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ALASKA R(7) 1980

**A STATEMENT BY  
ATLANTIC RICHFIELD COMPANY**

Atlantic Richfield Company is gravely concerned about the escalation in the rate of federal land withdrawals from the public domain. We have consistently stated that multiple use of public lands, wherever possible, is in the best interest of the nation. This includes oil, gas and mineral exploration and development activities which can be conducted compatibly with other alternative land uses and in an environmentally sound manner. Further, we believe the nation has the right to know what resource potential exists on public lands before any permanent, single use withdrawal, such as for wilderness purposes, is determined appropriate. As presently proposed, each public land withdrawal further limits acreage accessible for oil, gas and mineral exploration and development. This potentially increases national dependence on insecure foreign sources of supply. Taken collectively, the proposed withdrawals have serious implications for the dependability of this Nation's future supplies of natural resources, U.S. balance of payments, and domestic rates of inflation.

We are particularly concerned in the case of Alaska, since it is generally recognized as the richest state in the nation with respect to potential oil, gas and mineral resources. Present land withdrawals in Alaska already total approximately 180 million acres which represents nearly 50% of the total land area of the state! In addition, lack of access across some of these withdrawn lands adds substantially to the total lands affected by the withdrawals. However, of possibly even greater importance is the fact that a significant portion of these withdrawn lands are of high resource potential. To illustrate this, attached to this paper is a map showing the current status of Alaska land withdrawals at the beginning of 1979, along with an identification of the areas of high oil and gas and mineral potential. The areas of conflict between potential resource development and the current land withdrawals are substantial and readily discernible. Also attached are written descriptions of each of the high potential resource areas identified on the map.

It is important to note that although most of the high potential areas depicted on the attached map are relatively large in size, only small fractions of these lands would be required for the development of any economically recoverable resource. Based on prior experience, such development would most likely require less than 1% of the total land area of the state. In addition, oil, gas and mineral exploration activities need not impair wildlife and scenic resources. Exploratory sites are few and far between and would usually require no permanent installations or significant surface effects unless commercial volumes of oil, gas and minerals are found. Thus, most of the areas believed to be of high potential will remain undisturbed.

Additional legislation pertaining to the withdrawal of lands in Alaska is presently under consideration by the 96th Congress (H.R. 39, S.9 and S.222). The following represents the Company's principal concerns with such legislation:

1. Wilderness Classification

The wilderness classification totally precludes resource exploration and production activities. It is our position that it is only reasonable to place land in this classification if it is devoid of significant natural resource potential.

In addition, the so-called "wilderness study" category is essentially an interim defacto wilderness classification. Legislation placing lands in this category should establish reasonably short deadlines for determining final classification.

2. Unknown Resource Potential

Exploration activities in Alaska for oil, gas and minerals are in a very early stage. As a result, most of the land proposed for withdrawal has yet to be properly evaluated. To the extent that these lands are classified in categories which do not permit resource exploration and development, Congress will be depriving the nation of its right to know the extent of the resource potential in Alaska. This is not the basis for sound land use planning.

3. Remedial Legislation

In this nation's complex economy, unforeseen impacts resulting from a particular piece of legislation often occur. As a result, it is important that legislation provide for future review should unanticipated onerous impacts develop. This has been done for example with the Clean Air Act. However, unless resource investigation is allowed to proceed on withdrawn lands, it is unlikely that evidence could ever be developed in the future to show that the issue of classification for withdrawn lands should be reopened.

4. Access Provision

The total lands in Alaska affected by this legislation may be significantly greater than intended unless an appropriate access provision across withdrawn lands is included. The legislation should allow access across conservation units to private lands and mineral leases, as well as inholdings, where access is not economically feasible otherwise. Appropriate restraints on the use of such access could be included in the legislation to ensure that it is accomplished in an environmentally sound manner. A crucial example of such a situation is the Ambler Mining District in the Brooks Range Schist Belt, potentially one of the worlds largest mineral areas (see attached description).

Atlantic Richfield Company supports preserving portions of the public domain as "forever wild" for the benefit of present and future generations. However, we also believe very strongly that our Nation's natural resources must be available for utilization. These two objectives need not be mutually exclusive. Most recently, and perhaps most effectively, this has been demonstrated by the oil and gas industry's activity in Alaska's North Slope area where essential natural resources have been developed and delivered to the lower 48 states with little negative impact on delicate ecological systems or wildlife. It is our belief that oil, gas and mineral resource exploration and development activities should be generally allowed to proceed where significant potential exists.

**DESCRIPTION OF HIGH POTENTIAL  
OIL AND GAS AREAS  
STATE OF ALASKA**

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Atlantic Richfield Company, through its Land and Exploration Departments in the Alaska Region, has identified the areas of Alaska with high oil and gas potential. These sedimentary basins are depicted on the attached map. A write-up describing each of the indicated high potential oil and gas areas is also attached.

Definitions used in the following material:

Basin means an area in which sediments have accumulated through geologic time.

High Oil and Gas Potential means areas in Basins in which conditions are favorable for significant hydrocarbon accumulations. These favorable conditions include the existence of rocks capable of generating hydrocarbons (source rocks), porous and permeable rocks capable of holding oil or gas (reservoir rocks), together with the arrangement of those rocks in such a manner as to trap hydrocarbons (structural and stratigraphic traps).

**ALASKA BASIN DATA SHEET**  
**NORTH ALASKA DISTRICT**

**BASIN:** North Slope (Hydrocarbon Basin #1 on attached map)

**Note:** The North Slope Basin Area includes but is not limited to the National Petroleum Reserve of Alaska (NPRRA), the Prudhoe Bay Field area and the Arctic National Wildlife Range. Most prominent among these areas for future exploration potential is the Arctic National Wildlife Range.

