

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

726 SCOM122: ALASKA LANDS FILE 1977-78

1 tions issued by the Secretary to protect the values of such
2 lands.

3 NORTH SLOPE HAUL ROAD

4 SEC. 908. (a) IN GENERAL.—So long as that section of
5 the North Slope Haul Road referred to in subsection (c) is
6 closed to public use, but not including regulated local traffic
7 north of the Yukon River, regulated industrial traffic and reg-
8 ulated high occupancy buses, such regulation to occur under
9 State law, except that the Secretary, after consultation with
10 the Secretary of Transportation, and the Governor of Alaska
11 shall agree on the number of vehicles and seasonality of use,
12 such section shall be free from any and all restrictions con-
13 tained in title 23, United States Code, as amended or supple-
14 mented, or in any regulations thereunder. The State of
15 Alaska shall have the authority to limit access, impose re-
16 strictions and impose tolls, notwithstanding any provision of
17 Federal law.

18 (b) RELEASE.—The removal of restrictions shall not be
19 conditioned upon repayment by the State of Alaska to the
20 Treasurer of the United States of any Federal-aid highway
21 funds paid on account of the section of highway described in
22 subsection (c), and the obligation of the State of Alaska to
23 repay these amounts is hereby released so long as the road
24 remains closed as set forth in subsection (a).

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JAN 31 1979

STEERING COUNCIL
FOR ALASKA LANDS

96TH CONGRESS
1ST SESSION

H. R. 39

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. UDALL (for himself, Mr. SEIBERLING, Mr. PHILLIP BURTON, Mr. BRADEN, Mr. STUDDS, Mr. FISH, Mr. PATTERSON, Mr. RANGEL, Mr. BRINKLEY, Mr. CONTE, Mr. VENTO, Mr. KOSTMAYER, Mr. SIMON, Mr. RODINO, Mr. WEAVER, Mr. HUGHES, Mr. CARR, Mrs. SPELLMAN, Mr. GUDGER, Mr. BONKER, Mr. PATEN, Mr. DAVIS of South Carolina, Mr. BARNES, Mr. WIETH, Mr. DANIELSON, Mr. BOLAND, Mr. MOAKLEY, Mr. GREEN, Mr. BEILSON, Mr. CORRADA, Mr. CONYERS, Mr. HOWARD, Mr. MIKVA, Mr. CORMAN, Mr. VANIK, Mr. BRODHEAD, Mr. MINETA, Mr. WAXMAN, Mr. BINGHAM, Mr. FOWLER, Mr. REUSS, Mr. VAN DEERLIN, Mr. HARKIN, Mr. ASPIN, Mr. ROSENTHAL, Mr. LEHMAN, Mr. MARKEY, Mr. DERRICK, Mr. HAWKINS, Mr. KILDEE, Mr. DELLUMS, Mr. ROE, Mr. DRINAN, Mr. BLANCHARD, Mr. FISHER, Mr. EDWARDS of California, Mr. HARRIS, Mr. KASTENMEIER, Mr. LONG of Maryland, Mr. MAGUIRE, Mr. DOWNEY, Mr. WALOREN, Mr. PEASE, Mr. OTTINGER, Mr. RICHMOND, Mr. MOTT, Mr. MOORHEAD of Pennsylvania, Mr. EDGAR, Mr. GLICKMAN, Mr. SABO, Mr. JEFFORDS, Mr. GARCIA, Mr. HALL of Ohio, Mr. SCHEUER, Mr. BONIOR, Mr. MITCHELL of Maryland, Mr. WOLFF, Mr. HOLLENBECK, Mr. TRAXLER, Mr. PANETTA, Mr. JENNETTE, Mr. FLORIO, Mr. ANDREWS of North Carolina, Mr. GEPHARDT, Mr. FASCELL, Mr. DUNCAN of Tennessee, Mrs. SCHROEDER, Mr. GRADISON, Mr. JOHN BURTON, Mrs. FENWICK, and Mrs. BYRON) introduced the following bill: which was referred to the Committee on Interior and Insular Affairs and to the Committee on Merchant Marine and Fisheries for a period ending not later than March 19, 1979

1 pursuant to this subsection shall not invalidate an otherwise
2 valid State or Native Corporation land selection outside the
3 boundaries of the conservation system unit on the grounds
4 that, after such relinquishment, the remaining portion of the
5 land selection no longer meets applicable requirements of
6 size, compactness, or contiguity, or that the portion of the
7 selection retained immediately outside the conservation
8 system unit does not follow section lines along the boundary
9 of the conservation system unit. The validity of the selection
10 outside such boundary shall not be adversely affected by the
11 relinquishment.

12 ACCESS

13 SEC. 802. (a) SPECIAL ACCESS RIGHTS.—Notwith-
14 standing any other provision of this Act or other law, the
15 Secretary may permit on conservation system units the use
16 of snowmachines; motorboats; airplanes able to land on snow,
17 ice, water, or designated sites; and nonmotorized surface
18 transportation methods, for traditional activities permitted by
19 this Act or other law, including travel to and from villages
20 and homesites. Such uses shall be subject to reasonable regu-
21 lations promulgated by the Secretary in order to protect the
22 natural and other values of the conservation system units.
23 Nothing in this section shall be construed as prohibiting the
24 use of other methods of transportation for such travel and

1 activities on conservation system lands where such use is
2 permitted by this Act or other law.

3 (b) TEMPORARY ACCESS.—(1) Notwithstanding any
4 other provision of this Act or other law, the Secretary shall
5 authorize and permit temporary access by the State or a pri-
6 vate landowner to or across any conservation system unit,
7 the National Petroleum Reserve—Alaska or those public
8 lands designated as wilderness study or managed to maintain
9 the wilderness character or potential thereof in order to
10 permit the State or private landowner access to its land for
11 purposes of survey, geophysical, exploratory, or other tempo-
12 rary uses of such State or private lands whenever he deter-
13 mines such access will not result in permanent harm to the
14 resources of such unit, Petroleum Reserve, or public lands.

15 (2) In providing temporary access pursuant to para-
16 graph (1) the Secretary may include such stipulations and
17 conditions he deems necessary to insure that the private use
18 of public lands is accomplished in a manner that is not incon-
19 sistent with the purposes for which the public lands are re-
20 served and which insures that no permanent harm will result
21 to the resources of the unit.

22 (c) ACCESS TO INTERESTS.—Notwithstanding any
23 other provision of this Act or other law, in any case in which
24 State owned or privately owned land or a valid mining claim
25 or other valid occupancy is entirely within one or more con-

1 ervation system units or the National Petroleum Reserve in
2 Alaska, the State or private owner or occupier shall be given
3 by the Secretary such rights as may be necessary to assure
4 adequate access for economic and other purposes to the con-
5 cerned land by such State or private owner or occupier and
6 their successors in interest. Such rights shall be subject to
7 reasonable regulations issued by the Secretary to protect the
8 values of the affected public lands.

9 (d) NORTH SLOPE HAUL ROAD.—(1) That section of
10 the North Slope Haul Road referred to in paragraph (3) of
11 this subsection shall be free from any and all restrictions con-
12 tained in title 23, United States Code, as amended or supple-
13 mented, or any regulations thereunder, so long as such sec-
14 tion of road remains closed to public use other than regulated
15 local traffic north of the Yukon River, regulated industrial
16 traffic, and regulated high-occupancy buses (such regulation
17 to occur under State law except that the Secretary, after
18 consultation with the Secretary of Transportation, shall
19 agree with the Governor of Alaska on the number of vehicles
20 and seasonability of use to be permitted on such section of
21 road).

22 (2) The removal of restrictions shall not be conditioned
23 upon repayment by the State of Alaska to the Treasurer of
24 the United States of any Federal-aid highway funds paid on
25 account of the section of highway described in paragraph (3),

1 and the obligation of the State of Alaska to repay these
2 amounts is hereby released so long as the road remains
3 closed as set forth in paragraph (1).

4 (3) The provisions of this section shall apply to that sec-
5 tion of the North Slope Haul Road, which extends from the
6 southern terminus of the Yukon River Bridge to the northern
7 terminus of the road at Prudhoe Bay.

8 (e) VALID EXISTING RIGHTS.—Nothing in this section
9 shall be construed to adversely affect any valid existing right
10 of access.

11 SCIENTIFIC AND CULTURAL RESOURCES

12 SEC. 803. (a) ARCHEOLOGICAL AND PALEONTOLOGI-
13 CAL SITES.—Notwithstanding any acreage or boundary limi-
14 tations contained in this Act with respect to the Cape Kru-
15 senstern National Park, the Bering Land Bridge National
16 Park, the Yukon-Charley Rivers National Park, and the
17 Kobuk Valley National Park, the Secretary may designate
18 Federal lands or he may acquire by purchase with the con-
19 sent of the owner, donation, or exchange any significant ar-
20 cheological or paleontological site in Alaska located outside
21 of the boundaries of such areas and containing archeological
22 or paleontological resources which are closely associated
23 with any such area. If any such site is so designated or ac-
24 quired, it shall be included in and managed as part of such
25 area. Not more than seven thousand five hundred acres of

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Colletta
11.
DHFM HOME ANG

DHFM VSH
ATTN SFAAN
FROM BROOKS
DATE DECEMBER 16, 1977

THE FOLLOWING SHOULD BE GIVEN TO COWPER AND COLLETTA AND COPY
TO RON WHEN HE ARRIVES ON TUESDAY.

AMENDMENT TO HR 39

PAGE 146, STRIKE LINES 14, 15, AND 16 IN THEIR ENTIRETY, AND ON
PAGE 147, AFTER LINE 10 ADD NEW SUBSECTIONS AS FOLLOWS:

"(C) IN ANY CASE WHERE STATE-OWNED OR PRIVATELY OWNED LAND
(INCLUDING NATIVE LAND) OR A VALID MINING CLAIM OR OTHER VALID
OCCUPANCY IS SURROUNDED BY PUBLIC LANDS WITHIN ONE OR MORE
CONSERVATION SYSTEMS UNITS, THE STATE OR PRIVATE OWNER OR OCCUPIER
SHALL BE GIVEN SUCH EASEMENTS OR OTHER RIGHTS AS MAY BE NECESSARY
TO ASSURE ADEQUATE ACCESS TO SUCH SURROUNDED LAND OR OCCUPANCY
BY SUCH STATE OR PRIVATE OWNER OR OCCUPIER AND HIS SUCCESSORS IN
INTEREST, UNDER REASONABLE REGULATIONS TO PROTECT THE VALUES OF
THE UNIT OR UNITS."

*Will I...
Sec. 1202*



[COMMITTEE PRINT]

Showing the Substitute Adopted by the Sub-
committee on General Oversight and
Alaska Land

FEBRUARY 10, 1978

95TH CONGRESS
2d Session

H. R. 39

A BILL

To designate certain Federal lands in the State
of Alaska as units of the National Forest,
National Park, National Wildlife Refuge,
Wild and Scenic Rivers, and National Wil-
derness Preservation Systems, and for other
purposes.

By Mr. _____

FEBRUARY , 1978

Referred to the Committee on _____

BILLS FG—1

[COMMITTEE PRINT]

SHOWING THE SUBSTITUTE ADOPTED BY THE
SUBCOMMITTEE ON GENERAL OVERSIGHT AND
ALASKA LAND

FEBRUARY 10, 1978

95TH CONGRESS
2D SESSION

H. R. 39

IN THE HOUSE OF REPRESENTATIVES

A BILL

To designate certain Federal lands in the State of Alaska as units of the National Forest, National Park, National Wildlife Refuge, Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.....

Page

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

Sec. 101 Findings

Sec. 102. Policy

Sec. 103. Definitions

J. 22-690

Before promulgating regulations under this section, the Secretary shall give at least sixty days public notice of the proposed regulations, including publication of the proposed regulations in a newspaper or newspapers having general circulation in each State judicial district in Alaska where the unit or units affected by the proposed regulations are located, and shall hold a public hearing or hearings concerning the proposed regulations at one or more locations convenient to the unit or units affected.

Title VIII
Administrative
Provisions

(c) In any case in which State-owned or privately owned land (including Native land) or a valid mining claim or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such unit or units.

ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

SEC. 1203. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the conservation system units described in sections 201 (2), 201 (6), and 201 (10), the Secretary of the Interior may ac-

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Permit Cole, Idaho News Service
586-1820

conducted

1 Denver, Colorado

March 27

Senators ^{358.96} ^{358.96} Hadman & Sumner
Rep. Salley Smith ^{358.96}
\$ 1076.07

1 Springfield, Illinois
April 6

Rep. Salley Smith
517.95

1 Phoenix, Arizona
April 13

Senators Rodey & Hadman
^{376.65}
743.30

1 Columbus, Ohio
April 27

Rep. Rudd ~~517.95~~

~~Dover, Delaware~~

~~May 5~~

~~Rep. Hays~~ NO
~~Cancelled~~

~~Lansing, Michigan~~

~~May 23~~

~~Senator Sumner~~
~~Cancelled~~

Total 3,906.11

Per Room
Travel Exp. 50.00
Expenses over

517.95
743.30
1076.07
2337.32

Now, the NSB has learned the President's Office of Management and Budget (OMB) has withheld the \$13 million until a new gas distribution system is constructed for Barrow at an estimated cost of \$10 million. OMB wants the NSB to pay.

On February 7, Eben Hopson joined officials and attorneys of Barrow's utility cooperative in Washington, D.C. to meet DOI officials about the problem. In a follow up letter to Assistant Secretary for Indian Affairs Forrest Gerard, NSB D.C. Legal Counsel William VanNess charged that "OMB's action in holding hostage the funding for development of the East Barrow field... contravenes Federal law... and presents a serious potential hazard to the reliability of gas service in the Barrow area."

This continues a dispute, beginning shortly after WWII when the Navy brought in the South Barrow gas field, connected Barrow's federal facilities to gas, and refused to connect Barrow homes until forced to do so by Congress after a 12 year struggle. In 1957, the Bureau of Indian Affairs gerry-rigged a temporary leaky gas distribution system that is still in use today, and has been condemned as unsafe.

Throughout the years, the BIA retained title to Barrow's gas system which was operated by the Barrow Utility and Electrical Cooperative, Inc., originally organized by the Bureau of Indian Affairs.

When the NSB was organized, it began negotiating with the BIA to take over ownership and operation of BIA properties in Barrow, including the Barrow School, and Utility Plant. Both had been allowed to deteriorate badly, and the BIA agreed to bring both up to modern safety standards. Then all three parties signed the tri-party agreement which provided the BIA would pay to modernize Barrow's gas works, after which the NSB would take ownership of the new system and the Barrow Utility Co-op would operate it. But BIA began to quibble about costs, and failed to carry out the agreement, and it now appears the government has disavowed the tri-party agreement, and is insisting the NSB come up with the \$10-\$12 million it will take to rebuild a new system. Now OMB is taking the position that East Barrow Gas field development will be delayed until the NSB ponies up the money promised by the BIA.

This entire affair underscores the shabby treatment the Federal government has historically given the people of Barrow and the entire Arctic Slope, and the rusting, leaking Barrow gas works is a vivid symbol of Federal fecklessness endangering both the people and the land of Alaska's Arctic Coast.

Now, rather than meet its long-standing responsibilities, the government is compounding the danger to public safety in Barrow by holding up East Barrow gas field development. Knowledgeable gas field engineers have quietly warned NSB officials that South Barrow gas field well No. 6, which produces 40%-60% of Barrow's entire gas supply, is in danger of water intrusion, and there is a serious need to bring recently discovered East Barrow gas reserves into production to enable the reworking of old South Barrow wells. Barrow depends completely upon gas. There are no fuel oil reserves. If the endangered South Barrow well No. 6 goes down, lives will be lost.

