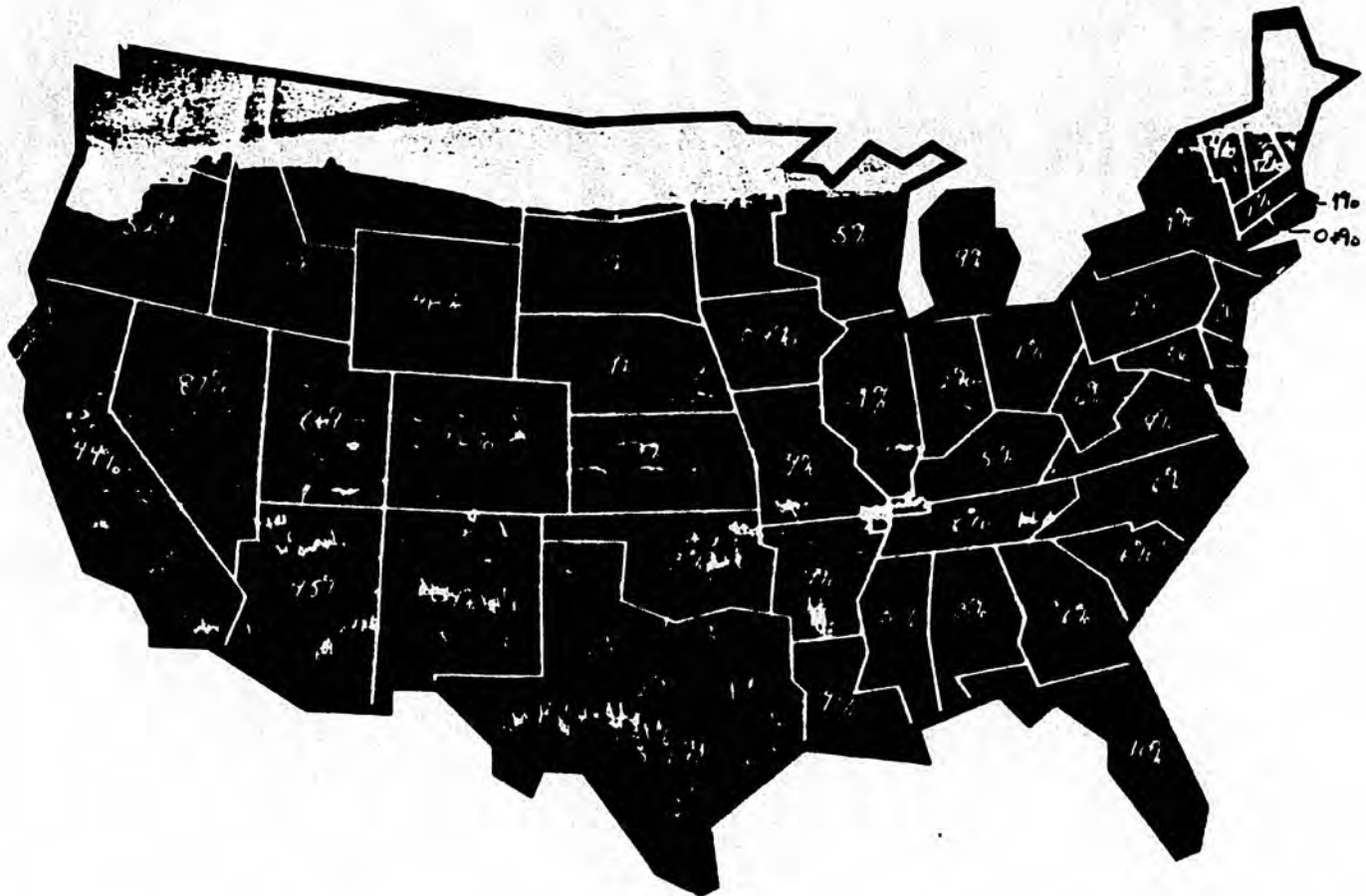
An Alaskan mining company, after sinking millions of dollars into a patented mining claim, is shut off from its claim by a wilderness review ordered by a federal court thousands of miles away.

In Idaho, a rancher who is losing his cattle to coyotes is told by the federal Environmental Protection Agency that he cannot poison the coyotes.

"It is time," said Nevada State Sen. Norman Glaser, a rancher, "to wrest the land from the perfidious absentee landlord who resides along the banks of the Potomac. Nobody can convince me we couldn't do a better job and couldn't be better stewards of the land ... than they can in Washington."

The increased national emphasis on synthetic fuels and the raw materials that are especially abundant in the West for producing them has fed the states-right revolt in recent months but it actually had its genesis in the passage by Congress in 1976 of the Federal Land Policy and Management Act.

FEDERAL LAND OWNERSHIP, STATE BY STATE



That act directed the Bureau of Land Management to hold public land "in perpetuity" instead of systematically disposing of it—unless a sale would be in the national interest—and mandates the use of public lands to benefit all Americans—vacationers and wildlife enthusiasts as well as ranchers, miners, and loggers.

Compounding the problem—adding insult to injury, the westerners would say—was the U.S. Forest Service's institution of an inventory of land under its jurisdiction with the goal of recommending to President Carter and Congress how much of its acreage should be set

aside in wilderness preserves, in the meantime placing the lands under study off-limits to resource development and other uses.

Sagebrush rebels began their campaign earlier this year in Nevada, where the state legislature passed, and Gov. Robert List signed into law, a bill asserting state sovereignty over millions of acres of federal land. But other western states since have embraced the concept and some have indicated they will join Nevada in attempting to provoke the U.S. government into a lawsuit over the issue.

List conceded it was difficult to assess the state's chances of making its legislation stick but said it at least would "provide an opportunity to place the matter of

control of the public domain at issue....Generally, I endorse getting as much of the productive land as feasible into private ownership." And he said Nevadans deserved more input into use and control of federal lands "before the federal government places new rules and regulations into effect."

Across the West angry Nevadans have distributed big orange and black buttons with the spiteful words: "Welcome to the West. Property: U.S. Govt."

In Alaska, some frontier-spirited residents have formed a group called Alaskans for Independence and are promoting secession. Their slogan is "Alaska for Alaskans."

Bill Endicott is chief of the San Francisco bureau of the Los Angeles Times.