**Area:** Arctic National Wildlife Range (Red Area at East End of North Slope Basin)

**Location:** Northeastern Alaska

**Area:** 10,000 square miles - estimate

**Number of Discovered Oil and Gas Fields:** None

**Footage Drilled:** None

**Sedimentary Section Thickness:** +20,000 feet

**Age of Prospective Section:** Tertiary-Mississippian

**Comments:** The Arctic National Wildlife Range is the eastern portion of the North Slope Basin (Colville Geosyncline). Therefore, the same general kinds of rocks are expected in the subsurface here as are encountered in NPRRA and the area between the Colville and Canning Rivers. This proximity and close relationship to very large proven reserves is enough to allow the assignment of high potential to this area, but there are other encouraging factors. There are two oil seeps and one oil-saturated sand at the surface within the area. The oil sand is associated with a large anticline (the Marsh Creek Anticline) which contains a thick section of Upper Tertiary sediments. There is no seismic information in the Wildlife Range because of governmental restrictions; consequently, the subsurface configuration of the prospective horizons is unknown. However, the presence of at least one large surficially exposed anticline indicates a structural regime in which there might be expected well-developed structural traps and associated oil and gas fields. The nearby mountains contain exposures of rocks equivalent and similar to those productive at Prudhoe in addition to younger rocks with potential reservoir quality which are not present at Prudhoe.

The portion of the Arctic National Wildlife Range with highest potential is the 1.3 million acres of the northern coastal plane bordering on the Beaufort Sea. This portion of the Wildlife Range contains all the prerequisites of a highly prospective hydrocarbon producing province. As described, there are hydrocarbon indications at the surface, the area is contiguous with a highly prolific oil producing area, and well-developed structures and reservoir quality rock can easily be projected into the area. However, the lack of seismic data precludes the definition of specific drillable plays.

**ALASKA BASIN DATA SHEET**  
**NORTH ALASKA DISTRICT**

**Basin:** Kotzebue-Hope (Hydrocarbon Basin #2 on the attached map)

**Location:** Western Alaska

**Area:** 30,000 square miles - estimate

**Number of Discovered Oil and Gas Fields:** None

**Production:** None

**Oil Seeps:** None

**Number of Exploratory Wells Drilled:** 2

**Footage Drilled:** 14,684 feet

**Sedimentary Section Thickness:** +8000 feet

**Age of Prospective Section:** Tertiary-Cretaceous

**Comments:** The petroleum potential of the Kotzebue-Hope Basin is largely confined to the offshore areas. There have been two onshore wells and no offshore wells drilled in the basin. The two wells drilled were the Social Cape Espenberg No. 1 and Social Nimiuk Point No. 1. Neither of these wells encountered any hydrocarbons.

There are indications from seismic data that there are at least 8000 feet of prospective stratigraphic section in the offshore area associated with a structural setting which could easily have the proper conformation to provide a trap for hydrocarbons. The stratigraphic section of interest is Upper Cretaceous and/or Tertiary. These rocks unconformably overlie older deformed rocks of the Brooks Range orogen.

When the offshore areas become available for exploratory drilling, it will be necessary that nearby onshore areas be available for operational bases. Then, if economical hydrocarbons are discovered, nearby onshore areas will be necessary for use as supply centers and production facilities. In addition, an onshore pipeline corridor will probably be necessary from this area to either an ice-free port or to southern markets. The position of this corridor can best be located only after the oil and/or gas fields have been discovered, the markets are determined and the most economical transportation route is determined. Should the corridor be selected prior to these events, it would probably result in cost overruns due to its improper positioning. This would also be true for onshore operational support bases and production facilities.

**ALASKA BASIN DATA SHEET**  
**SOUTH ALASKA DISTRICT**

**Basin:** Norton Sound (Hydrocarbon Basin #3 on the attached map)

**Location:** Western Alaska

**Area:** 41,000 square miles

**Number of Discovered Oil and Gas Fields:** None

**Production:** None

**Oil Seeps:** One prominent gas seep of heavier hydrocarbons has been discovered offshore 24 miles south of Nome by a marine seep survey.

**Number of Exploratory Wells Drilled:** None--excludes very shallow (200 feet?) wells drilled at Nome for reported gas (marsh-gas?).

**Footage Drilled:** None

**Sedimentary Section Thickness:** 13,000 to 15,000 feet

**Age of Prospective Section:** Tertiary

**Comments:** This important exploratory basin could be inaccessible if extensive withdrawals of the onshore area to the south (the Bethel area) occur. This would preclude a reasonable pipeline route to ice-free terminals farther south. Also, the coastal area should not be so withdrawn as to preclude the necessary harbor and onshore support facilities necessary for oil and gas development.

**ALASKA BASIN DATA SHEET**  
**SOUTH ALASKA DISTRICT**

**Basin:** Bristol Bay (Hydrocarbon Basin #4 on the attached map)

**Location:** Western Alaska

**Area:** 80,000 square miles - estimate

**Number of Discovered Oil and Gas Fields:** None

**Production:** None

**Oil Seeps:** Several along onshore Alaska Peninsula

**Number of Exploratory Wells Drilled:** 20

**Footage Drilled:** 175,000 feet

**Sedimentary Section Thickness:** Tertiary 31,000 Maximum  
Mesozoic 30,000 Estimate

**Age of Prospective Section:** Tertiary - Primary  
Mesozoic - Secondary

**Comments:** The Bristol Bay Basin, as outlined, includes the offshore Bristol Bay Area, the Nushagak Area and most of the Alaska Peninsula. The critical area in this basin (rated 2) is the offshore Bristol Bay Area. The critical onshore land areas subject to withdrawal are those along the Alaska Peninsula. Most if not all of the good harbors along the Alaska Peninsula are on the south side of the Peninsula; however, the Bristol Bay Basin is off the north shore of the Peninsula. Therefore, it is paramount that access from these south side harbors to the north shore be maintained, and any land withdrawals must be avoided along the Peninsula that would bar north or south shore development or reasonable connecting access across the Peninsula.

In addition, the Alaska Peninsula itself is considered to have potential in the Mesozoic and most of the 20 wells listed have all been drilled onshore along this trend. Also, any offshore basins developed south of the Peninsula will require harbor and support facilities along the Peninsula's south shore; therefore, lands on the Peninsula are critical to the needs of: (1) discoveries offshore to the north, (2) discoveries offshore to the south, and (3) discoveries onshore along the Peninsula proper.

Finally, if Mesozoic discoveries are made in the Bristol Bay Basin, the onshore area at the head of Bristol Bay (the Nushagak area) will become prospective.