SUBSISTENCE

Native Leaders Support Federal Subsistence Provisions

Some 200 members of the Association of Village Council Presidents met in Bethel Feb. 25-26 to discuss legislation regarding subsistence and the future of fish and wildlife management in Alaska.

Recognizing the need to protect subsistence, [redacted] Chairman of the powerful legislative D-2 Steering Council on Alaska Lands, told the Bethel meeting [redacted]

[redacted] he said. "The people here have unwritten laws among themselves. Subsistence is a matter of need versus greed, and we should be able to draw the law along those lines."

Cowper also drew a good response when he told the AVCP Caucus he would support legislation requiring all subsistence needs of an area to be met before foreign hunters are allowed to take fish and game. Cowper also said the Dept. of Fish and Game should use local residents in making decisions affecting subsistence.

NSB Mayor Eben Hopson also addressed the group saying that conditions have improved for Native peoples. Section 4 (b) of the Alaska Native Claims Settlement Act, which attempted to extinguish Native subsistence rights "was the last gasp of the 1950's when Native rights extinguishment was being pushed by the Eisenhower administration as a final solution to the 'Indian problem.' Today our subsistence rights are viewed as important constitutional rights in the United States, and as essential human rights by people all over the world who are closer to us now because of modern communications technology, and they look to the United States to establish high standards of justice for Native indigenous people all over the world..."

"With the encouragement of the Federal government, we organized the Alaska Eskimo Whaling Commission to conserve bowhead stocks, and control and regulate all aspects of the bowhead harvest... Thus, we have established the first cooperative management regime for a single endangered migratory subsistence species, a regime entirely under Native control of subsistence hunters, but cooperating with State and Federal agencies..."

"No longer can we stand aside and complain and advise the government. No more can we enjoy the luxury of serving on advisory committees while letting others make the hard decisions. We are being turned to, to make these hard decisions for ourselves, as well as for our State and Nation. Our management of Alaska's subsistence resources must be undertaken in the cold context of world hunger. We will be managing food as food becomes scarce all over the world. As the world becomes more crowded and hungry, our management of our game, our stewardship over our land will come under increasingly critical attention..."

"Phase II of our land claims movement will be village-centered, and it will be the strongest and most effective part of our land claims movement. Working together, we will exercise an effective stewardship over our land, and we will prevail."

VIII. FEDERAL LAND MANAGEMENT

WHEREAS, there is a continuing and increasing effort on the part of the federal government to designate vast acreages of federal lands in the West for use, conservation and management without regard for input from the State and local governments of the Western Region; and

WHEREAS, input to federal land classification and management decisions from Western State and local government has been ignored or overridden by administrative and Congressional actions; and

WHEREAS, recent federal land management decisions have tended to be overly restrictive and single-purpose use oriented rather than addressing the diverse needs of all the people; and

WHEREAS, pending federal legislation regarding federal lands in the West, such as H.R. 39, would have the effect of establishing dangerous precedents encroaching upon historical state and local government land, resource and wildlife management prerogatives and violating the fundamental principles of States' rights; and

WHEREAS, federal land management decisions and regulatory authority frequently have unreasonable and confiscatory effects upon adjacent and nearby state, local government, and private lands; and

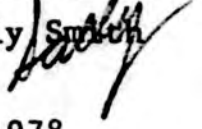
WHEREAS, the majority of all federal lands in the United States are located in the Western States and these same Western States have the capability to fulfill many of the renewable and non-renewable resource needs of the entire country but are being denied these opportunities by federal land use, conservation and management policies and regulatory controls;

NOW, THEREFORE, BE IT RESOLVED that the Western Conference of the Council of State Governments vigorously opposes H.R. 39 (the Alaska National Interest Lands Conservation Act) and any other pending or proposed federal legislation which usurps States' rights, revokes state management of state resources, ignores input from state and local governments, and revokes established state-federal land selection provisions; and

BE IT FURTHER RESOLVED that the Western Conference of the Council of State Governments urges the federal land management agencies of the U.S. Department of the Interior to join with the Western States to establish a more meaningful process of input from State and local governments to federal land management decisions and policy development; and

BE IT FURTHER RESOLVED that the Western Conference of The Council of State Governments urges federal land management agencies of the U.S. Department of the Interior and the U.S. Congress to be more mindful of their obligations to meet all the needs of the people consistent with the preservation of wilderness values.

SALLY SMITH
ALASKA STATE REPRESENTATIVE

Memo to: Marcie
Office of Senator Colletta
From: Sally Smith 

April 21, 1978

Here's a copy of the letter sent by Rep.
Joe Lucco to Speaker Redmond, Illinois
State House of Representatives, and a
copy of the resolution they have
drafted.

Looks as though things are progressing
as we had hoped in Illinois.

Thanks for all your help, Marcie.

Illinois Energy Resources Commission

ROOM 713 STATE OFFICE BUILDING
SPRINGFIELD, ILLINOIS 62706
PHONE (217) 752-8220

April 13, 1978

Hon. William A. Redmond
Speaker of the House of
Representatives
State House
Springfield, Illinois 62706

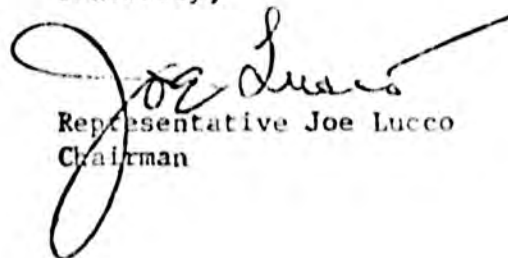
Dear Speaker Redmond:

Enclosed is a copy of a resolution drafted by our staff regarding the endorsement and support by the State of Illinois of the position stated by Alaskan Senate Resolution 10 and Senate Joint Resolution 41. As you will recall, Alaskan State Representative Sally Smith recently visited Springfield regarding Alaska's specific federal interest land concerns under Section 17 (d) (2) of the Alaska Native Claims Settlement Act.

We feel that the position advocated by Representative Smith is warranted and deserves the support of the State and General Assembly as advocated in this resolution.

If you have any questions, please contact myself or Don Handy, IL Energy Resources Commission Staff Director.

Sincerely,


Representative Joe Lucco
Chairman

JL:TW:cn

enclosure

HOUSE JOINT RESOLUTION

WHEREAS, Members of the Alaska Legislature appeared before members and committees of the Illinois General Assembly and presented the Alaska position on Section 17 (d) (2) of the Alaska Native Claims Settlement Act; and

WHEREAS, We are committed to the right of Alaska and of each sovereign state of the United States to be secure within its geographical boundaries; and

WHEREAS, The Alaska Legislature has announced its position regarding Federal H.R. 39 specifically and the 17 (d) (2) question generally in Alaska SR 10 and SJR 41; and

WHEREAS, We are persuaded by the propriety of the Alaska Legislature's position as expressed in their SR 10 and SJR 41; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we endorse and support the positions and resolves expressed in Alaska SR 10 and SJR 41; and be it further

RESOLVED, That copies of this resolution be sent by the Secretary of State to Honorable Jimmy Carter, President of the United States; the Honorable Henry M. Jackson, Chairman, Senate Energy and Natural Resources Committee; the Honorable Morris K. Udall, Chairman, House Interior and Insular Affairs Committee; to the Honorable Charles M. Percy and the Honorable Adlai E. Stevenson, United States Senators; and to each member of the House of Representatives of the United States Congress from the State of Illinois.

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 HOUSE JOINT RESOLUTION NO. 84

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Expressing appreciation to the Arizona
6 House of Representatives for its support
7 of the state's position on amendment of
8 pending Alaska National Interest Lands
9 legislation.

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

11 WHEREAS the United States Congress has under consideration legislation
12 which, if enacted, would maintain millions of acres of federal land in Alaska
13 in national preservation areas, without regard to management for and develop-
14 ment of resource values; and

15 WHEREAS the Alaska State Legislature, seeking support for its position
16 that pending Alaska National Interest Land legislation fails to consider
17 other national interests and fails to account and provide for the interests
18 of the state and its citizens, has contacted other state legislatures; and

19 WHEREAS the House of Representatives of the State of Arizona, after
20 welcoming visiting members of the Alaska Legislature and providing opportunity
21 to present this state's position, has adopted House Memorial 2003, urging
22 Congress to consider the needs and desires of Alaska's citizens in enacting
23 Alaska National Interest Lands legislation; and

24 WHEREAS House Memorial 2003 of the 2d session, 33rd Arizona Legislature,
25 serves notice to the members of the Arizona delegation in Congress and to
26 other United States representatives and senators serving on key Congressional
27 committees considering Alaska National Interest Lands legislation that the
28 Arizona House of Representatives urges greater opportunity for resource and
29 energy inventory and development in Alaska lands and recognition that the

1 interests of the state and its citizens in the federal lands should not be
2 ignored;

3 BE IT RESOLVED by the Alaska State Legislature that it sincerely appre-
4 ciates the opportunity provided by the members of the Arizona House of Repre-
5 sentatives to Alaska's legislators to make known the views of the state and
6 expresses gratitude to the members of that legislative body for their expedi-
7 tious treatment and favorable response to our call for public support for a
8 more equitable and representative position with respect to National Interest
9 Lands in Alaska.

10 COPIES of this resolution shall be sent to the Honorable Don Stewart,
11 State Representative in the Arizona Legislature and principal sponsor of
12 House Memorial 2003; to the Honorable Frank Kelley, Speaker of the Arizona
13 House of Representatives; and to the Honorable Ted Stevens and the Honorable
14 Mike Gravel, U. S. Senators, and the Honorable Don Young, U. S. Representa-
15 tive, members of the Alaska delegation in Congress.

STATE OF ARIZONA

33rd LEGISLATURE

2nd REGULAR SESSION

HOUSE

H. M. 2003

Introduced

May 10, 1978

REFERENCE TITLE: Alaska national interest
lands act

Referred on May 10, 1978

Rules

Introduced by Representatives Stewart, Akers, Barr, Bradford, Carlson, Cooper, Corpstein, P. Dunn, Elliott, English, Everett, Flynn, Goodwin, Harelson, Hartdegen, Hawke, Hays, Holman, Humphreys, Jeffers, Jones, Jordan, Kay, Kelley, Kenney, Kunasek, Lewis, McCarthy, McConnell, Ratliff, Rigel, Rockwell, Rosenbaum, Skelly, Sossaman, Steiner, Vukceovich, West, Wettaw, Woodward, Wright; Senators Camping, Hayes, Pritzlaff (with permission of Committee on Rules)

A MEMORIAL

URGING CONGRESS TO CONSIDER THE DESIRES AND NEEDS OF ALASKAN CITIZENS IN
ENACTING AN ALASKA NATIONAL INTEREST LANDS ACT.

- 1 To the Congress of the United States:
- 2 Your memorialist respectfully represents:
- 3 Whereas, the Alaska Native Claims Settlement Act of 1971, Section 19
- 4 (d)(2), specified that the Secretary of the Interior may withdraw up to,
- 5 but not to exceed, eighty million acres of unreserved public land in the
- 6 State of Alaska for possible addition to the national park, forest, wild-
- 7 life refuge, and wild and scenic river systems; and
- 8 Whereas, the U.S. Congress is addressing this issue during the
- 9 current session; and
- 10 Whereas, a careful inventory of the mineral potential of the land
- 11 that may be included in a management category, which would foreclose
- 12 mineral exploration and development, should be undertaken and completed
- 13 before its designation into a management category; and
- 14 Whereas, large blocks of land with identifiable agricultural
- 15 potential should be included in management systems which would allow for
- 16 future agricultural development; and
- 17 Whereas, cooperative federal-state procedures or institutions
- 18 should be established to make future recommendations or designations on
- 19 policy, planning and management of Alaska's federal and state land; and
- 20 Whereas, municipalities in the state oppose any legislation that
- 21 would create instant land-use classifications severely restricting land
- 22 and resources without consideration for other land-use potential; and
- 23 Whereas, passage of this bill without a careful mineral inventory
- 24 and guaranteed access provisions, traditional environmental and economic
- 25 impact studies, provisions for future agricultural development, creation

1 of new national forests in the interior of Alaska, completion of the
2 selection process of the state and natives, state game management as
3 guaranteed under the Statehood Act and cooperative federal-state planning
4 and development would be against the best interests of the citizens of
5 the State of Alaska and nation alike.
6 Wherefore your memorialist, the House of Representatives of the State of
7 Arizona prays:
8 1. That Congress consider and incorporate in the Alaska National
9 Interest Lands Act the desires and needs of Alaskan citizens.
10 2. That the Secretary of State of the State of Arizona transmit
11 copies of this Memorial to the President of the United States Senate,
12 the Speaker of the House of Representatives of the United States, each
13 Member of the Arizona Congressional Delegation, each Member of the
14 Senate Energy and Natural Resources Committee and each Member of the
15 House Interior and Insular Affairs Committee.

ANCHORAGE DAILY NEWS

Lawrence Fanning
Editor and Publisher, 1967 to 1971

Katherine Fanning
Editor and Publisher

Stan Abbott
Executive Editor

Alaska's Only Morning Newspaper
Founded in 1946 by Norman C. Brown

Our views:

Go to Juneau, see the world

Join the legislature and see the world!

As long as Alaska's lawmakers are traveling all over the country, they might as well consider turning the effort into a useful enterprise, perhaps as advertising to attract new candidates for public office.

Consider: tours from the legislature are leaving once or twice a week these days for such exotic spots as the beaches of Waikiki, the sunny Southwest and even the Midwest, heartland of America.

If the travel bent of the current legislature is carried to its logical conclusion, there might even be Alaska Legislature booths set up at county fairs around the country, or perhaps the legislators could organize as a sort of a summer stock theater group, and hold their own road shows.

But that's getting ahead of things.

At this point, the legislature's tourist fixation is limited to a series of trips to other state capitals, in an attempt to lobby for support for the Alaska legislature's position on d-2 lands.

Unfortunately, only half of the legislature has a position on d-2 lands, and that position is only a negative one. The State Senate is on record in opposition to H.R. 39, the d-2 land bill making its way through the U.S. House. The State House is on record for stalling on the issue.

Since d-2 lands legislation, creating new national parks and refuges in Alaska, is due out of Congress by December of this year, neither the State House position on the issue nor the State Senate position is particularly fruitful.

And traveling around the country to advertise the fact that Alaska's legislators can't agree on a constructive viewpoint on the d-2 issue doesn't do a whole lot for the state either.

But maybe the traveling lawmakers will attract a few tourists to the state. That would give us some return for the taxpayer dollars being used to fund the excursions.

Other views:



Specific Gravity

Readers write.

The ABM-TV furor

Dear Editor:

After reading Conn Murray's "call to arms against ABM," my initial negative reaction to such a piece of hype was replaced by gratitude for your exposure of the character of ABM's opposition.

His position that only long-term Alaskans can possibly know what's right or wrong for the local populace — seemingly always espoused by those who will benefit from maintenance of the status quo — is neither new nor valid. However, his argument that we should be forever appreciative of the efforts by "public-spirited" advertisers and broadcasters to bring live sports events, at great expense, to Alaska in the community interest is somewhat novel.

It's pure hogwash, of course, because that effort was nothing more than a smart investment by local businessmen

United States (AHAUS) registr

Before our season began, Club made payments to AHAUS franchise fees \$293, and to the through the AHA for dues, \$203.