**ALASKA BASIN DATA SHEET**  
**SOUTH ALASKA DISTRICT**

**Basin:** Cook Inlet (Hydrocarbon Basin #5 on the attached map)

**Location:** Southcentral Alaska

**Area:** 29,000 square miles

**Number of Discovered Oil and Gas Fields:** 22

**Production:** 835,000,000 barrels of oil through January 1979  
1,500,000,000,000 cu.ft. gas through January 1979

**Oil Seeps:** Several onshore along the west side of Lower Cook Inlet

**Number of Exploratory Wells Drilled:** 210

**Sedimentary Section Thickness:** Up to 30,000 feet Tertiary  
Up to 25,000 feet Mesozoic

**Age of Prospective Section:** Tertiary and Mesozoic

**Comments:** Although many facilities now exist on the east side of Cook Inlet, our anticipated drilling activity in Lower Cook Inlet will be high and a complete closing of the west shore of Cook Inlet will preclude any petroleum staging areas, airstrips, or other needed facilities on this side. Furthermore, even though good harbor facilities exist on the east side along the Lower Denai Peninsula, actions by the State and Federal Governments indicate a reluctance to permit petroleum type activities. The specific actions are the taking back by the State of certain oil leases in Kachemak Bay and the elimination of OCS lease blocks by the Federal Government along the eastern tier of the Lower Cook Inlet OCS sale area for environmental purposes.

ALASKA BASIN DATA SHEET  
SOUTH DISTRICT ALASKA

**Basin:** Gulf of Alaska (Hydrocarbon Basin #6 on the attached map)

**Location:** Southcentral and southeast Alaska

**Area:** 37,000 square miles

**Number of Discovered Oil & Gas Fields:** One oil field - the Katalla Oil Field which was produced up to 1935 from very shallow wells and seeps.

**Production:** 154,000 barrels estimate from Katalla Oil Field

**Oil Seeps:** Numerous

**Number of Exploratory Wells Drilled:** 36 (does not include an estimated 44 shallow wells of the Katalla area).

**Footage Drilled:** 353,000 feet (does not include Katalla wells)

**Sedimentary Section Thickness:** Up to 25,000 feet

**Age of Prospective Section:** Tertiary

**Comments:** This area lies both onshore and offshore and future discoveries may lie along a coastal strip almost 300 miles long. Some of the proposed D(2) acquisitions would greatly limit accessible areas onshore for support facilities and/or pipeline construction to port facilities as well as limiting, or closing out many harbors to access.

**HIGH POTENTIAL AREAS  
MINERAL RESOURCES**

Atlantic Richfield Company, through its subsidiary the Anaconda Company, has identified areas of Alaska with high mineral potential. This information is based on our limited knowledge of the true mineral potential in Alaska. The lands described in the following pages and identified on the attached map represent our best guess as to selected areas that have high potential for economic mineral development.

Definitions used in the following material:

High Mineral Potential means that an area has geological characteristics considered favorable for economic concentrations of minerals. In the areas outlined, additional geologic work is needed to actually locate a mineral deposit.

Gross Metal Value is the dollar value of a potential deposit obtained by multiplying estimated total pounds of metal by the current market price. Gross metal value is not the profit a company will obtain by developing a mineral deposit; in high cost areas such as Alaska, the amount of profit derived from mining a metal deposit will be relatively small. It is important to realize that these areas could have several mineral deposits, each with the gross metal value indicated.

**DESCRIPTION OF HIGH POTENTIAL  
MINERAL EXPLORATION AREAS  
STATE OF ALASKA**

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1. BROOKS RANGE SCHIST BELT (Mineral Area A on the attached map)

**Mineral Potential:** The Brooks Range Schist Belt contains the Ambler District, potentially one of the world's largest mineral areas. If it is allowed to be developed, the Ambler District will become a major base metal mining district. The known mineral reserves of the district have a Gross Metal Value of approximately 7.5 billion dollars. Several of the known deposits are only partially delineated by drilling and the Gross Metal Value of the district is expected to increase with further exploration. The lack of a transportation system and uncertainties about access across withdrawn areas are preventing the development of the Ambler District deposits.

Rocks similar to the Ambler District are known to occur in a belt of rocks as illustrated on the map. A large part of this favorable rock type occurs inside the federal withdrawals and has not been prospected. Recent exploration along the belt outside of the proposed federal withdrawals produced a new discovery of mineralization in 1978.

**Possible Land Conflicts:** A portion of one of the known deposits of the Ambler District, the Sun Deposit, is inside the Gates of the Arctic National Monument. In addition, transportation to the Ambler District is blocked to the east by the "Boat" of the Gates of the Arctic National Monument. Access from the west is blocked by the proposed Selawik and Koyukuk National wildlife refuges. If an access corridor is not provided in the pending Alaska lands legislation, the deposits of the Ambler District will most likely never be developed.

2. NORTHERN BROOKS RANGE (Mineral Area B on the attached map)

**Mineral Potential:** In 1976 and 1977 discoveries of outcropping lead, zinc, silver mineralization and Paleozoic carbonate rocks were made by industry exploration teams. The deposits occur in a belt of rocks which form the northern edge of the Brooks Range. This same belt of rocks continues into the Yukon territory where similar lead, zinc, silver deposits are already producing metals and economic benefits. One ore body of this type can be expected to have a Gross Metal Value in excess of several billion dollars. Exploration activity in areas of the belt outside of federal land withdrawals was very intense during this 1978 field session.

**Possible Land Conflicts:** The favorable rocks are found in parts of Noatak National Monument, NPRA, Gates of the Arctic National Monument, the Arctic National Wildlife Refuge, and the Arctic National Wildlife Range. Access from the known deposits to the transportation system of interior Alaska is also blocked off by federal land withdrawals.

3. SOUTHEAST ALASKA (Mineral Area C on the attached map)

Mineral Potential: All of Southeast Alaska is known to be highly mineralized. The deposits may be classified into three distinct groups:

- a. Porphyry molybdenum deposits. The second largest molybdenum deposit in North America, the Quartz-Hill deposit, occurs in Southeast Alaska. Numerous other prospects containing mineralization of this type are known but have not yet been extensively prospected. The Gross Metal Value of the Quartz-Hill deposit is approximately 7 billion dollars.
- b. Platinum group metals associated with ultramafic intrusive rocks. The platinum group metals (platinum & palladium) and copper, nickel and chrome are known to be associated with ultramafic intrusive rocks. Large bodies of this rock type occur throughout Southeast Alaska and several of them have produced minor quantities of these metals. The largest copper-nickel deposit in the United States is located in Glacier Bay National Monument. The Gross Metal Value of these deposits is in excess of a billion dollars.
- c. Massive sulfide copper, lead, zinc, and silver deposits similar to those of the Ambler District are known to occur in Southeast Alaska. These deposits could have a Gross Metal Value of .5 to 1 + billion dollars.

Possible Land Conflicts: The Quartz-Hill molybdenum deposit is located inside the newly created Misty Fjords National Monument. The Greens Creek silver, lead, zinc-gold deposit is located within the newly created Admiralty Island National Monument. Several known copper-nickel rich ultramafic intrusives are inside of Forest Service withdrawals. A large part of the known mineral areas in Southeast Alaska were included in Forest Service RARE II and Section 204b withdrawals.

4. SEWARD PENINSULA (Mineral Area D on the attached map)

Mineral Potential: The northwestern Seward Peninsula is the only area in the United States that has the potential to develop economic reserves of tin. During war time, this area becomes strategically important to the security of the nation. In addition, the area has produced over 6-1/2 million ounces of gold since the start of the 20th century.

Possible Land Conflicts: A large part of the prospective area containing tin mineralization is inside of the newly created Bering Land Bridge National Monument and will be closed to mineral development.

5. KENNECOTT (Mineral Area E on the attached map)

Mineral Potential: The copper mines at Kennecott, Alaska have been a major producer of copper. These extremely high grade copper deposits are the type needed to develop a mine in high cost areas such as Alaska. The deposits are extremely difficult to find but the potential for additional discoveries remains high.

5. KENNECOTT (Cont.)

Possible Land Conflicts: The entire area is included in the newly created Wrangell-St. Elias National Monument.

6. NORTHERN ALASKA RANGE (Mineral Area F on the attached map)

Mineral Potential: A belt of favorable rocks for the formation of massive sulfide copper, silver, lead-zinc deposits has been recently recognized in the Northern Alaska Range. These deposits were discovered as recently as 1975 and 1976. Their potential Gross Metal Value is in excess of one billion dollars.

Possible Land Conflicts: The belt of favorable rocks extends into the newly created Mt. McKinley National Monument and the Tetlin withdrawal 204 E area.

7. ALASKA PENINSULA (Mineral Area G on the attached map)

Mineral Potential: The Alaska Peninsula contains numerous exposures of intrusive rocks which carry mineralization similar to the copper deposits (copper, molybdenum, silver & tin) in the southwestern lower 48. Because of its strategic location near tide water the development of these deposits would be facilitated. The Gross Metal Values of these type of deposits is approximately a billion dollars.

Possible Land Conflicts: Most of the favorable area is withdrawn as a study area or part of the newly created Katmai and Becharof National Monuments.

8. EASTERN ALASKA-PRECAMBRIAN PALEOZOIC (Mineral Area H on the attached map)

Mineral Potential: Some of the largest ore deposits in the world are contained in rocks of Precambrian age. Rocks of equivalent age are thought to exist in this little explored region of Alaska. An ore deposit of this type is expected to have Gross Metal Values in excess of 1 billion dollars (copper, lead, zinc & silver).

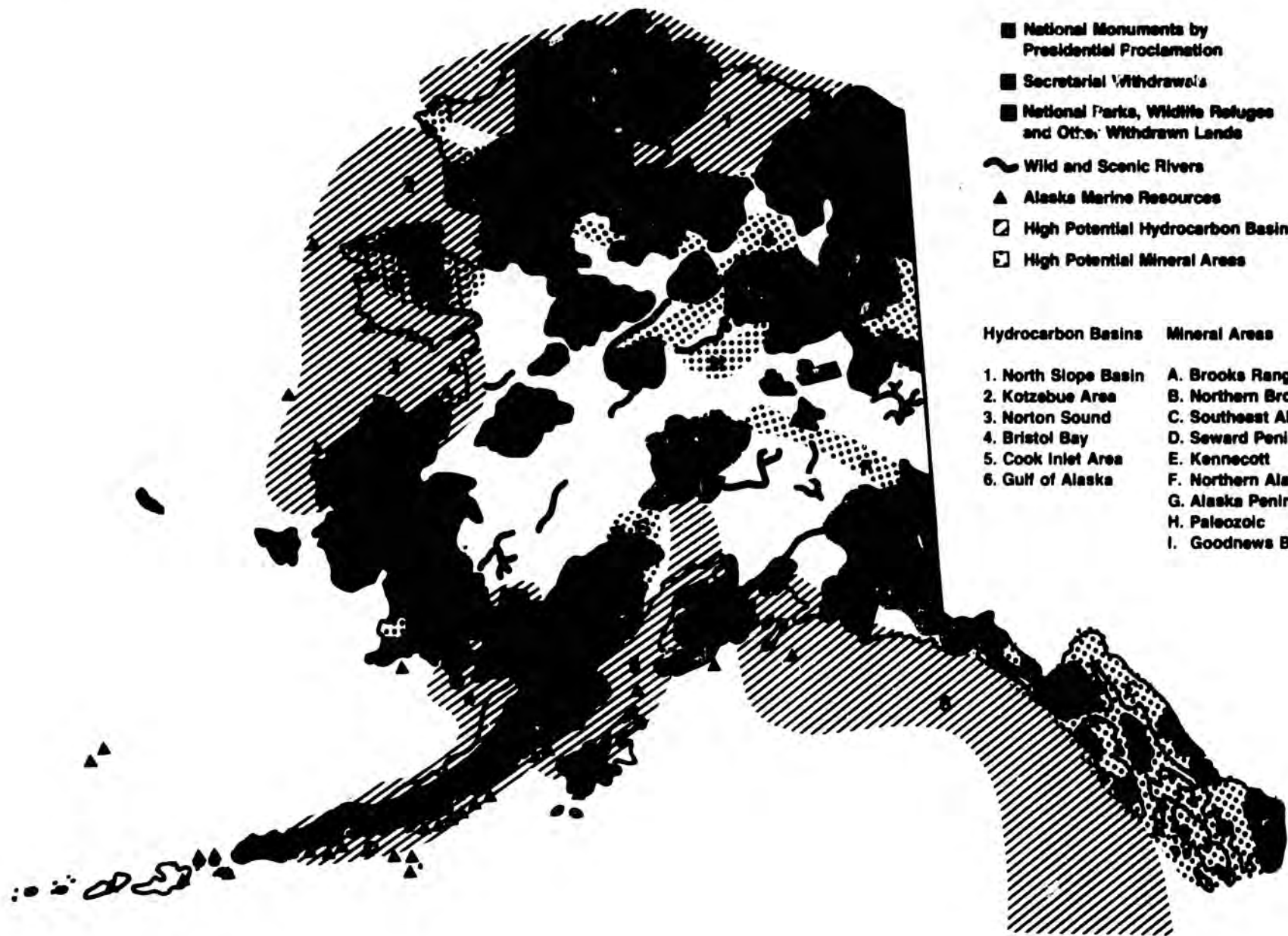
Possible Land Conflicts: A large part of the favorable area occurs in the newly created Yukon-Charlie and Yukon Flats National Monuments. The remainder of the area is withdrawn under the BLM 204 actions.