Payments were made to organizations for prospective which, up to now, we have not. Also a decision was made, supported the National level, but later conversations to be on a State level. Boys Club Hockey could only be a member of AHAUS through Anchorage Hockey Association. At that time we felt that our affiliation with AHAUS was a necessity. During the course of events, Boys Club noted that we are not getting due recognition at the State level by being members of AHAUS. The Boys Club hockey team was denied the right to participate in a State tournament that was held

Legislators plan lobby trips

From Our Juneau Bureau

JUNEAU — With one successful trip out of the way, Alaska legislators are planning a series of visits to other state legislatures in the next several weeks to lobby against pending d-2 legislation in Congress.

Rep. Sally Smith, D - Fairbanks, is scheduled to meet with the speaker of the Illinois House today, and Sen. Pat Rodey, D - Anchorage, will travel a week later to Arizona.

A TRIP has been scheduled for Delaware next Wednesday, but Alaska legislative officials are still scrambling to find somebody who is willing to make the trip. A scheduled visit to Ohio fell through when no one could be found in time to make the trip eastward, but organizers of the

visits are hopeful another meeting can be arranged in that state, probably on April 18. Michigan may get a visiting Alaska legislator or two on the 17th, if current plans remain firm.

Hawaii plans to adjourn its legislature by next Friday, and Alaska officials say they will have to send a delegation to that state after the legislators have gone home. Missouri and Connecticut are said to be interested in receiving a visit from Alaska, but no dates have been set for trips to those states.

State Sen. Bill Sumner, R-Anchorage, and George Hohman, D-Bethel, and Smith traveled to Colorado last month on the first lobbying trip. After meeting with legislative leaders there and

comparing notes on federal land policies, the Alaska delegation returned convinced the Colorado lawmakers will endorse a resolution supporting efforts to reduce the size of areas to be set aside as wilderness and to guarantee access and state management of wildlife.

The Alaska legislators also are optimistic their Colorado counterparts will write the Colorado congressional delegation urging opposition to the so-called Udall bill and its plan to set aside about 100 million acres of federal land in Alaska as wilderness.

The legislative lobbying trips are paid for with tax dollars, although legislators foot the bill for their own lodging and meals.

STATE NEW C PLANNING

On Thursday evening, 7 p.m. at the Anchorage Museum, Morton Hoppenfeld, Executive Director of the Capital Site Planning Commission, will give an address entitled PLANS FOR THE FUTURE. The public is invited to attend.

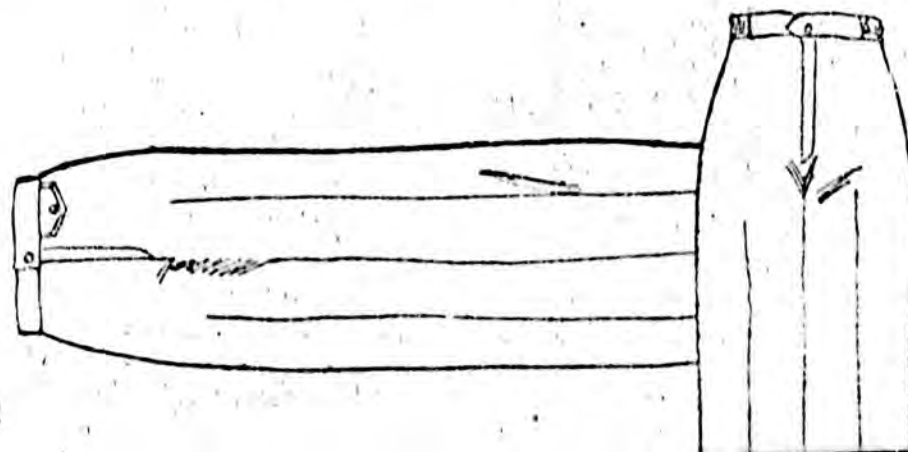
An exhibition of a model of the new City will be on display at the Fine Arts Museum from April 1 to April 15, 1978.

AO-01 0115

SPRING FEVER

FUR
SAVINGS

1/2 OFF



Interior Official On D2

By BETTY MILLS

Times Washington Bureau

WASHINGTON — Interior Department officials came under close, sometimes hostile, questioning today by members of the House Merchant Marine and Fisheries Committee as the D2 battle progressed to its second legislative front.

Robert L. Herbst, assistant Interior secretary for fish, wildlife and parks, told the committee that the Carter administration regards the D2 bill approved last month by the House Interior Committee as "a monumental effort for conservation."

But Herbst then proceeded to tick

off substantial changes that the administration wants made in the bill, which withdraws about 99 million acres in Alaska as part of the national parks, wildlife refuges, forest and wild rivers systems.

Among the changes sought by the administration are restoration of acreage cut from the Arctic National Wildlife Range and four other refuges, and deletion of the entire section in the bill which sets up a process of "unlocking" D2 areas for mineral access.

Herbst came under heavy fire from several Merchant Marine Committee members for his position that there should be no agricultural de-

velopment on wildlife refuges.

Rep. Don Young, R-Alaska, plans to try again with the amendment that he failed to win in the House Interior Committee to put portions of the Yukon Flats National Wildlife Refuge under the jurisdiction of the National Forest Service to allow agricultural development. The Yukon Flats area, which includes the communities of Circle and Young's hometown of Fort Yukon, is regarded by the state as a prime prospect for future agricultural development.

"The native selections in the Yukon Flats area total over three million acres and will be ample to sustain whatever agriculture they deem necessary to complement village life," Herbst said. "We urge the committee to restore the full integrity of the Yukon Flats area as a wildlife refuge and to strike the language in the bill permitting the state to obtain and then dispose of public lands for agribusiness."

Rep. Robert L. Leggett, D-Calif., chairman of the subcommittee on fisheries and wildlife conservation and the environment, said he expects no more than 50,000 acres to be developed for agricultural purposes in the next 25 years.

"I don't think the noise of agriculture will have much effect on the ducks and geese up there," Leggett said. "I don't think we need to worry about Tenneco coming up there with a huge business. The probability of that happening is rather lean."

Rep. Les Aucoin, D-Ore., also questioned Herbst repeatedly about the fact that lands will be available to the natives for agricultural development in the Yukon Flats, but not to the state.

"Is there something unfragile about the lands the natives will use? Aren't the lands adjacent and similar?" Aucoin asked.

In another point picked up by Young and Rep. John Dingell, D-Mich., the Interior Department conceded that the bill approved by the Interior Committee would affect the present mineral entry authority of the agency on all national wildlife refuges.

"When we passed the refuge act, refuges were regarded as a flexible management tool, but now were going to change the refuge act through this bill. This is a left-handed monkey wrench in H.R. 39 as approved by the Interior Committee," Young said.

Under pressure from Dingell, Herbst agreed to supply for the committee record an analysis on how H.R. 39 would affect mineral entry under the Refuge Administration Act, and which refuges in the Lower 48 states would be opened and which would be closed.

*Sharon
has about most
specific re. fish*

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

September 1, 1977

SUBJECT: Request for Convening Dates of State Legislatures, and Chairmen of State Natural Resources Committees (W.O. #4292)

TO: The Honorable Mike Colletta
The Honorable Steve Cowper

FROM: A. R. Latham
Research Analyst

Enclosed please find a xeroxed copy of a table giving the convening dates and length of sessions of state legislatures. It is apparent that very few legislatures are in session now. The only ones which may be are those with no limitation on session length. I understand that California is still in session, for example.

The typed table attached to this memo includes the data you requested on "Natural Resource" committees.

ARL:jm
Attachment
Enclosure

TABLE 11
LEGISLATIVE SESSIONS—LEGAL PROVISIONS

	State or other jurisdiction	Regular sessions				Special sessions			
		Year	Legislature convenes ^a		Limitation on length of session	Legislature may call	Legislature may determine subject	Limitation on length of session	
			Month	Day					
3%	Alabama.....	Odd	May	1st Tues.(a)	36 L	No	3/4 vote those present	36 L	
	Alaska.....	Annual(b)	Jan.	3rd Mon.	None	3/4 of membership	Yes(c)	30 C	
4%	Arizona.....	Annual	Jan.	2nd Mon.	None	Petition 3/4 members	Yes(c)	None	
4%	Arkansas.....	Odd(d)	Jan.	2nd Mon.	60 C(d)	No	(c)	None(a)	
	California.....	Even(f)	Dec.	1st Mon.	None	No	No	None	
3%	Colorado.....	Annual(g)	Jan.	Wed. after 1st Tues.	None	No	No	None	
1/2%	Connecticut.....	Annual(g)	Odd—Jan.	Wed. after 1st Mon.	(h)	Yes	Yes	None(l)	
			Even—Feb.	Wed. after 1st Mon.	(h)				
3	Delaware.....	Annual(b)	Jan.	2nd Tues.	June 30	Jt. call, presiding officers, both houses	Yes	None	
3%	Florida.....	Annual	Apr.	Tues. after 1st Mon.	60 C(d)	Jt. call, presiding officers, both houses	Yes	30 C(d)	
5	Georgia.....	Annual(b)	Jan.	2nd Mon.	(j)	Petition 3/4 members, each house	Yes(a)	(h)	
9	Hawaii.....	Annual(b)	Jan.	3rd Wed.	60 L(d)	Petition 3/4 members, each house(i)	Yes(i)	30 L(d)	
63	Idaho.....	Annual	Jan.	2nd Mon.	60 C(m)	No	No	20 C(m)	
1	Illinois.....	Annual(b)	Jan.	2nd Wed.	None	Jt. call, presiding officers, both houses	Yes	None	
1	Indiana.....	Annual	Nov.	3rd Tues. after 1st Mon.(a)	(a)	No	Yes	(p)	
1/2 1%	Iowa.....	Annual(b)	Jan.	2nd Mon.	None	No	Yes	None	
43	Kansas.....	Annual(b)	Jan.	2nd Tues.	90 C(m)	Petition 3/4 members	Yes	30 C(m)	
					60 C(d,m)				
3	Kentucky.....	Even	Jan.	Tues. after 1st Mon.	60 L	No	No	None	
3	Louisiana.....	Annual(g)	May	2nd Mon.	Even 60 C	Petition 3/4 members, each house(a)	Yes(c)	30 C	
					Odd 30 C				
1/2 1%	Maine.....	Odd	Jan.	1st Wed.	None	Majority of each party	Yes	None	
3%	Maryland.....	Annual	Jan.	2nd Wed.	90 C(d)	Petition of majority of members	Yes	30 C	
1 1/2 %	Massachusetts.....	Annual	Jan.	1st Wed.	None	Yes	Yes	None	
9	Michigan.....	Annual(b)	Jan.	2nd Wed.	None	No	No	None	
6 1/2	Minnesota.....	Odd(r)	Jan.	Tues. after 1st Mon.	120 L	No	Yes	None	
3 1/2	Mississippi.....	Annual	Jan.	Tues. after 1st Mon.	(a)	No	No	None	
3	Missouri.....	Annual	Jan.	Wed. after 1st Mon.	Odd June 30	No	No	60 C	
					Even May 15(t)				
29 1/2	Montana.....	Annual(b)	Jan.	1st Mon.	60 L	Petition of majority of members	Yes	None	
1 1/2	Nebraska.....	Annual(b)	Jan.	1st Tues.	Odd 90 L(d)	Petition 3/4 members	Yes	None	
					Even 60 L(d)				
36 1/2	Nevada.....	Odd	Jan.	3rd Mon.	60 C(m)	No	No	20 C(m)	
1 1/2	New Hampshire.....	Odd	Jan.	1st Wed.	(m)	Yes	Yes	None(m)	
3	New Jersey.....	Annual(b)	Jan.	2nd Tues.	None	Petition of majority of members	Yes	None	
38 1/2	New Mexico.....	Annual(g)	Jan.	3rd Tues.	Odd 60 C	Petition 3/4 members, each house	Yes(a)	30 C	
					Even 30 C				
Slightly less than 3	New York.....	Annual(b)	Jan.	Wed. after 1st Mon.	None	No	No	None	
6	North Carolina.....	Odd(r)	Jan.	Wed. after 2nd Mon.	None	Petition 3/4 members, each house	Yes	None	
3	North Dakota.....	Odd	Jan.	Tues. after 1st Mon.(a)	60 L	No	Yes	None	
1	Ohio.....	Annual	Jan.	1st Mon.(aa)	None	Jt. call, presiding officers, both houses	Yes	None	

Oklahoma.....	Annual(b)	Jan.	Tues. after 1st Mon.	90 L	No	No	None
Oregon.....	(ld)	Jan.	2nd Mon.	None	No	Yes	None
Pennsylvania.....	Annual(b)	Jan.	1st Tues.	None	Petition of majority of members	No	None
Rhode Island.....	Annual(b)	Jan.	1st Tues.	60 L(m)	No	No	None
South Carolina.....	Annual(b)	Jan.	2nd Tues.	None	No	Yes	None
South Dakota.....	Annual	Jan.	Odd—Tues. after 3rd Mon.	45 L	No	No	None
Tennessee.....	Odd	Jan.	Even—Tues. after 1st Mon.	30 L	No	No	None

[illegible]

(a) Indirect restriction only since legislatures may, per diem, or daily allowance stops but members may vote. Nevada: no limit on occurrence. New Hampshire: constitutional limit for 40 days in January or July; 1, then no more. New York: no limit on occurrence but 40 consecutive constitutional limit or per diem and travel allowance only. Vermont: statutory limit.

(b) Organizational session of one day. Legislature then resumes to reconvene on 10th after the second Monday in January of the following year.

(c) Odd years: 61 days or April 30; even years: 30th day or March 15.

(d) 30th day in a 40 day period.

(e) If elected members may petition for special session during the 30 days before or 30 days after the regular session in odd years. A simple majority of each house may convene a special session. If it is called within 10 days of the regular session, no special session may be called. The Governor may call a special session at any time. The Governor may call a special session at any time. The Governor may call a special session at any time.

(f) Regular sessions in 1972 and every fourth year thereafter are limited to 120 days, other years 90 days. By concurrent resolution of 2/3 of those present and voting in each house may be extended for 30 days with no limit on number of extensions.

(g) If the Governor returns any bill with his objections after adjournment of the Legislature in even-numbered years, the Legislature shall automatically reconvene on the first Wednesday following the first Monday in September for a period not to exceed 10 days for the purpose of considering the bills rejected by the Governor.

(h) The Governor may call a special session at any time and the first Tuesday after the first Monday in January or any other time permitted by law, but no later than January 4.

(i) Legislature convenes for 15 days in January to organize and introduce bills. It reconvenes: (a) the fourth Monday in February.

(j) Following each gubernatorial election, the Legislature convenes on the second Wednesday of January to organize but resumes until the second Wednesday in February for the 60-day session.

(k) Governor must convene until the general appropriation is passed.

(l) California: Governor must convene until the general appropriation is passed.

(m) The Legislature convenes on the first Monday at the beginning of the odd-numbered year for the remainder of the session at the day of adjournment of the last session.

(n) The Legislature convenes on the first Monday in January on the day of adjournment of the last session.