9. GOODNEWS BAY (Mineral Area I on the attached map)

Mineral Potential: The Goodnews Bay area has been the principal source of platinum metal in the United States. Most of the production in this area has come from placer deposits; however, the source of the placers is thought to be a belt of ultramafic intrusive rock which are known to contain this type of mineralization. The Gross Metal Value of deposits of this strategic metal and copper/nickel deposits could be in excess of 1 billion dollars.

Possible Land Conflicts: Almost all of the prospective area is currently withdrawn from mineral exploration under the Togiak and Yukon Delta 204 withdrawals.

# Alaska National Interest Lands — High Potential Mineral and Oil Areas



- National Monuments by Presidential Proclamation
- ▨ Secretarial Withdrawals
- ▩ National Parks, Wildlife Refuges and Other Withdrawn Lands

- ~ Wild and Scenic Rivers
- ▲ Alaska Marine Resources
- ▨ High Potential Hydrocarbon Basins
- ▩ High Potential Mineral Areas

## Hydrocarbon Basins      Mineral Areas

- |                      |                             |
|----------------------|-----------------------------|
| 1. North Slope Basin | A. Brooks Range Schist Belt |
| 2. Kotzebue Area     | B. Northern Brooks Range    |
| 3. Norton Sound      | C. Southeast Alaska         |
| 4. Bristol Bay       | D. Seward Peninsula         |
| 5. Cook Inlet Area   | E. Kenecott                 |
| 6. Gulf of Alaska    | F. Northern Alaska Range    |
|                      | G. Alaska Peninsula         |
|                      | H. Paleozoic                |
|                      | I. Goodnews Bay             |

MEMO TO: The Honorable Terry Miller  
Lieutenant Governor

FROM: John W. Katz *JK*  
Special Counsel

SUBJECT: Alaska Lands Legislation

DATE: December 12, 1979

*File*  
*Found: 12/12/79*  
*AR 39*  
*Comparative*  
*Analysis/Katz*

For your information and use, I am enclosing copies of a comparative summary of the Udall-Anderson bill (H.R. 39), the measure recently reported by the Senate Energy Committee (formerly S.9), and existing law. The latter point of comparison was included so that you can assess the three non-judicial alternatives which currently exist.

The summary is the product of a cooperative effort involving my staff and the staffs of each member of the Congressional delegation. It is my understanding that each staff concurs in the accuracy of the analysis which is presented.

If you or members of the Blue Ribbon panel have any questions concerning the subject matter or the accompanying enclosure, please let me know.

## COMPARATIVE SUMMARY

### Alaska Lands Bill

The following is a comparative summary of the major Alaska lands proposals pending before Congress and their relationship to existing land status. This document is designed to compare and contrast the changes in existing law and regulation effected by S.9, as reported out of the Senate Energy Committee in October of 1979, and H.R. 39, the Udall-Anderson substitute bill passed by the House in May, 1979.\* These two bills are representative of the legislative alternatives that might be passed by Congress and implemented to replace National Monuments proclaimed by the President, executive withdrawals made by the Secretary of the Interior, and the existing laws and regulations that accompany these monuments and withdrawals. Comparison of the provisions of "S.9", "H.R. 39", and "Monuments/Executive Withdrawals" (existing law), is made by reflecting each of the above alternatives (in light of) six areas of major concern: (these being;) (1) Conveyance of State and Native lands; (2) Access and Transportation; (3) Development of High-Value Commodity Resources; (4) Wildlife Management; (5) Sport Hunting; (6) General Management Provisions; and (7) Geographic Areas. Any improvements or failings in the two legislative proposals are best demonstrated when examined in contrast with existing laws which are applicable to the seven major areas of concern expressed above.

\*While the Udall-Anderson bill differs in some respects from S.222 and the Tsongas Substitute, these differences (except for relatively small variations in the acreage figures and for relatively minor changes noted elsewhere in the text) are not germane to this analysis. Thus, it is fair to say that the geographic designations and management provisions of all three bills are virtually the same in their impact.

## X. State Selections

Under the 1958 Alaska Statehood Act, Alaska was granted a total of 103.4 million acres of land to support the costs of Statehood and to create an economy that would sustain the State. This grant of lands remains largely unfulfilled. Section 17(d)(2) of the Alaska Native Claims Settlement Act provided for identification of lands within d-2 withdrawals which the State was interested in selecting.

Existing law (in-place executive withdrawals and existing regulations) and pending bills have three major impacts on State lands: (1) impact on lands already owned or selected by the State of Alaska; (2) impact on lands the State of Alaska identified as "interest lands" and in November, 1979 to fulfill the Statehood Act land entitlement; and (3) effects on conveyance of selected lands to the State.

### 1. Monuments/Executive Withdrawals (Existing Law) --

(a) The withdrawal boundaries encompass approximately 7 million acres of existing valid State lands and selections as inholdings.

(b) Approximately 12 million additional acres identified by the State as "interest lands" and selected in November, 1978, are unavailable as a result of the monuments and executive withdrawals. High priority selections located in the Yukon Flats, Chulitna, Ambler Valley and Iliamna Lake areas are denied to the State by the withdrawals.

(c) To date, the State has received effective title to only 37.5 million acres or approximately one-third of its Statehood entitlement -- the State is still entitled to receive another 65 million acres. In an attempt to correct this situation, the Interior Department has begun a program to expedite conveyance of uncontested State selections. However, even under this program, it will be years before the State is finally vested with equitable title to the lands it has selected. Moreover, numerous regulations governing State selections are outdated, unworkable, or do not reflect situations created long after Statehood by later laws such as the Alaska Native Claims Settlement Act (ANCSA) or the Federal Land Policy and Management Act (FLPMA). Many of these problems cannot be corrected by administrative action.

### 2. H.R. 39/ Udall --

(a) Its unit boundaries include approximately 4 million acres of existing valid State lands and selections as inholdings.

(b) Approximately 12 million additional acres of "interest lands" are denied to the State by the bill. High priority selections denied to the State are located in the Yukon Flats, Chulitna, Ambler Valley, and Iliamna Lake areas.

(c) No provision of the bill expedites conveyance of the remaining 65 million acres of State land selections. The "conveyance" title in H.R. 39 merely reconfirms State selections which have already been conveyed to the State or previously recognized as valid. In addition, it contains no provision conveying any of the "interest lands". Lastly, it does not amend existing selection conveyance regulations nor solve certain problems not foreseen at Statehood.

(3) S.9 as Reported --

(a) Virtually all existing valid State lands and selections are excluded from its unit boundaries.

(b) Approximately 5 million acres of "interest lands" are included in the boundaries of conservation units and denied to the State. However, high priority selections in the Yukon Flats, Chulitna, Ambler Valley, and Iliamna Lake are conveyed to the State. Additionally, approximately 25 million acres of other "interest lands" are conveyed.

(c) S.9 includes a comprehensive land conveyance title which effectuates legislative conveyance of existing State selections including those "interest land" selections filed in November, 1978 and not in conflict with S.9 units. It also contains provisions which amend existing State selection regulations and clarify the relationship between State selections and present and future administrative actions. Following the passage of S.9, nearly 95% of the State's entitlement will have been legislatively conveyed to the State of Alaska.

B. Native Lands

1. Monuments/Executive Withdrawals (Existing Law) --

In 1971, ANCSA granted 44 million acres to Native Corporations in Alaska. Since that time, only 25 percent of the land entitlement has been conveyed to the Natives. Currently, the Administration has announced a program to expedite conveyance of lands to the Native Corporations.

2. H.R. 39/ Udall --

It would instantly convey to the appropriate Native Corporation the core township surrounding the Native village. In addition, the bill includes provisions designed to clarify ambiguities and solve problems pertaining to certain sections

tions and effect land exchanges and agreements between various Native Corporations, the Federal government, and the State.

### S. 9 as Reported --

The bill provides for immediate conveyance of core townships to Native Corporations. However, the immediate conveyance procedure is optional enabling those Corporations which are currently being conveyed land under existing law to avoid the confusion of simultaneous legislative conveyance. In addition, the bill established an expedited procedure for conveying the remaining Native lands. Provisions regarding the implementation of ANCSA land exchanges are identical to those contained in H.R. 39.

## II. TRANSPORTATION & ACCESS

There are three distinct areas of law encompassed by this heading:

(a) Major rights-of-way across Federal conservation units in the form of highways, pipelines, railroads, etc.;

(b) Access to private, State, or Native lands located within Federal units; and

(c) Special access for traditional activities (e.g. hunting, trapping, rural travel, etc.) in conservation units requiring the use of airplane, snowmobiles, and motorboats.

### 1. Monuments/Executive Withdrawals (Existing Law) --

(a) Approval of highways, pipelines, railroads, and other transportation systems requiring rights-of-way over Federal land presently requires time consuming and complicated determinations by the Secretary of Transportation and/or other agencies in conjunction with the Secretary responsible for administering the Federal lands over which the right-of-way is sought. In some cases, Congressional approval is required although issuance of a right-of-way is usually governed by statute. The combination of decision makers and the decision-making procedures vary with the type of transportation right-of-way applied for and the differing land designations which the proposed system will affect.

Under existing law, the land-managing Secretary frequently has the discretion to deny rights-of-way across conservation system units based upon a single criterion: the compatibility of the proposed right-of-way with the purpose

of the affected land designation. Additionally, National Environmental Policy Act requirements and other statutes and regulations often demand long studies, lengthy decision-making processes, and judicial review. Moreover, if an application for a right-of-way is denied, the aggrieved applicant must prove that the Secretary acted in the arbitrary and capricious fashion to obtain judicial relief. This standard is a nearly insurmountable barrier which makes it extremely difficult to get courts to reverse Secretarial decisions.

(b) Access to in-holdings within conservation system units is not well-defined in existing law. Recent Justice Department opinions assert that no right of access to in-holdings within Federal lands is required by statute or common law. (Note: this does not apply to specific statutory rights granted to holders of mining claims). The prevalent Federal view regards access to in-holdings as a discretionary policy decision rather than a right.

(c) Presently most traditional modes of access are permitted under the regulatory regime which governs the withdrawals in Alaska. However, there is no statutory guarantee that such access to areas shall be permitted in the future as the Secretary has virtually unfettered discretion to deny such access.

## 2. H.R. 39/Udall --

(a) Rights-of-way for transportation systems are governed primarily by existing law. In cases in which there is no authority to issue a right-of-way, the Secretary can recommend that the right-of-way be issued and his recommendation will be considered by Congress. Applicants may also appeal to the President in cases where a land-managing Secretary denies a right-of-way permitted by existing law. In such cases, the President must make a determination, and that decision is subject to Congressional review.

(b) Access for inholders within or "effectively surrounded" by conservation system units is guaranteed but subject to reasonable regulation in H.R. 39. Inholders are granted assured access for economic and other purposes. Any party effectively surrounded shall have feasible access based on assessment of various environmental and economic factors.

(c) H.R. 39 provides for traditional modes of access via airplane, snowmobiles, or motorboat. This provision contemplates that such modes of access should be permitted as a means of pursuing traditional activities on conservation system units.

## 3. S.9 as Reported --

(a) S.9 rewrites existing law and provides a comprehensive transportation title designed to streamline the various procedural requirements involved in obtaining rights-of-way for

transportation or utility systems across Federal lands. The process has five major features: (i) The State and the Secretary of Transportation are involved in a special transportation planning process which impacts on the issuance of rights-of-way; (ii) The Secretary is directed to render decisions on applications within a specified period of time; (iii) Decisions shall be made pursuant to nine specified criteria including economic feasibility and environmental compatibility; (iv) Certain Secretary decisions on rights-of-way are subject to Congressional review; (v) All Secretarial decisions to deny a right-of-way are subject to expedited judicial review.

(b) Access for in-holders within or effectively surrounded by conservation system units is guaranteed but subject to reasonable regulation in H.R. 39. Inholders are granted assured access for economic and other purposes. Any party effectively surrounded shall have feasible access based on assessment of various environmental and economic factors. This bill emphasizes economic feasibility although the most economically feasible access is not mandated in every case.