**CHAIRMAN OF NATURAL RESOURCE COMMITTEE
OR EQUIVALENT**

<u>State</u>	<u>House</u>	<u>Senate</u>
ALABAMA (State Capitol, Montgomery, AL 36130)	<u>Conservation</u> Rep. Tommy Carter	<u>Conservation</u> Sen. J. Richmond Pearson
ARIZONA (State Capitol, Phoenix, AZ 85007)	<u>Natural Resource</u> Rep. C. W. Lewis	<u>Natural Resource</u> Sen. William Swink
ARKANSAS (State Capitol, Little Rock, AR 72201)	<u>Economic & Industrial Resources & Development</u> Rep. Jim Linder	<u>Economic & Industrial Resources & Development</u> Sen. William D. Moore, Jr.
CALIFORNIA (State Capitol, Sacramento, CA 95814)	<u>Resources, Land Use & Energy</u> Assemblyman Victor Calvo	<u>Natural Resources & Wildlife</u> Sen. John A. Nejedly
COLORADO (State Capitol, Denver, CO 80203)	<u>Agriculture, Livestock & Natural Resources</u> Rep. Walter A. Younglund	<u>Agriculture, Natural Resources, & Energy</u> Sen. Kenneth I. Kinnie
CONNECTICUT (State Capitol, Hartford, CT 06115)	<u>Environment</u> Rep. John W. Anderson	<u>Environment</u> Sen. James J. Murphy, Jr.
DELAWARE (Legislative Hall, Dover, DE 19901)	<u>Natural Resource</u> Rep. Karen Jennings Miller	<u>Natural Resource & Environ- mental Relations</u> Sen. Jacob W. Zimmerman
FLORIDA (State Capitol, Tallahassee, FL 32304)	<u>Natural Resource</u> Rep. W. E. Fulford	<u>Natural Resource & Conservation</u> Sen. Guy Spicola
GEORGIA (State Capitol, Atlanta, GA 30334)	<u>Natural Resource</u> Rep. Henry L. Reaves	<u>Natural Resources & Environ- mental Quality</u> Sen. Hugh M. Gillis, Sr.

<u>State</u>	<u>House</u>	<u>Senate</u>
HAWAII (State Capitol, Honolulu, HI 96813)	<u>Water, Land Use, Development, & Hawaiian Homes</u> Rep. Richard A. Kawakami	<u>Energy/Natural Resources</u> Sen. T. C. Yim
IDAHO (State Capitol, Boise, ID 83720)	<u>Resources & Conservation</u> Rep. J. Varad Chatburn	<u>Resources & Environment</u> Sen. J. Marsden Williams
ILLINOIS (State House, Springfield, IL 62706)	<u>Environment, Energy & Natural Resources</u> Rep. Monroe L. Flinn	<u>Agriculture, Conservation & Energy</u> Sen. John L. Knuppel
INDIANA (State House, Indianapolis, IN 46204)	<u>Natural Resources</u> Rep. Richard B. Wathen	<u>Natural Resources, Environment, & Agriculture</u> Sen. Joseph G. Bruggenschmidt
IOWA (State Capitol, Des Moines, IA 50319)	<u>Natural Resources</u> Rep. James Middleswart	<u>Natural Resources</u> Sen. Berl E. Priebe
KANSAS (State House, Topeka, KS 66612)	<u>Energy & Natural Resources</u> Rep. Donald E. Mainey	<u>Energy & Natural Resources</u> Sen. Charlie Angell
KENTUCKY (State Capitol, Frankfort, KY 40601)	<u>Agriculture & Natural Resources</u> Rep. Donald J. Blandford	<u>Agriculture & Natural Resources</u> Sen. Kenneth O. Gibson
LOUISIANA (State Capitol, Baton Rouge, LA 70804)	<u>Natural Resources</u> Rep. Wilbert J. Tauzon	<u>Natural Resources</u> Sen. Claude B. Duval
MAINE (State House, Augusta, ME 04333)	<u>Natural Resources</u> Rep. Wm. B. Blodgett Sen. Howard M. Trotzky	
MARYLAND (State House, Annapolis, MD 21401)	<u>Environmental Matters</u> Del. John S. Arnick	<u>Economic Affairs</u> Sen. Harry J. McGuirk
MASSACHUSETTS (State House, Boston, MA 02133)	<u>Natural Resources & Agriculture</u> Rep. Richard J. Dwinell Sen. George Rogers	

<u>State</u>	<u>House</u>	<u>Senate</u>
MICHIGAN (State Capitol, Lansing, MI 48901)	<u>Conservation, Environ- ment & Recreation</u> Rep. Thomas J. Anderson	<u>Conservation</u> Sen. Joseph S. Mack
MINNESOTA (State Capitol, St. Paul, MN 55155)	<u>Environment & Natural Resources</u> Rep. Willard Munger	<u>Agriculture & Natural Resources</u> Sen. Gerald Willet
MISSISSIPPI (New Capitol, Jackson, MS 39205)	<u>Conservation & Water Resources</u> Rep. William Wilkerson	<u>Forestry</u> Sen. T. William Hickman
	<u>Game & Fish</u> Rep. James H. Cook	<u>Game & Fish</u> Sen. Donald B. Strider
	<u>Oil, Gas & Other Minerals</u> Rep. Walter Brown	<u>Oil & Gas</u> Sen. Dale H. Ford
MISSOURI (State Capitol, Jefferson City, MO 65101)	<u>State Parks, Recreation & Natural Resources</u> Rep. Charles Beeker	<u>Agriculture, Conservation, Parks</u> Sen. Nelson B. Tinnin
MONTANA (State Capitol, Helena, MT 59601)	<u>Natural Resources</u> Rep. Arthur H. Sheldon	<u>Natural Resources</u> Sen. Elmer Flynn
NEBRASKA (State Capitol, Lincoln, NE 68509)		<u>Agriculture & Environment</u> Sen. Loran Schmit
NEVADA (Leg. Bldg., Carson City, NV 89710)	<u>Environment & Public Resources</u> Assemblyman Don Moody	<u>Environment, Public Resources & Agriculture</u> Sen. Gary A. Sheerin
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NEW JERSEY (State House, Trenton, NJ 08625)	<u>Energy & Natural Resources</u> Assemblyman John H. Froude	<u>Energy & Environment</u> Sen. John F. Russo
NEW MEXICO State Capitol, Santa Fe, NM 87503)	<u>Natural Resources</u> Rep. Wm. E. Warren	<u>Conservation</u> Sen. Joseph E. Gant

<u>State</u>	<u>House</u>	<u>Senate</u>
NEW YORK (State Capitol, Albany, NY 12224)	<u>Environmental Conserva-</u> Assemblyman G. Oliver Koppell	<u>Conservation & Recreation</u> Sen. Bernard C. Smith
NORTH CAROLINA (State Leg. Bldg., Raleigh, NC 27611)	<u>Natural & Economic</u> <u>Resources</u> Rep. Charles E. Webb	<u>Natural & Economic Resources</u> Sen. James D. Speed
NORTH DAKOTA (State Capitol, Bismarck, ND 58505)	<u>Natural Resources</u> Rep. Ralph M. Winge	<u>Natural Resources</u> Sen. J. Garvin Jacobson
OHIO (State House, Columbus OH 43215)	<u>Agriculture & Natural</u> <u>Resources</u> Rep. Dale Locker	<u>Conservation & Environment</u> Sen. John T. McCormack
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PENNSYLVANIA (Main Capitol Bldg., Harrisburg, PA 17120)	<u>Conservation</u> Rep. John F. Laudadio Sr. <u>Game & Fisheries</u> Rep. Wm F. Renwick <u>Mines & Energy Mgt.</u> Rep. Bernard F. O'Brien	<u>Environmental Resources</u> Sen. Robert J. Mellow
RHODE ISLAND (State House, Providence, RI 02903)	<u>Joint Committee on Environment</u> Rep. Mary N. Kilmarx Sen. E. Peter Gallogly, Jr. <u>Joint Committee on Water Resources</u> Rep. Richard A. Blaine	

<u>State</u>	<u>House</u>	<u>Senate</u>
SOUTH CAROLINA (State House, Columbia, SC 29211)	<u>Agriculture & Natural Resources</u> Rep. L. Edward Bennett	<u>Agriculture & Natural Resources</u> Sen. T. Ed Garrison
SOUTH DAKOTA (State Capitol, Pierre, SD 57501)	<u>Agriculture & Natural Resources</u> Rep. G. F. Mortimer	<u>Agriculture & Natural Resources</u> Sen. Clint Roberts, Jr.
TENNESSEE (State Capitol, Nashville, TN 37219)	<u>Conservation</u> Rep. Wm. C. Watson	<u>Energy & Environment</u> Sen. Ray C. Albright
TEXAS (State Capitol, Austin, TX 78701)	<u>Natural Resources</u> Rep. Tom Craddick	<u>Natural Resources</u> Sen. Max Sherman
UTAH (State Capitol, Salt Lake City, UT 84114)	<u>Energy & Natural Resources</u> Rep. Joe E. Whitesides	<u>Energy & Natural Resources</u> Sen. Kenneth Pace
VERMONT (State House, Montpelier, VT 05602)	<u>Natural Resources</u> Rep. Henry H. Carse	<u>Energy & Natural Resources</u> Sen. Melvin H. Mandigo
VIRGINIA (State House, Richmond, VA 23219)	<u>Conservation & Natural Resources</u> Del. John D. Gray	<u>Agriculture, Conservation, & Natural Resources</u> Sen. Howard P. Anderson
WASHINGTON (Leg. Bldg., Olympia, WA 98504)	<u>Natural Resources</u> Rep. John Martinis	<u>Natural Resources</u> Sen. Lowell Peterson
WEST VIRGINIA (State Capitol, Charleston, WV 25305)	<u>Agriculture & Natural Resources</u> Del. Joseph M. Ballouz	<u>Natural Resources</u> Sen. Carl E. Gainer
WISCONSIN (State Capitol, Madison, WI 53702)	<u>Natural Resources</u> Rep. Laurence J. Day	<u>Natural Resources & Tourism</u> Sen. Thomas W. Harnisch
WYOMING (State Capitol, Cheyenne, WY 82002)	<u>Agriculture, Public Lands & Water Resources</u> Rep. J. Leonard Graham	<u>Agriculture, Public Lands & Water Resources</u> Sen. Earl Christensen

LAW OFFICES

BIRCH, HORTON, BITTNER AND MONROE

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TELEX 28-356

August 15, 1977

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* NOT ADMITTED IN ALASKA

Senator Mike Colletta
1016 W. 6th Avenue, Suite C
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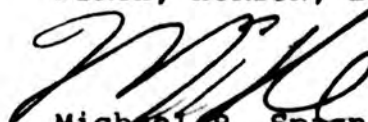
Dear Mike:

Please find enclosed, material on members
of Congress who may be receptive to information on
the D-2 Lands. Also, please find a copy of a memo
on the effect of H.R. 39 on state selection rights.

*See Adall (4/2)
Bill - Mike
Comments -*

Very truly yours,

BIRCH, HORTON, BITTNER & MONROE


Michael R. Spaan

MRS/kpo
Enclosures

IRVING S. WARD •
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August 5, 1977

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• ADMITTED IN D.C.

Stephen Cowper, Esq.
 Suite D, Nerland Bldg.
 Fairbanks, Alaska 99701

Dear Steve:

In line with our conversation concerning a lobbying effort and its effectiveness if concentrated upon key members of Congress, I am enclosing a list of those members of Congress who have shown a willingness to buck the "party line" and have shown some disinclination to vote along the lines espoused strictly by the environmental movement.

Included in this list are members of the House who were given a score of 75 or below by the League of Conservation Voters and who either voted against an Administration amendment to terminate 16 water projects or against the common situs picketing bill, or failed to vote altogether on either of these two measures.

With respect to the Senate, we have included those who received a score of 75 or below from the League of Conservation Voters who either voted against an amendment to cut 7 water projects, or against a bill to terminate funding for the Clinch River nuclear breeder reactor project, or failed to vote altogether on either of these two measures.

When Tony Motley returns to D.C., I will check our list against the list he has been compiling for similarities as well as differences.

Yours very truly,

BIRCH, HORTON, BITTNER & MONROE

Ronald G. Birch

RGB:lra

Nays

Senator	Terminate Water Projects	Terminate Clinch River Project	League of Conservation Voters 1975-1976 Score
Allen (Ala.-D)		x	19
Anderson (Minn.-D)	not voting		
Baker (Tenn.-R)	x	x	26
Bartlett (Ind.-D)	not voting	not voting	2
Bayh (Ind.-D)		x	60
Bellmon (Okla.-R)	not voting	x	19
Bentsen (Tex.-D)	x	x	18
Burdick (N.D.-D)	x	x	50
Byrd, Harry F. (Va.-I)		x	32
Byrd, Robert C. (W.Va.-D)	x		39
Cannon (Nev.-D)	x	x	26
Chiles (Fla.-D)	x	x	49
Church (Idaho-D)	x	x	64
Curtis (Nebr.-R)	x	x	3
Danforth (Mo.-R)		x	
DeConcini (Ariz.-D)	x	x	
Dole (Kan.-R)	x	x	11
Domenici (N.Mex.-R)	x	x	11
Eagleton (Mo.-D)		x	33
Eastland (Miss.-D)	x	not voting	18
Ford (Ky.-D)	x		32
Garn (Utah.-R)	x	x	3
Goldwater (Ariz.-R)	x	x	0
Gravel (Alaska-D)	not voting	not voting	41
Griffen (Mich.-R)		not voting	7
Hansen (Wyo.-R)	x	x	7
Haskell (Colo.-D)	x		71
Hatch (Wash.-R)	x	x	
Hatfield (Oreg.-R)	x		51
Hathaway (Maine.-D)	x		65
Hayakawa (Calif.-R)	x	x	
Heinz (Pa.-R)		x	
Helms (N.C.-R)		x	10
Hollings (S.C.-D)	x	x	42
Huddleston (Ky.-D)		x	36
Humphrey (Minn.-D)	x		66
Jackson (Wash.-D)	x	x	53
Javits (N.Y.-R)	x	not voting	74
Johnston (La.-D)	x	x	22
Laxalt (Nev.-R)	not voting	not voting	0
Long (La.-D)	x	x	25
Lugar (Ind.-R)		x	

Senator	Terminate Water Projects	Terminate Clinch River Project	League of Conservation Voters 1975-1976 Score
McClellan (Ark.-D)	not voting	not voting	22
McClure (Idaho-R)	x	x	3
Magnuson (Wash.-D)	x	x	49
Matsunaga (Hawaii-D)	x		
Melcher (Mont.-D)	x	x	
Metcalf (Mont.-D)	x	not voting	74
Metzenbaum (Ohio-D)	x		
Moynihan (N.Y.-D)	x		
Muskie (Maine-D)	x		67
Nunn (Ga.-D)	x		29
Packwood (Oreg.-R)	x	x	65
Pearson (Kans.-R)	x	x	32
Randolph (W.Va.-D)	x		39
Reigle (Mich.-D)		not voting	
Roth (Del.-R)		x	52
Sarbanes (Md.-D)	x		
Sasser (Tenn.-D)	x	x	
Schmitt (N.Mex.-R)	x	x	
Schweicker (Pa.-R)	x	x	74
Scott (Va.-R)	not voting	x	40
Sparkman (Ala.-D)	x		32
Stafford (Vt.-R)		not voting	59
Stennis (Miss.-D)	x	x	5
Stevens (Alaska.-R)	not voting	x	22
Stevenson (Ill.-D)		x	56
Stone (Fla.-D)	x	x	39
Talmadge (Ga.-R)	x	not voting	26
Thurmond (S.C.-R)	x	x	6
Tower (Tex.-R)	x	x	4
Wallop (Wyo.-R)	not voting	x	
Weicker (Conn.-R)		x	65
Young (N.Dak.-R)	x	x	10
Zorinsky (Neb.-D)		x	