(c) S.9 broadens the concept adopted in the House bill for ensuring traditional access. This access is subject to reasonable regulation, but the Secretary can only prohibit access where he can demonstrate that significant resource damage is being caused by access and after he has held a hearing in that area affected.

### III. HIGH COMMODITY RESOURCES

High value commodity resources in Alaska impacted by the withdrawals and the pending bills include (a) oil and gas, (b) hardrock minerals, and (c) timber products. The following outlines the effects of the status quo and the proposals on these resources.

#### 1. Monuments/Executive Withdrawals (Existing Law) --

(a) These withdrawals encompass approximately 45 million acres of lands with oil and gas potential. Under existing law, those areas within "emergency withdrawals" may be leased for exploration and developed at the Secretary's discretion; oil and gas activities are barred in the Monuments. In addition, areas recommended by the Interior Department for Wilderness (e.g. Arctic Range, Kenai Moose Range, etc.) are administratively closed to oil and gas exploration and development.

(b) Regarding hardrock minerals, three specific impacts are examined: (i) Impact on major existing mineral discoveries -- five of the nine major discoveries (Picnic Creek, Mt. Prindle, Orange Hill, Greens Creek, and U.S. Borax) are included in Monuments which preclude development. Moreover, access to the Arctic find in the Ambler district is blocked by the "boot" of the Gates of the Arctic Monument; (ii) Impact on Mineral Districts--

Areas rated important for mineral development such as Chulitna, Squirrel River, and the Kilbuck Mountains, and the upper Ambler Valley are withdrawn.

(c) Regarding Alaska's timber conomy, approximately 6 million acres of de facto Wilderness are created within the Tongass National Forest. The withdrawal of these lands will reduce the annual allowable timber harvest to 360 million board feet per year (MMBF/yr) and eliminate up to 2000 existing timber-related jobs.

## 2. H.R. 39/Udall --

(a) The units in the bill encompass nearly 40 million acres of land with oil and gas potential (not including NPRA). The Arctic Wildlife Range is designated Wilderness which bars exploration and possible future development. The National Petroleum Reserve - Alaska (NPRA) is classified as a Wildlife Refuge but is to be opened for oil and gas leasing if the Secretary deems such leasing compatible with the Refuge purposes. However, leasing in NPRA shall not be conducted per existing law. Exploration and development are divided and separate Federal approval would be needed before development of an oil discovery could proceed. Existing law requires no such two-step approval when one obtains an onshore oil and gas lease.

(b) (i) Four of the nine major discoveries are included within Parks, Preserves, Wilderness areas, Refuges, etc., (Mt. Prindle, Orange Hill, Greens Creek, and U.S. Boarx\*). While these designations are theorhetically subject to valid existing rights, experience clearly indicates that is nearly impossible to develop major mines within such areas. (ii) Areas rated important for mineral development such as Chulitna, Squirrel River, the Kilbuck Mtns., and the upper Ambler Valley are closed to mineral entry and development of existing claims effectively barred.

(c) H.R. 39 designates 5.9 million acres of Wilderness units within the Tongass Forest in Southeast Alaska. These wilderness designations will reduce the allowable cut to 360 MMBF/yr. A harvest reduction of this magnitude will eliminate up to 2000 existing timber-related jobs. In an attempt to offset this employment impact, the bill authorizes an increased appropriation of \$8 million annually for improved silviculture to increase timber yields on non-wilderness lands. However, even if these extra funds are appropriated each and every year, the cut can only be raised to 410 MMBF/yr which is below harvest levels.

\*The Tsongas Subsitute does contain provisions to permit development of the Borax molydenum discovery, but the wilderness boundary is much closer to the claims and may create regulatory problems during development.

(a) Conservation units encompass approximately 25 million acres of land with oil and gas potential. The Arctic Wildlife Range is excluded from Wilderness and is subject to a five year oil and gas study program to assess its oil and gas potential and to determine the conflicts, if any, between oil development and wildlife resources. The oil study is limited to geophysical and seismic work with Congressional approval required prior to any drilling or development work. Also on the North Slope, the status of NPRA is unaffected by the bill.

In addition, the Secretary is directed to establish a program to facilitate oil and gas leasing on non-North Slope Federal lands outside conservation system units. Moreover, the Secretary is required to act on applications for oil and gas leasing on Wildlife Refuges (not designated as Wilderness) within a specified period of time.

Leases are to be issued pursuant to an environmental compatibility finding. However, the Secretary has the burden of proof of documenting the bases for denying an application -- a change from existing law.

(b) (i) All nine of the major mineral discoveries are excluded from land designations which prevent development. However, three of the discoveries are in units where mining is specifically permitted but not guaranteed. In addition, a developed right-of-way across the Gates' "boot" is guaranteed to provide access to the Picnic and Arctic finds located in the Ambler district.

(ii) Areas rated important for minerals such as Chulitna, Squirrel River, the Kilbuck Mtns., and the upper Ambler Valley are transferred to State ownership or designated as a multiple-use areas and may be open to future mineral development.

In addition, S.9 provides a grace period for claim validation affecting holders of mineral claims located in BLM Conservation Areas and National Recreation Areas. Those Holding claims within withdrawn units would be granted a grace period for perfecting their claims if such lands are later reopened to mining.

(c) S.9 designates 4.3 million acres of Wilderness within the Tongass Forest. It also creates 2 million acres of Special Management Areas (SMA's). Although timber within the SMA's is included in the Annual Allowable Cut calculation, no harvest can occur unless authorized by Congress after the ten year study period. During the ten year period, the Secretary of Agriculture is directed to monitor the timber industry and report to Congress if the 520 MMBF/yr goal cannot be met without harvesting in the SMA's. SMA status is to be reviewed at the end of the ten year period. The bill also authorizes \$12 million to improve timber practices and aid in the harvest of marginally economic timber. If these funds are available,

the non-wilderness portions of the Forest will provide a cut of 520 MMBF/yr -- without the funds the harvest will be 430 MMBF/yr. If cutting is never permitted in the SMA's during the 100 year rotation and if no extra moneys are appropriated, the cut will be reduced 360 MMBF/yr at some point in the 100 year cycle.