Nays

Congressman	Terminate Water Projects	Common Situs Picketing	League of Conservation Voters 1976 Scores
Abnor (S.Dak.-R)	x	x	16
Akaka (Hawaii-D)	x		
Alexander (Ark.-D)	x	x	44
Allen (Tenn.-D)	x		63
Ammerman (Pa.-D)		x	
Anderson (Calif.-D)	x		71
Anderson (Ill.-R)			50
Andrews (N.C.-D)	x	x	39
Andrews (N.Dak.-R)	x	x	21
Applegate (Okla.-D)	x		
Archer (Tex.-R)		x	3
Armstrong (Colo.-R)	x	x	16
Ashbrook (Ohio-R)		x	7
AuCoin (Oreg.-D)	x		64
Badham (Calif.-R)	x	x	
Bafalis (Fla.-R)	x	x	24
Barnard (Ga.-D)	x	x	
Bauman (Md.-R)		x	17
Beard (Tenn.-R)	x	x	17
Beilenson (Calif.-D)		x	
Benjamin (Ind.-R)	x		
Bennett (Fla.-D)	x		35
Bevill (Ala.-D)	x	x	25
Biaggi (N.Y.-D)	x		60
Boggs (La.-D)	x	not voting	43
Boland (Mass.-D)	x		75
Bowen (Miss.-D)	x	x	20
Breaux (La.-D)	x	x	25
Breckinridge (Ky.-D)	x	x	57
Brinkley (Ga.-D)	x	x	6
Brooks (Tex.-D)	x		43
Broomfield (Mich.-D)		x	34
Brown (Mich.-R)		x	24
Brown (Ohio-R)	x	x	29
Broyhill (N.C.-R)		x	30
Buchanan (Ala.-R)	x	x	58
Burgener (Calif.-R)	x	x	12
Burke (Fla.-R)	x	x	29
Burleson (Tex.-D)	x	x	4
Burlison (Mo.-D)	x		48
Butler (Va.-R)	x	x	7
Byron (Md.-D)		x	58

Congressman	Terminate Water Projects	Common Situs Picketing	League of Conservation Voters 1976 Scores
Caputo (N.Y.-R)	x		
Carney (Ohio-D)	x		67
Carter (Ky.-R)	x	x	18
Cavanaugh (Neb.-D)		x	
Cederberg (Mich.-R)		x	16
Chappell (Fla.-D)	x	x	12
Clausen, Don H. (Calif.-R)	x		25
Clawson, Del (Calif.-R)	x	x	15
Cleveland (N.H.-R)		x	52
Cochran (Miss.-R)	x	x	12
Cohen (Maine-R)		x	74
Coleman (Mo.-R)		x	
Collins (Tex.-R)		x	9
Conable (N.Y.-R)		x	29
Corcoran (Ill.-R)		x	
Cotter (Conn.-D)	x		48
Coughlin (Pa.-R)		x	65
Crane (Ill.-R)	x	x	3
Cunningham (Wash.-R)	x		
D'Amours (N.H.-D)		x	74
Daniel, Dan (Va.-D)	x	x	9
Daniel, R.W. (Va.-R)	x	x	13
Danielson (Calif.-D)	x		66
Davis (S.C.-D)	x	not voting	35
de la Garza (Tex.-D)	x	x	39
Derrick (S.C.-D)		x	64
Derwinski (Ill.-R)		x	25
Devine (Ohio-R)		x	3
Dickinson (Ala.-R)	x	x	0
Dicks (Wash.-D)	x		
Diggs (Mich.-D)	pair against		71
Dorman (Calif.-R)	x	x	
Duncan (Tenn.-R)	x	x	34
Duncan (Oreg.-D)	x		39
Edwards (Ala.-R)	x	x	26
Edwards (Okla.-R)	x	x	
Emery (Maine-R)		x	65
English (Okla.-D)	x	x	20
Erlenborn (Ill.-R)	x	x	21
Ertel (Pa.-D)	x	x	
Evans (Ga.-D)	x	x	
Evans (Colo.-D)	x	x	64
Evans (Del.-R)		x	

Congressman	Terminated Water Projects	Common Situs Picketing	League of Conservation Voters 1976 Scores
Fary (Ill.-D)	x		53
Fenwick (N.J.-R)		x	72
Findley (Ill.-R)	x	x	33
Fish (N.Y.-R)		x	59
Flippo (Ala.-D)	not voting	x	
Flood (Pa.-D)	x		61
Flowers (Ala.-D)	x	x	25
Flynt (Ga.-D)	x	x	0
Foley (Wash.-D)	x		65
Ford (Tenn.-D)			64
Ford (Mich.-D)	x		71
Forsythe (N.J.-R)		x	39
Fountain (N.C.-D)	x	x	12
Frenzel (Minn.-R)		x	48
Frey (Fla.-R)		x	26
Fuqua (Fla.-D)	pair against	x	34
Gammage (Tex.-D)	x		
Gaydos (Pa.-D)	x		48
Gibbons (Fla.-D)	x	x	66
Ginn (Ga.-D)	x	x	22
Glickman (Kan.-D)	x		
Goldwater (Calif.-R)	x	x	19
Gonzales (Tex.-D)	x		35
Goodling (Pa.-R)	x	x	25
Gore (Tenn.-D)	x	x	
Gradison (Ohio-R)		x	
Grassley (Iowa-R)	x	x	43
Gudger (N.C.-D)		x	17
Guyer (Ohio-R)	x	x	25
Hagedorn (Minn.-R)	x	x	20
Hall (Ill.-D)	x	x	70
Hamilton (Ind.-D)		x	65
Hammerschmidt (Ark.-R)	x	x	26
Hanley (N.Y.-D)	x		54
Hansen (Idaho-R)	x	x	0
Harsha (Ohio-R)	x	x	16
Hefner (N.C.-D)	x	x	19
Heftel (Hawaii-D)	x		
Hightower (Tex.-D)	x	x	35
Hilis (Ind.-R)		x	34
Holland (S.C.-D)		x	29
Hollenbeck (N.J.-R)		x	
Horton (N.Y.-R)	x		48
Hubbard (Ky.-D)	x	x	43
Huckaby (La.-D)	x	x	
Hughes (N.J.-D)	x	x	61
Hyde (Ill.-R)		x	25

Congressman	Terminate Water Projects	Common Situs Picketing	League of Conservation Voters 1976 Scores
Ichord (Mo.-D)	x		16
Ireland (Fla.-D)		x	
Jeffords (Vt.-R)		x	70
Jenkins (Ga.-D)	x	x	
Jenrette (S.C.-D)	pair against	x	52
Johnson (Calif.-D)	x		39
Johnson (Colo.-R)	x	x	21
Jones (Tenn.-D)	x	x	29
Jones (Okla.-D)	x	x	18
Jones (N.C.-D)	x	x	19
Jordan (Tex.-D)	x		75
Kasten (Wis.-R)		x	52
Kazen (Tex.-D)	x	x	17
Kelly (Fla.-R)		x	13
Kemp (N.Y.-R)	x	x	10
Ketchum (Calif.-D)	x	x	0
Kindness (Ohio-R)		x	6
Kreuger (Tex.-D)	x	x	30
Lagomarsino (Calif.-R)	x	x	35
Latta (Ohio-R)		x	22
Leach (Iowa-R)		x	
Lederer (Pa.-D)	x		
Leggett (Calif.-D)	x		71
Lent (N.Y.-R)		x	52
Levitas (Ga.-D)	x	x	52
Lloyd (Calif.-D)	x		57
Lloyd (Tenn.-D)	x	x	17
Long (La.-D)	x		29
Lott (Miss.-R)	x	x	7
Lujan (N.Mex.-R)	x	x	13
McClory (Ill.-R)	x	x	34
McCormack (Wash.-D)	x	x	49
McDade (Pa.-R)	x		63
McDonald (Ga.-D)		x	1
McEwen (N.Y.-R)	x	x	15
McFall (Calif.-D)	x		52
McKay (Utah-D)	x	x	39
Madigan (Ill.-R)		x	29
Mahon (Tex.-D)	x	x	17
Mann (S.C.-D)		x	22
Marks (Pa.-R)		x	
Marlenee (Mont.-R)	x	x	
Marriott (Utah-R)	x	x	

Congressman	Terminate Water Projects	Common Situs Picketing	League of Conservation Voters 1976 Scores
Martin (N.C.-R)		x	27
Mathis (Ga.-D)	x	x	10
Michel (Ill.-R)		x	10
Milford (Tex.-D)	x	pair against	0
Miller (Ohio-R)		x	53
Mitchell (N.Y.-R)			48
Molloy (W.Va.-D)	x		35
Montgomery (Miss.-D)	x	x	3
Moore (Ky.-R)	x	x	4
Moorehead (Calif.-R)	x	x	22
Murtha (Pa.-D)	x		34
Murphy (N.Y.-D)	x	pair for	53
Myers, Gary (Pa.-R)		x	41
Myers (Ind.-R)	x	x	9
Myers, Michael (Pa.-D)	x		
Natcher (Ky.-D)	x	x	48
Neal (N.C.-D)		x	41
Nichols (Ala.-D)	x	x	20
Nix (Pa.-D)	x		69
Nowak (N.Y.-D)	x		67
Oaker (Ohio-D)	x		
Oberstar (Minn.-D)	x		74
O'Brien (Ill.-R)		x	34
Panetta (Calif.-D)	x		
Patten (N.J.-D)	x		65
Perkins (Ky.-D)	x		65
Pettis (Calif.-R)	x	x	39
Pickle (Tex.-D)	x	x	29
Poage (Tex.-D)	not voting	x	13
Pressler (S.Dak.-R)	x	x	39
Preyer (N.C.-D)	x	x	53
Price (Ill.-D)	x		61
Pritchard (Wash.-R)		x	52
Quayle (Ind.-R)		x	
Quie (Minn.-E)	x	x	48
Quillen (Tenn.-R)	x	x	24
Rahall (W.Va.-D)	x		
Railsback (Ill.-R)		x	39
Regula (Ohio-R)	x	x	39
Rhodes (Ariz.-R)	x	x	19
Risenhoover (Okla.-D)	pair against		24
Roberts (Tex.-D)	x	x	20
Robinson (Va.-R)	x	x	9
Rogers (Fla.-D)		x	74
Roncalio (Wyo.-D)	x		64
Rooney (Pa.-D)	x		66
Rose (N.C.-D)		x	49
Rousselot (Calif.-R)	x	x	12
Rudd (Ariz.-R)	x	x	
Runnels (N.Mex.-D)	x	x	14
Ruppe (Mich.-R)		x	7

Congressman	Terminate Water Projects	Comm. Status Picketing	League of Conservation Voters 1976 Scores
Santini (Nev.-D)	x	x	24
Satterfield (Va.-D)	x	x	6
Sayer (Mich.-R)		x	
Schulze (Pa.-R)		x	15
Sebelius (Kans.-R)	pair against	x	19
Shipley (Ill.-D)	x		14
Shuster (Pa.-R)	x	x	13
Sikes (Fla.-D)	x	x	29
Sisk (Calif.-D)	x	not voting	17
Skelton (Mo.-D)	x	x	
Skubitz (Kans.-R)	x	x	26
Slack (W.Va.-D)	x		27
Smith (Iowa-D)	x		65
Smith (Nebr.-R)	x	x	34
Snyder (Ky.-R)	x	x	22
Spence (S.C.-R)	x	x	13
Staggers (W.Va.-D)	x	pair for	59
Stangeland (Minn.-R)	x	x	
Stanton (Ohio-R)		x	49
Steed (Okla.-D)	x	x	23
Steers (Md.-R)	not voting	x	
Steiger (Ariz.-R)		x	0
Stockman (Mich.-R)		x	
Stratton (N.Y.-D)	x		39
Stump (Ariz.-D)	x	x	
Symms (Idaho-R)	x	x	1
Taylor (Mo.-R)	x	x	4
Teague (Tex.-D)	x	pair against	22
Thone (Nebr.-R)	x	x	39
Thornton (Ark.-D)	x	x	29
Treen (La.-R)	x	x	6
Trible (Va.-R)	x	x	
Tucker (Ark.-D)		x	
Udall (Ariz.-D)	x		72
Ullman (Oreg.-D)	x	x	48
Vander Jagt (Mich.-R)		not voting	29
Volkmer (Mo.-D)		x	
Waggoner (La.-D)	x	x	0
Walker (Pa.-R)		x	
Wampler (Va.-R)	pair against	x	16
Watkins (Okla.-D)	x	x	
White (Tex.-D)	x	x	30
Whitehurst (Va.-R)	x	x	12
Whitley (N.C.-D)	x	x	
Whitten (Miss.-D)	x	x	22
Wiggins (Calif.-R)	not voting	x	18
Wilson, Bob (Calif.-R)	x	x	24
Wilson (Tex.-D)	x		34
Winn (Kans.-R)	x	x	9
Wright (Tex.-D)	x		25
Wydler (N.Y.-R)		x	48
Wyllie (Ohio-R)		x	39

Congressman	Terminator Water Projects	Common Situations Picketing	League of Conservation Voters 1976 Scores
Young (Fla.-R)		x	17
Young (Alaska-R)	x	x	0
Young (Tex.-D)	x	not voting	20
Young (Mo.-D)	x		
Zablocki (Wis.-D)	x		57

JAMES W. GALLOWAY
CHIEF COUNSEL AND STAFF DIRECTOR

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

Senator Mike Colletta
Vice Chairman
Steering Council for Alaska Lands
1016 West 6th Avenue
Anchorage, Alaska 99501

This letter will communicate my opinion regarding whether the Council should endorse a specific piece of d-2 legislation. I believe that the Council can be more effective by endorsing general principles. No one knows what bill will be utilized as the markup vehicle, and the Council's interests are better served by communicating its concerns through policy statements until the markup vehicle has been determined.

I also understand that the Council will be considering the extent to which federal public lands should be committed to cooperative management. It continues to be my position that only those lands specifically considered as part of d-2 legislation should be deciated to cooperative management. Other federal lands, specifically those remaining d-1 lands, should remain under the jurisdiction of the Bureau of Land Management and the procedures established by the Federal Land Policy and Management Act of 1976, commonly referred to as the BLM Organic Act.

I would appreciate it if my thoughts on these matters could be communicated to the Council members. Let me know if our office can be of any assistance to the Council.

With best wishes,

Cordially,

Cordially,

TED STEVENS
United States Senator

WALTER C. THOMAS, JR., MDL.
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COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

JAMES R. CALLOWAY
CHIEF CHURCH AND STAFF MINISTER

Senator Mike Colletta
Vice Chairman
Steering Council for Alaska Lands
1016 West 6th Avenue
Anchorage, Alaska 99501

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With best wishes,

Cordially,

TED STEVENS
 United States Senator

LETTER TO THE EDITOR

Gentlemen:

The enclosed copies of letter to Congressman Young and the Akron Beacon Journal are self-explanatory. I am asking you to support CMOL and our efforts to gain national recognition for the Ohio Wilderness Restoration Act.

Sincerely,

TOM TURNER
President,
Citizens for the Management of
Ohio Land
201 East 51st Avenue
Anchorage, AK 99503
January 5, 1978

Congressman Don Young
Russell Senate Office Building
1210 Longworth
Washington, D. C. 20510

Dear Congressman Young:

As a former resident of Ohio and a concerned environmentalist, I am alarmed at the almost total destruction of the Ohio wilderness system by wanton, greedy developers. I would like to introduce legislation to Congress, The Ohio Wilderness Restoration Act, which would save the remaining Ohio wilderness and prevent further development in Ohio. The enclosed copy of a letter to the Editor of the Akron Beacon Journal explains the necessity of such an Act and the accompanying map depicts those areas which are worthy of wilderness restoration. I ask you, Congressman Young, to support Ohio's wilderness and sponsor this proposal by introducing it to the 1978 Congress. If you accept, I would be more than happy to furnish you with a detailed draft of the Ohio Wilderness Restoration Act.

Environmentally yours,

Thomas R. Turner
President, CMOL
Citizens for the Management of
Ohio Lands

Editor

Akron Beacon Journal
44 E. Exchange Street
Akron, Ohio 44328

Dear Editor:

As often expressed by Ohio Congressman John Seiberling, the preservation of ecosystems from the encroachment of mankind is of prime importance in consideration of the Alaska D-2 land issue. Arctic ecosystems cover a wide variety of wildlife and extend entirely across the north half of North America and Siberia. As compared to other ecosystems in the United States, Arctic ecosystems are the best preserved, largely because their climatic conditions make them unsuitable for human habitation.

Of equal or possibly more importance is the preservation of those ecosystems which have already suffered degradation from the hand of man. Since Ohioans have shown great concern for the preservation of Alaska's eco-

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PHONE 278-1112

LETTER TO THE EDITOR

Continued from page 7

systems through the efforts of Congressman Seiberling, Ohio should be one of the first states to initiate the restoration of their wilderness environment. The ecosystems of Ohio have also supported a rich and varied wildlife which has been largely despoiled by man's activities. It is not too late to save Ohio, if we act now. A five year moratorium on all land transactions, construction and industrial development is necessary while the interest lands are studied for their suitability for wilderness classification. After the moratorium, a minimum of 40% of Ohio land would be classified into one of the four national park systems. The lands in question could be easily purchased by the Federal Government and would offer Ohio a unique opportunity to preserve, protect and enjoy its wilderness heritage.

The Ohio Wilderness Restoration

Act, soon to be introduced into Congress will answer the need to restore Ohio's wilderness, will preserve and protect the rapidly deteriorating ecosystems of Ohio and will enrich the lives of Ohio's citizens. This Act deserves the whole hearted support of all Ohioans and Alaskans. Write your Congressman today, before it's too late. Support Ohio's wilderness heritage.

Yours for a cleaner earth,

Tom Turner
Anchorage, Alaska

EDITOR'S NOTE:

We can't speak for Congressman Young, Mr. Turner, but The ALASKA MINER wishes CMOL every success in its endeavors.

FIRE IN THE HOLE

Continued from page 4

to cut back on the use of oil and natural gas will prove to be a major drag on economic growth. In addition, the report sees policy moving toward "an overriding concern for the protection of the environment that may cause policymakers to lose sight of other compelling economic and social objectives that are more important to blacks."

The NAACP calls for deregulation of oil and gas prices and more emphasis on developing other sources of energy, such as nuclear power, solar power, and oil shale. The position of the liberal association is almost identical to that of the conservative oil industry, and proves that economic analysis sometimes makes for strange bedfellows.

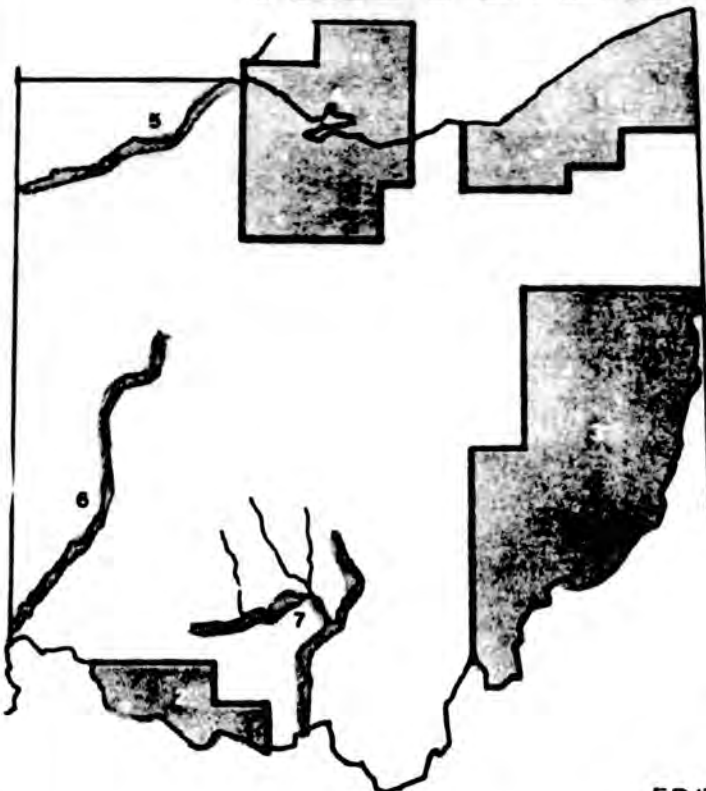
From Business Week
January 30, 1978

Metals Market

	Nov. 25, 1977	Three Months Ago	Year Ago
Antimony ore, stu equivalent			
European ore	\$ 16.2-18.2	\$ 16.20-18.20	\$ 17-18.50
Barite (drilling mud grade			
Per ton)	\$ 19-28	\$ 19-28	\$ 17-28
Beryllium ore, stu	\$ 40-42	\$ 40-42	\$ 30
Chrome ore per long ton (Transvaal)	\$ 56-61	\$ 56-61	\$ 37-52
Copper per lb. (MW-prod.)	\$ 0.596	\$ 0.60	\$ 0.63
Gold per oz.	\$159.30	\$145.35	\$139.60
Lead per lb.	\$ 0.32	\$ 0.31	\$ 0.19
Mercury per 76-lb. flask	\$130.00	\$115.00	\$117.00
Molybdenum conc. per lb.	\$ 4.10	\$ 4.10	\$ 2.62
Nickel per lb. (cathode)	\$ 2.13	\$ 2.41	\$ 2.20
Platinum per oz.	\$166.00	\$162.00	\$148.00
Silver, New York, per oz.	\$ 4.70	\$ 4.40	\$ 4.10
Tin per lb., MW composite	\$ 6.20	\$ 5.47	\$ 3.02
Titanium ore per ton (ilmenite)	\$ 55.00	\$ 55.00	\$ 55.00
Tungsten per unit (GSA domestic)	\$148.00	\$155.75	\$ 77.96
Uranium per lb., MW US			
spot oxide	\$ 41.50-42.50	\$ 41.50-42.50	\$ 41-42
Zinc per lb. (MW US PW)	\$ 0.305	\$ 0.34	\$ 0.39

From Miners and Geology Bulletin, December 1977, State of Alaska, Department of Natural Resources
Division of Geological & Geophysical Surveys, P.O. Box 80007, College, Alaska 99708

OHIO WILDERNESS RESTORATION ACT!



NATIONAL WILDLIFE REFUGE SYSTEM

1. Western Reserve Wildlife Refuge
2. Ohio Valley Wildlife Range

NATIONAL PARK SYSTEM

3. Gates of Ohio National Park
4. Misty Isles National Monument

NATIONAL WILD AND SCENIC RIVERS SYSTEM

5. Maumee National Wild River
6. Miami National Scenic River
7. Scioto National Wild River

sponsored by CMOL
Citizens for the Management of Ohio Land

EDITOR'S NOTE: *We can't speak for Congressman Young, Mr. Turner, but THE ALASKA MINER wishes CMOL every success in its endeavors.*

CORRECTION

On page 9, Dec. 1977 issue, Silver Fox Mine article, change motion of Board of Regents to read "x x x and directs that the money for acquisition be exclusively derived from private sources and grants, and not from state general funds."

Change make checks payable to:
"The University of Alaska Foundation for Silver Fox Mine Project, Attn: Robert Hilliard, Executive Director, University of Alaska, Fairbanks, Alaska 99701."

**the
Alaska Miner**
the journal of the Alaska Miners Association

A MONTHLY PUBLICATION OF THE
ALASKA MINERS ASSOCIATION, INC.
SRA, Box 78-D, Anchorage, Alaska 99507

James A. Hamilton President
Carl Heflinger Vice President
C.C. Hawley Executive Director
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Carl N. McDonald Publication Manager

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SENATOR MIKE COLLETTA



Senate

SENATE FLOOR LEADER

*Returned
2/26*

MEMORANDUM

February 21, 1979

TO: CYNTHIA HALTERMAN
KTOO

FROM: MARCIE *Marcie*

ATTACHED IS THE VIDEO TAPE OF
"A TRAIL TO BREAK" FOR USE IN
PREPARING YOUR PROGRAM AS DISCUSSED.

PLEASE LET US KNOW WHEN YOU
PLAN TO AIR IT AND IF IT WILL BE
PICKED UP BY OTHER STATIONS AROUND
THE STATE.

PLEASE RETURN THE TAPE TO MY
OFFICE, ROOM 107, CAPITOL BUILDING,
AT THE COMPLETION OF YOUR SHOW.

1030 & 11 PM News week of 3/5 - 9

Alaska State Legislature

SENATOR MIKE COLLETTA



SENATE FLOOR LEADER

Senate

MEMORANDUM

February 19, 1979

TO: Skip Burns

FROM: Marcie

Attached is the video tape of "A TRAIL TO BREAK", which is to be shown to the Fairbanks, Interior Caucus Tuesday evening, February 20, at 8:15 PM in the Beltz Room.

Please return the video tape to my office, room 107 Capitol Building, Wednesday morning as someone else has requested to use the tape.

THANKS!

*Returned
2/21 9 am*

Cynthia -

6 1670

Look with Ed

Bern. H. H. thinks

its a great idea

Cynthia will be up some
morning to set up the

logs

Phil

Ruth - Film

Fahunkamps office

3763

Want to show

"Trail to Break" on

20th Tuesday -

8:30 pm prior to 9 pm

Teleconference of Fairbanks
Caucus

SCOMM
#22:73

"COOK INLET" REPORT



733 W. FOURTH AVE.
ANCHORAGE, ALASKA

FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA



A REPORT TO THE SENATE AND HOUSE OF REPRESENTATIVES
RESOURCES COMMITTEES OF THE ALASKA STATE LEGISLATURE
ON THE PROPOSED COOK INLET LAND TRADE

MARCH 6, 1976

BRIEF SYNOPSIS OF THE PROPOSED COOK INLET LAND TRADE

The following is a short summary of the major aspects of the proposed Cook Inlet Land Trade. The "agreement document" which forms the basis of the agreement among the three parties is found in the U.S. House of Representatives' Report No. 94-729 dated December 15, 1975. The "agreement document" is found on page 35 of that report and is entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area." To assist parties interested in the specific details of the "agreement document", appropriate page and section references follow each specific point in the summary below. In addition, where appropriate, a map reference refers to the attached map.

	Agreement Document (Page) & Section Reference	Map Reference
I. <u>COOK INLET REGION RECEIVES:</u>		
A. <u>FROM FEDERAL GOVERNMENT:</u>		
1. 10,000 acres excised from the Kenai National Moose Range abutting the western end of Lake Tustumena (with the following covenant: no sale for 25 years; if then sold, first right of refusal to the federal government; strict development restrictions along edge of Lake Tustumena).	(35)1-A	--
2. Up to 9.6 townships of sub-surface rights to oil, gas and coal (subject to normal Moose Range surface restrictions; coal may only be removed in a liquid or gaseous state).	(37)1-B (43)IV	--
B. All federal lands in the following:		
(a) T.10S., R.9W., E.M. (near Healy).	(37)1-B-(1)	--
(b) T.20N., R9E., S.M. (Glenn Highway near Matanuska Glacier).	(37)1-B-(1)	--
(c) T.1N., R.21W., S.M. (west side of Cook Inlet - 15 sections - title to metalliferous minerals only; Secretary must approve surface mining plans).	(37)1-B-(2)	
(d) T.1S., R.21W., S.M. (west side of Cook Inlet - 18 sections - ownership in fee; surface use only for mining needs).	(37)1-B-(3)	--

	<u>Agreement Document (Page) & Section Reference</u>	<u>Map Reference</u>
4. Outside Region - 29.66 townships outside Cook Inlet Region (from native deficiency or d(1) lands in the Ahtna, Bristol Bay, Callista, Chugach or Doyon Regions; certain protections for the Federal government, State and regional and village corporations).	(38)I-C-(1)	--
5. Within Region pool (up to 138,000 acres of federal surplus lands; any acres selected come from "out-of-region" selection entitlement; State has certain safeguards to protect public interests).	(38)I-C-(2)	--

B. FROM STATE:

1. 1.2 townships of scattered tracts (lands in the vicinity of Point McKenzie, Knik, Kashwitna and Chickaloon).	(48)I-AtoD	Appendix C IA-D
2. 1.8 townships to the certified native villages and groups of Chickaloon, Knik, Alexander Creek, Salamatof, Ninilchik, Montana Creek and Caswell (to trade villages out of Lake Clark).	(50) 3	Appendix C 3
3. 5.0 townships on the Kenai Peninsula.	(49)I-E	Appendix C I-E
4. 13.5 townships in the Beluga area	(49) 2	Appendix C 2

21.5 TOWNSHIPS TOTAL

STATE RECEIVES:

A. The following lands over and above its statehood entitlement:

1. 26 townships in the Lake Clark area.	(50)	Appendix D
2. 7 townships in the Tutna Lake area.	(51)	Appendix G
3. 8 townships in the Talkeetna Mountains.	(51)	Appendix G

Agreement Document
(Page) & Section
Reference

Map
Reference

4. 11 townships on Kamishak Bay (near Mt. Augustine).

(51)

Appendix G

52 TOWNSHIPS TOTAL

B. The right to select an additional 12.4 townships in the Talkeetna Mountains and Koksetna River areas.

(52)

Appendix G

C. Immediate conveyance of approximately 4,000 acres in the Campbell Tract in the heart of the Anchorage Bowl.

(42)111-B

Appendix F

D. Early conveyance of Point Woronzof, Point Campbell and Goose Lake withdrawals.

(41)1-C-2(e)

--

E. Protection of approximately 12 townships of land previously selected by the State in 1972, but which would be selected by Cook Inlet Region if the proposed land trade is not effected.

--

--

III FEDERAL GOVERNMENT RECEIVES:

A. No lands directly, but will retain title to a number of specific townships within Cook Inlet Region which the Regional Corporation will otherwise select.

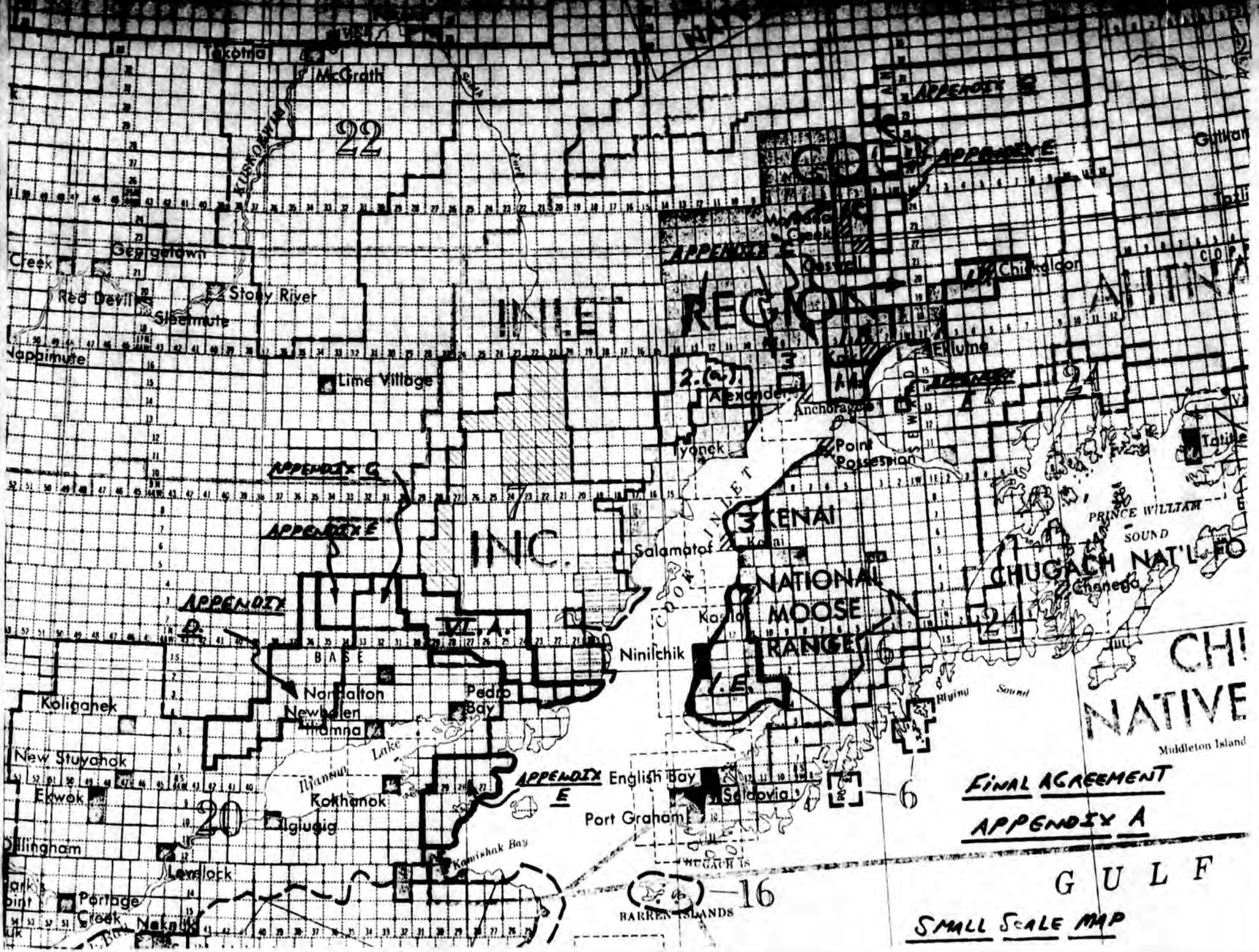
B. Several other benefits not directly related to the receipt of land:

- (a) Settlement of Cook Inlet Region's entitlement under ANCSA.
- (b) Settlement of Cook Inlet Region's suit against the Secretary.
- (c) Minimal impact upon lands in the Kenai National Moose Range.
- (d) Improved land ownership pattern in the Lake Clark area.

IV MISCELLANEOUS PROVISIONS:

A. No oil and gas fields will be transferred to native ownership (all revenues currently received by the State will continue).

- B. All lands transferred to native corporations will contain ANCSA safeguards (e.g. easements).
- C. All state lands conveyed will additionally contain dedicated or platted section line easements and highway or other rights-of-way.



FINAL AGREEMENT
APPENDIX A

G U L F
SMALL SCALE MAP

Moderow, Walsh, Johnson & James

510 "L" Street, Suite 207
Anchorage, Alaska 99501

MARK R. MODEROW
DAVID J. WALSH
DONALD M. JOHNSON
DENNIS P. JAMES

Area Code 907
276-6200
276-2408
277-5955

May 1, 1978

The Honorable Mike Colletta
State Senator
Pouch V
Juneau, AK 99818

Dear Mike:

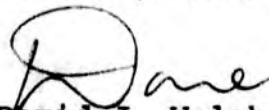
It was a pleasure talking with you recently with regard to the Chugach Native land exchange. I know you are busy, and I appreciate your taking the time to listen to our proposal.

As we discussed, we are currently negotiating with the Department of Interior, the Department of Agriculture, and the State Department of Natural Resources to obtain equitable and fair settlement for all parties. As the negotiations progress, I'll be contacting you again to bring you up to date on the status of the proposal.

If you have any questions or if I can be of any service to you, please feel free to contact me.

Very truly yours,

MODEROW, WASLH, JOHNSON & JAMES


David J. Walsh

DJW:at



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 26, 1976

AIRMAIL

Senator Mike Colletta
Assembly Building
Room 100
Juneau, Alaska 99801

HS 784

Dear Senator Colletta:

This letter is in response to your inquiry concerning the effect of the State of Alaska Legislature's recent ratification of the Cook Inlet land trade on lands on Point Woronzof. It was certainly not the intent of the Department of the Interior that transfer of lands on Point Woronzof be restricted to park and recreation uses. It is our understanding that the State of Alaska and Cook Inlet Region, Inc., had similar intentions during the negotiation of the land trade agreement. Unfortunately, the language of the agreement does not reflect the intent of the parties, because of typographical errors in the final document.

We view the exclusive language relating to Point Woronzof in the land trade agreement as an oversight, and we intend to take corrective measures to attempt to resolve this matter. In this regard, we are now having discussions with representatives of the state and Cook Inlet Region, Inc., to identify methods by which the intent of the parties may be accomplished.

If the State of Alaska desires a portion of the tract for a runway extension, and the Federal Aviation Administration concludes that such a transfer would be appropriate, we will take whatever actions are necessary, within our authority, to accomplish such a transfer.

We hope that this letter clarifies our position on this matter.

Sincerely yours,

Kent Briggell
Under Secretary of the Interior



Save Energy and You Serve America!

*open to all
sentations*

MEMORANDUM

State of Alaska

TO: All Members of the Senate

DATE: March 30, 1976

FROM: Senator Mike Colletta

SUBJECT:

For you information I have attached a copy of a letter I received from Kent Frizzell, Under Secretary of the Interior. It clarifies the position of the Department of the Interior on the Cook Inlet Land Trade as pertains to Point Woronzof land.



FROM THE OFFICE OF
SENATOR MIKE COLLETTA

March 29, 1976

Donald Harris, Commissioner
Department of Public Works
Pouch Z
Juneau, AK 99811

Dear Commissioner Harris:

Attached for your information is a copy of a letter I received from Mr. Kent Frizzell, Under Secretary of the Interior. It clarifies the Department of the Interior's position on the Cook Inlet Land Trade as pertains to Point Woronzof land.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Colletta".

Mike Colletta
Senate Minority Leader

dsf



FROM THE OFFICE OF
SENATOR MIKE COLLETTA

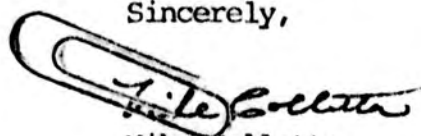
March 31, 1976

Guy R. Martin, Commissioner
Department of Natural Resources
Pouch M
Juneau, AK 99811

Dear Commissioner Martin:

Attached for your information is a copy of a letter I received from Mr. Kent Frizzell, Under Secretary of the Interior. It clarifies the Department of the Interior's position on the Cook Inlet Land Trade as pertains to Point Woronzof land.

Sincerely,

A handwritten signature of Mike Colletta, written in cursive, with a paperclip attached to the left side.

Mike Colletta
Senate Minority Leader

dsf

SENATOR
MIKE COLLETTA
P. O. BOX 8188
ANCHORAGE, ALASKA 99501



Senate

Minority Leader

HEALTH & SOCIAL SERVICES
COMMERCE
STATE AFFAIRS

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

March 30, 1976

Senator Chancy Croft
President of the Senate
Pouch V
Juneau, AK 99811

Dear Mr. President:

Attached is a copy of a letter I received from Kent Frizzell, Under Secretary of the Interior. It clarifies the Department of the Interior's position on the Cook Inlet Land Trade as pertains to Point Woronzof land.

I hereby request that the Senate consider the content of Mr. Frizzell's letter part of the business as pertains to Point Woronzof.

Sincerely,

Mike Colletta
Mike Colletta
Senate Minority Leader

dsf



FROM THE OFFICE OF
SENATOR MIKE COLLETTA

March 31, 1976

Jay S. Hammond
Governor
Pouch A
Juneau, AK 99811

Dear Governor Hammond:

Attached for your information is a copy of a letter I received from Mr. Kent Frizzell, Under Secretary of the Interior. It clarifies the Department of the Interior's position on the Cook Inlet Land Trade as pertains to Point Woronzof land.

Sincerely,

Mike Colletta
Mike Colletta
Senate Minority Leader

dsf

file

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

J. R. LEWIS and HAROLD H.)
GALLIETT, JR., Citizens and)
Taxpayers of the State of)
Alaska,)

Plaintiffs,)

vs.)

STATE OF ALASKA; GOVERNOR)
JAY HAMMOND; GUY R. MARTIN,)
Commissioner of Natural)
Resources; MICHAEL C. T.)
SMITH, Director, Division)
of Lands,)

Defendants.)

No. 76-1608

MEMORANDUM IN SUPPORT OF TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Plaintiffs, pursuant to Alaska Civil Rule 23, have commenced this action for permanent injunction not only on their own behalf but on behalf of all citizens and taxpayers of the State of Alaska. Plaintiffs are alleging and intend to prove that the Beluga land exchange contemplated by the Hammond Administration as alleged herein violates the provisions of the United States Constitution, the Alaska Statehood Act, and the Alaska Constitution.

Plaintiffs allege that if the actions of the governor and his administration in approving the land exchange are not restrained and enjoined, the citizens of the State of Alaska will be the victims of an even greater governmental give-away through the loss of valuable mineral resources than occurred during the Teapot Dome scandal of President Harding's administration years ago.

Plaintiffs wish to emphasize that this is not a political lawsuit nor a lawsuit to harass or embarrass the Hammond Administration. The issues presented herein are very real and substantial issues involving questions concerning the State's mineral resources which will affect the citizens and taxpayers of the State of Alaska for generations to come.

Although the facts are summarized in detail in the complaint filed in this case, the chronological sequence of events is set forth again, and the basis of plaintiffs' legal claims are further set forth below.

A. FACTS

1. The chronological sequence of events leading to the present dispute can be summarized as follows:

In 1955 the then Territory of Alaska, through its legislature, provided for a constitutional convention. Elected delegates adopted a constitution on February 5, 1956 which was ratified by the people of Alaska on April 24, 1956. This constitution adopted by the people of Alaska served as a basis for subsequent petitions to Congress for statehood and constituted an offer to accept the privileges and responsibilities of that status in accordance with the terms of said constitution.

2. Article VIII, Section 9 of the Constitution of the State of Alaska provided in part as follows:

Section 9. Sales and Grants. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources.

3. Two years after the people of Alaska adopted the above constitutional provisions, Congress passed the Alaska

RAYMOND A. NESBETT
ATTORNEY AT LAW
837 WEST 3RD AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9477

Statehood Act, approved on July 7, 1958. Sec. 6(i) of the Statehood Act is a direct response by Congress to the provisions contained in Article VIII, Sec. 9 of the Alaska Constitution set forth above. The Alaska Statehood Act stated in this section as follows:

All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, ...

Sec. 6(i) of the Act further provided that any lands or minerals disposed of by the State of Alaska contrary to the provisions of the above section would be forfeited to the United States by appropriate proceedings instituted by the Attorney General.

Sec. 8(b) of the Statehood Act provided, in addition, that:

In the event each of the foregoing propositions (grants of land restrictions approval by majority vote in statehood election) is adopted at said election by a majority of the legal votes cast on submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. (Emphasis supplied)

4. By Public Law 92-203, 85 Stat. 688, approved December 18, 1971, Congress enacted the Alaska Native Claims Settlement Act. This Act provided for the fair and just settlement of all claims by native groups in Alaska based upon their aboriginal land claims. All prior conveyances of public land pursuant to federal law and all tentative approvals pursuant to Sec. 6(g) of the Alaska Statehood Act were declared to be an extinguishment of the aboriginal title of Alaska natives.

The Act further provided for 12 geographic regions within the State and for appropriate regional native corporations which were given the right to select land and share in the revenues from the sale of minerals. Sec. 12 of the Alaska Native Claims Settlement Act provided for the selection of land by each village corporation within the township in which the village is located, plus an area that would make the total selection equal to the acreage to which the village was entitled under Sec. 14 of the Act.

5. Because of existing federal withdrawals, state land selection and other non-native settlement patterns within the Cook Inlet region, Cook Inlet Region, Inc., a native corporation, was not able to select lands which it considered of like and similar character under the formula established by the Alaska Native Claims Settlement Act. For approximately three years following the enactment of this Act, Cook Inlet Region, Inc. negotiated with the Secretary of the Interior in an attempt to insure its land selection of a similar and like character.

6. Cook Inlet Region, Inc. was dissatisfied with these negotiations with the United States Department of the Interior, and it filed suit in a District Court. Negotiations continued, however, and the solicitor for the Department of Interior made an offer to convey to Cook Inlet Region, Inc. ten surface and fifteen subsurface townships within the Kenai National Moose Range, including the Swanson River oilfield, as well as additional federal lands in the then Greater Anchorage Area Borough. These lands included land at Point Woronzof, Point Campbell, and a sizable portion of the Campbell air strip tract. Cook Inlet Region, Inc. declined this offer and it was later withdrawn

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TELEPHONE (907) 272-9477

by the Department of the Interior.

7. The United States District Court ruled in favor of the Secretary of the Interior and against Cook Inlet Region, Inc. in February of 1975. Pending the appeal of the case to the Ninth Circuit Court of Appeals, Cook Inlet Region, Inc. appealed to Congress for legislative relief. Despite the fact that Cook Inlet Region problems were solely with and concerning the federal government and federal land, the State entered into the negotiations in an attempt to help solve the problems between the Cook Inlet Region and the federal government.

8. The United States District Court ruled in favor of the Secretary of the Interior and against Cook Inlet Region, Inc. in February of 1975. Pending the appeal of the case to the Ninth Circuit Court of Appeals, Cook Inlet Region, Inc. appealed to Congress for legislative relief. Despite the fact that Cook Inlet region problems were solely with and concerning the federal government and federal land, the State entered into the negotiations in an attempt to help solve the problems between the Cook Inlet Region and the federal government.

9. The State, Cook Inlet Region, Inc., and the Department of the Interior entered into the negotiations concerning the exchange of lands pursuant to Sec. 22(f) of the Alaska Native Claims Settlement Act which provided as follows:

The Secretary, the Secretary of Defense, and the Secretary of Agriculture are authorized to exchange any lands or interests therein in Alaska under their jurisdiction for lands or interests therein of the Village Corporations, Regional Corporations, individuals, or the State for the purpose of effecting land consolidations or to facilitate the management or development of the land. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged.

RAYMOND A. NESBETT
ATTORNEY AT LAW
637 WEST 3RD AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-9477

10. Pursuant to the exchange provisions cited above, the State volunteered the trade of various patented lands to the Department of the Interior for exchange and grant to the Cook Inlet Region, Inc. The terms of the settlement were, in summary, that the State of Alaska obligated itself to convey lands to the United States for exchange with Cook Inlet Region, Inc. in accordance with "Terms and Conditions for Land Consolidation and Management in Cook Inlet Area" made a part of the report from the Committee on Interior and Insular Affairs accompanying HR 6644, the amendment to the Alaska Native Claims Settlement Act. Further, Cook Inlet Region, Inc. was to dismiss its lawsuit in the case of Cook Inlet v. Kleppe, 75-2232, Ninth Circuit Court of Appeals; and other native village selections under Sec. 12 of the Settlement Act concerning lands within Lake Clark, and other areas outside the Cook Inlet Region, Inc., would be withdrawn to enable the exchange to take place by substituting land outside Cook Inlet region. These terms are summarized in Sec. 12(a) of Public Law 94-204, known as Alaska Native Claims Settlement Act Amendments, approved January 2, 1976. Sec. 12(f) of the Amendments states that all conveyances of lands made or to be made by the State of Alaska in satisfaction of the Terms and Conditions "shall pass all of the State's right, title, and interest in such lands, including the minerals therein, as if those conveyances were made pursuant to Sec. 22(f) of the Settlement Act."

11. Sec. 17 of the Amendment purports to amend Sec. 22(f) of the Alaska Native Claims Settlement Act by stating that in any exchange made pursuant to Sec. 22(f), the State may convey its lands, "free of the restrictions of Sec. 6(i) of the Alaska Statehood Act."

RAYMOND A. NESBETT
ATTORNEY AT LAW
637 WEST 3RD AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-0477

12. In the "Terms and Conditions" contained within the report accompanying HR 6644, Sec. II at P. 42, the State of Alaska was asked to give its consent to the exchange and settlement agreement within sixty days of the commencement of the 1976 session of the Alaska State Legislature. Upon such consent being given, the State of Alaska is bound to convey to the United States for reconveyance to Cook Inlet Region, Inc. the lands set forth within the "Terms and Conditions." Plaintiffs allege on information and belief that said consent must be given, if at all, prior to March 12, 1976.

13. In an attempt to implement Sec. 22(f) of the Alaska Native Claims Settlement Act, the Alaska legislature, in 1972, enacted what is now Sec. 38.95.060 Alaska Statutes which authorizes the exchange of state land with a native corporation "with the consent of the governor," when the purpose is to effect land consolidations or to facilitate the management or development of the land. Similar to ANCSA, Sec. 22(f), the Alaska Statute provided that exchanges shall be on the basis of equal value, with either party being allowed to accept or pay cash in order to equalize the value of the properties exchanged.

14. The governor and the State, through its Commissioner of Natural Resources and Director of the Division of Lands, is proposing to give away large parcels of land and is also proposing to convey the subsurface mineral rights in such a manner as would convey all the coal, oil and gas resources of the lands. The State is proposing to give away the following estimated resources (see pages 4-13, Affidavit of Harold Galliett):

Present value of coal	\$4,732,000,000
Minimum probable present value of oil and gas	62,500,000
Present value of surface estate	<u>451,605,000</u>
TOTAL	\$5,246,105,000

RAYMOND A. NESBETT
ATTORNEY AT LAW
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The State proposes to receive the following estimated value as a result of the exchange:

Present value of surface estate 165,917,440

From the above summary of the exchange values, the net result to the State of Alaska is as follows:

Net loss \$5,080,187,560

15. In an attempt to rush this matter through the legislature, in complete disregard of the constitutional and statutory impairments to the execution of the exchange, the Hammond Administration, on February 17, 1976, introduced Senate Bill No. 674 which purports to give the Commissioner of Natural Resources authority to execute the exchange of land "notwithstanding any other provision of law." This bill provides in part as follows:

While the land exchange is authorized by existing law, the vagueness and ambiguity of the provisions of the applicable law create a situation which may well involve protracted and devious litigation and continuing uncertainty and disruption with respect to public and private land management. The law on the subject will be amended to remove any vagueness or ambiguity, but the timing for the land exchange requires action now, before amendment for clarification of the general law on land exchanges. (Emphasis supplied)

Senate Bill No. 674 is now the subject of legislative hearings and possible future action before March 12, 1976.

B. THE PROPOSED EXCHANGE VIOLATES ARTICLE VIII, SECTION 9, CONSTITUTION OF THE STATE OF ALASKA AND SECTION 6(i) OF THE ALASKA STATEHOOD ACT

Any rational consideration of the merits of plaintiffs' claims must keep in mind the distinction between laws and acts of the legislature, or of Congress, and the fundamental or basic law as set forth in the Alaska Constitution and its com-

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pact with Congress as accepted in the Alaska Statehood Act.

The general rule is that a "constitution" in the American sense of the term is the fundamental or basic law to which all others must conform; it serves to protect the people against arbitrary power; and a state constitution, like that of the nation, is the supreme law within the realm and sphere of its authority and is a limitation on the power of the legislature, binding on the several departments of state government, and the people themselves. 16 C.J.S. Constitutional Law, §3 at p. 23-26.

When a state constitution makes definite provisions covering a particular subject, that provision is exclusive and final, and must be accepted unequivocally. Hence, constitutional provisions may not be abrogated by the legislature or in any way other than by changing the constitution itself, and a right granted by the constitution, when unconditional, cannot be defeated, even in part, by statute. 16 C.J.S. Constitutional Law, §3 at p. 26.

In addition to the above general propositions, and as a corollary to these fundamental and basic rules, is the rule of law that the provisions of a state constitution, when accepted by Congress as a basis for admittance of the State into the Union, create a compact which cannot unilaterally be changed by an act of Congress or by an act of the state legislature without proper amendment to the State Constitution approved and ratified by a vote of the people. Metlakatla Indian Community v. Egan, 362 P.2d 901, 911 (Alaska 1961); State v. Commissioners, 301 P.2d 655 (Okla. 1956); Opinion of the Attorney General, No. 6 (Alaska 1969).

As set forth in the Statement of Facts, supra, Article VIII, Sec. 9, Constitution of the State of Alaska, states

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that "all sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State"

The above provision of the Alaska Constitution constituted an offer to the federal government that, upon admittance to the Union as a state on equal footing, the State would abide by all restriction upon the conveyance of state lands as required by the State or Congress. This offer was accepted in Sections 6(i) of the Alaska Statehood Act, which states that "the grants of mineral lands to the State of Alaska under subsections (a) and (b) of the section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral rights so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented"

Section 6(i) of the Alaska Statehood Act further stated that any lands or minerals disposed of by the State of Alaska contrary to the provisions of the above section would be forfeited to the United States by appropriate proceedings instituted by the Attorney General.

The offer of the State as contained in Article VIII, Section 9 of the Constitution, and acceptance of that offer through the restrictions contained in Section 6(i) of the Alaska Statehood Act, constituted a compact between two sovereign states, the purpose of which was obviously to protect the people of the State of Alaska against the arbitrary, capricious or fraudulent conveyance of the mineral rights of the State which were reserved exclusively for the citizens of the State of Alaska forever. Neither an act of Congress nor an act of Alaska legislature can unilaterally amend or change the provision of

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this compact without a proper vote of the people of Alaska.

Section 17 of the Amendments purports to amend Section 22(f) of the Alaska Native Claims Settlement Act by stating that in any exchange made pursuant to Section 22(f), the State may convey its lands "free of the restrictions of Section 6(i) of the Alaska Statehood Act." As set forth above, Section 6(i) of the Alaska Statehood Act is a part of the compact with the people of the State of Alaska through Article VIII, Section 9 of the Alaska Constitution. Pursuant to Sec. 8(b) of the Statehood Act, the Alaska Constitution was "deemed amended accordingly," and Sec. 6(i) is therefore a part of Article VIII, Section 9 of the Alaska Constitution.

For the sole purpose of obtaining state land and its mineral rights to satisfy a federal obligation to the natives of Alaska, the federal government has attempted illegally to change the provisions of the Statehood Act, and indirectly, the Constitution of the State of Alaska.

The Supremacy Clause of the United States Constitution does not allow an act of Congress to waive or change provisions of a state constitution without an appropriate vote of the people through constitutional amendment, initiative, or referendum. Boeing Aircraft Company v. R. F. C., 171 P.2d, 838 (Wash. 1946). In this case, the Supreme Court of Washington sitting en Banc was asked to hold that an act of Congress allowing property to be taxed within the State of Washington changed, through the Supremacy Clause, the provisions of the Washington Constitution prohibiting the tax. The court replied:

We cannot so hold, for to do so would effectively do away with the provisions of our state constitution by subjecting those provisions to be continually changed by acts of Congress. The Constitution of

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the United States has not given that power to Congress, and Congress has only the powers expressly given it by the constitution of the United States. The American system of government is dual in nature, containing Federal and state sovereignties, each supreme within its appropriate sphere. The states do not get their power from the Federal government, but from the constitution of the United States. They exercise those powers independently of the Congress of the United States. The Federal government has no power to control the power or authority of the State except as such power may have been expressly granted, or as may be necessary to maintain the acknowledged powers of the Federal government. 171 P.2d at 842.

The Supreme Court of Washington further discussed the provisions of the enabling act admitting Washington into the Union and the extent of subsequent permissible federal control over state matters:

True, Congress may determine the circumstances under which a state may be admitted into the Union, but that does not give it any powers to change or modify either directly or indirectly, the provisions of the state constitution. 171 P.2d at 842.

The Supreme Court of Alaska has also spoken on the issues now before this court in the case of Metlakatla Indian Community v. Egan, 362 P.2d 901 (Alaska 1961). Plaintiffs submit that this case is dispositive as to whether or not Section 17 of the Amendments to the Alaska Native Claims Settlement Act, in waiving Section 6(i) of the Alaska Statehood Act, is invalid and in violation of the state and federal compact.

In the Metlakatla case there was a dispute about the legality of the state prohibition of the use of fish traps for the taking of salmon in all of the coastal waters of the State. The Metlakatla Indian community claimed that their fish traps were exceptions to the prohibitions contained in

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the Constitution and laws of the State of Alaska because they were authorized by the Secretary of the Interior pursuant to federal law.

In determining whether the State or federal government exercised authority over fish traps of the Metlakatla Indians, the Supreme Court of Alaska carefully compared the appropriate provisions of Section 4 of the Alaska Statehood Act with Section 12, Article XII, of the Alaska Constitution. Section 12, Article XII, of the Alaska Constitution specifically agreed on behalf of the State that "unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States." As quoted out by the Supreme Court of Alaska, the corresponding acceptance contained in Section 4, Alaska Statehood Act, stated that "all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States"

Section 4 of the Alaska Statehood Act did not specifically reserve to the exclusive jurisdiction and control of the United States the fishing rights earlier mentioned in Section 12, Article XII, Constitution of the State of Alaska. Therefore, three days after the fishing trap controversy arose, Congress enacted a law which stated as follows:

Section 4 of the act of July 7, 1958, (72 Stat. 339), providing for the admission of the State of Alaska into the Union, is amended by striking out the words 'all such lands or other property, belonging to the United States or which may belong to said natives', and inserting in lieu thereof the words 'all such lands or other property (including fishing rights), the right or title to which may be held by said natives or is held

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by the United States in trust for said natives.'

In determining the effectiveness and validity of the federal attempt to amend the Alaska Statehood Act, the Supreme Court of Alaska pointed out that, as required by the Alaska Statehood Act, the following proposition was submitted to the qualified voters of Alaska on August 26, 1958:

(3) All provisions of the Act of Congress approved (date of approval of the Statehood Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.

The Supreme Court of Alaska further noted that this proposition was approved by a vote of 40,739 to 7,500 on August 26, 1958. The Supreme Court of Alaska stated:

Section 4 of the Alaska Statehood Act is a direct response by Congress to the provisions contained in the five sentences of Section 12 of Article XII of the Alaska Constitution. The two sections constitute a compact between sovereigns The compact or contract between Alaska and the United States became effective upon approval of the terms of the Alaska Statehood Act by the voters of Alaska. 362 P.2d at 909, 910.

The Metlakatla Indian community argued that the congressional amendment to the Statehood Act was a part of the compact and merely "clarified" the original intent of Congress. The Supreme Court of Alaska held as follows:

We cannot accept this reasoning. It is our view that the amendment forms no part of the compact between Alaska and the United States. It was not enacted until ten months after the voters of Alaska had ratified the compact, six months after Alaska had attained Statehood, and three days after these controversies had arisen. This portion of Section 4 reserves absolute jurisdiction and control in the United States. As originally enacted, it applied only to "lands or other property".

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As amended, it purports to include fishing rights The conciseness of and correlation between the pertinent sentences of the Alaska Constitution and the responding portions of Section 4 leave no room for the construction appellants urge. 362 P.2d at 911.

The Metlakatla Indians further argued that the Congressional amendment to Section 4 of the Alaska Statehood Act transcended the police power of the State under the Supremacy Clause of the United States Constitution. This argument also was rejected by the Supreme Court of Alaska, which stated that the power of a state to control and regulate the taking of fish and game within its borders has always been recognized by the Supreme Court of the United States as a purely state concern. Also, to withhold sovereignty over the State's inland waters from the State would be a violation of the equal footing doctrine by which the State of Alaska was declared admitted to the Union upon an equal footing with all other states. 362 P.2d at 913, 925, 927.

 In the same manner that the federal government attempted to amend the Statehood Act concerning the fish trap controversy, Congress in Section 17 of the Amendments to the Alaska Native Claims Settlement Act attempts to waive Section 6(i) of the Alaska Statehood Act which expressly prohibit the conveyance of the mineral rights belonging to all the citizens of Alaska. Also, Section 17 attempts to induce (perhaps seduce is the better word) the State to convey away its mineral rights in violation of Article VIII, Section 9, of the Constitution of the State of Alaska.

Neither the Alaska Constitution nor the Alaska Statehood Act stand alone in defining the nature of the compact between the two sovereigns; both must be read together in the nature of an offer and an acceptance concerning the grant of lands to

*also, fed govt's decision
not to sell more*

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the State with the reservation of all mineral rights being required as a condition of such grants. Section 8(b) of the Statehood Act expressly amends Article VIII, Section 9 to conform to Section 6(i) of said Act.

Article XIII, Constitution of Alaska, provides for amendment and revision. Amendments to the Constitution may be proposed by a two-thirds vote of each house of the legislature, and if approved by a majority of the votes cast at the next statewide election, the amendment is adopted. Section 3 of Article XIII provides for a constitutional convention by referendum. Again, a majority of the votes cast determines the issue. Article XI of the Constitution provides for initiative and referendum. Again, if a majority of the votes cast on the proposition favor its adoption or rejection, the issue is determined. In any case, there is more than adequate provision contained in the Alaska Constitution for the enactment of a law which would amend or change Article VIII, Section 9 should the people of Alaska desire to convey away their mineral rights.

In the absence of a proper demonstration of intent of the citizens of Alaska to waive or change the provisions of Article VIII, Section 9, of the Constitution, any attempt to convey away the mineral rights belonging to the people should be held to be in violation of this section and in violation of the compact provisions between the State of Alaska and the United States pursuant to the State Constitution and the Alaska Statehood Act. The opinion of the Supreme Court of Alaska in the Metlakatla case and the express terms of Article VIII, Section 9, Constitution of Alaska, compel such a conclusion.

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C. THE ALASKA ATTORNEY GENERAL OPINIONS DECLARE THE
PROPOSED EXCHANGE IN VIOLATION OF STATE AND FEDERAL LAW

The State of Alaska through its Attorney General's office in 1969 was previously concerned with the same issues discussed above. In conjunction with negotiations and congressional hearings prior to the enactment of the Alaska Native Claims Settlement Act, the question arose as to whether or not it would be legal to grant to the natives of Alaska an overriding royalty of 2% on all proceeds from any state and federal land.

In the 1969 Opinion of Attorney General, No. 6, the Attorney General presented his opinion to the Honorable Wayne N. Aspinall, Chairman of the Committee on Interior and Insular Affairs for the U. S. House of Representatives. The State of Alaska in this lengthy opinion took the clear position that the State could not convey away a 2% overriding royalty from the income from State lands. The opinion of attorney General stated in part as follows:

A diversion of revenues which may be due to the State by virtue of State law and State leases is a flagrant violation of the United States Constitution. It not only goes beyond the scope of the Supremacy Clause of the Constitution, but it also takes the property of the people of the State of Alaska in violation of the due process clause of the Fifth Amendment to the Constitution. A provision of that nature constitutes a serious threat to any state government because it apparently recognizes a right of the federal government to control the finances and treasury of state government. Opinion No. 6, 1969, at p. 8.

Concerning the conflict between the royalty provisions and the Alaska Statehood Act, the opinion of the Attorney General asks the following question: "May the United States unilaterally enact legislation in direct conflict with the Statehood Act?" The Attorney general answered this opinion

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