#### IV. WILDLIFE MANAGEMENT

Wildlife management deals with the traditional relationship between the State of Alaska and the Federal government regarding wildlife management, particularly as it relates to state management of wildlife to insure adequate provisions for sport and subsistence uses.

##### 1. Monument/Executive Withdrawals (Existing Law) --

(a) No provision affirming the traditional roles of the Federal and State governments is included among proposed regulations governing Monuments or other executive withdrawals.

(b) The proposed regulations governing the Monuments created by President Carter track the approach taken in the Udall bill and in so doing the regulations provide for Federal oversight which means that after consulting with the State and making certain findings the Secretary may involve himself in daily management of fish and game resources.

(c) Subsistence hunting is permitted in all Monuments except the Kenai Fiords unit (sport hunting is prohibited in Park Service Monuments).

##### 2. H.R. 39/Udall\* --

(a) No provision affirming the traditional role of the State and Federal governments regarding wildlife management is included in the bill.

(b) H.R. 39 provides, for a subsistence preference on Federal lands when a limitation on taking is required. The Secretary is directed to oversee State implementation of the subsistence preference and to notify the State of changes which he determines are necessary in that implementation. If the State does not make these changes, the Secretary shall close the area affected to all but subsistence uses. This may necessitate the setting of methods and means, bag limits, season lengths and harvest quotas -- all of which are traditional State prerogatives.

##### 3. S.9 as Reported --

(a) A provision specifically reaffirming the traditional relationship between the State and Federal government regarding wildlife management is included in the bill.

\*The Tsongas Substitute more closely tracks S.9 in this area.

(b) S.9 provides for a subsistence preference, based on existing State law, when a limitation on taking is required. The Secretary is authorized to monitor State implementation of the subsistence preference. At the request of a local or regional advisory board, the Secretary shall ask for changes in the State's program if he makes specific findings that the subsistence preference is not being satisfied. The Secretary after making certain findings shall ask for judicial review of the State's program but only limited to the specific regulation involved -- not on a general basis. However, judicial action is limited only to that regulation involved and for the length of that regulation which in many instances is only for an annual basis.

## V. SPORT HUNTING

### A. Land Closed to Hunting

#### 1. Monuments/Executive Withdrawals (Existing Law) --

The existing withdrawals prohibit sport hunting on 42 million acres of Federal lands. These withdrawals include the Wrangells-St. Elias, Gates of the Arctic, Mt. McKinley additions, Katmai additions, and a number of other important sport hunting areas.

#### 2. H.R. 39/Udall --

The House version of H.R. 39 bars sport hunting on 27 million acres of Federal land including the Gates of the Arctic area and major portions of the Wrangells-St. Elias, Mt. McKinley additions, and Katmai additions.

#### 3. S.9 as Reported --

The bill closes 22.2 million acres of Federal lands to sport hunting. However, sport hunting is allowed in major portions of the Gates of the Arctic, Wrangells-St. Elias, and Katmai and Mt. McKinley additions.

The following chart demonstrates the major differences among the three measures regarding which specific areas are open or closed to sport hunting:

#### ACREAGE OPEN TO SPORT HUNTING (In Millions of Acres)

	<u>S.9</u>	<u>H.R.39</u>	<u>Monuments/Exec. Withdrawals</u>
Gates of the Arctic	3.2	-0-	-0-
Wrangells	4.3	3.3	-0-
McKinley	1.2	0.4	-0-
Katmai	0.4	0.2	-0-
TOTAL	9.1	3.9	-0-

## B. Other Hunting Provisions

### 1. Monuments/Executive Withdrawals (Existing Law) --

(a) Since there is no sport hunting allowed in the monuments, there are no special regulations to permit hunting related activities.

(b) Since there is no sport hunting allowed in the Park Service Monuments, with withdrawal regulations do not address the status of the hunting guides now operating in these areas. On non-Monument withdrawals, guiding remains subject to State regulation.

### 2. H.R. 39/Udall --

(a) there are no provisions which specifically permit hunting related activities to continue in Preserves, Refuges or Wilderness areas.

(b) Subject to stringent criteria, guided hunting and trapping can continue for a ten year period within National Parks & Monuments.

(c) Sport hunting is not a statutorily designated use in the Refuges designated in the bill.

### 3. S.9 as Reported --

(a) The bill contains provisions ensuring that hunting related activities such as the construction of campsites, location of equipment caches, etc., shall be permitted within Preserves, Wilderness areas, Refuges, and other areas.

(b) The bill provides that the State of Alaska shall continue to regulate the guide industry. Additionally, there is no grandfather clause for guides included in Parks & Monuments.

(c) Sport hunting is statutorily recognized as a use for which Wildlife Refuges designated in the bill are to be managed.

## VI. GENERAL MANAGEMENT PROVISIONS

In addition to those management provisions discussed in earlier sections of this comparative study, S.9 and H.R. 39 make other important modifications to existing law. This section analyzes some of the most significant modifications of existing law made by the two bills and how the modifications would affect future land use and management in Alaska.

### A. Condemnation/Land Acquisition

#### 1. Monuments/Executive Withdrawals (Existing Law) --

The existing laws which govern the national monuments and executive withdrawals generally empower the land-managing Federal agencies with great discretion to acquire private

and Native Corporation inholdings without the consent of these entities. This issue is not clearly resolved in existing law and litigation is a likely possibility.

2. H.R. 39/ Udall --

H.R. 39 provides immunity from involuntary condemnation for State lands and lands granted pursuant to the Alaska Native Claims Settlement Act (ANCSA). Under the bill, such lands cannot be condemned merely for the purposes of adding to a conservation system unit. State owned lands within or contiguous to conservation system units may be acquired by exchange. Condemnation of other private inholders is subject to Secretarial discretion.

3. S. 9 as Reported --

The bill protects inholdings owned by the State, Native Corporations and private individuals receiving title under ANCSA or the Native Allotment Act from involuntary condemnation for purposes of adding to a conservation system unit. Other private landowners are provided various degrees of protection under the bill. In each case, the Secretary is required to make a determination that the inholding is causing significant detriment to the purpose of the conservation system unit and must make a good-faith effort to exchange other Federal lands for the inholding prior to undertaking condemnation and purchase procedures.

B. Cabins

1. Monuments/Executive Withdrawals (Existing Law) --

A sub-issue is that of cabins located on Federal (public) lands which have been closed to entry. In many instances, occupants of such cabins are legally trespassers and could be evicted under existing Federal law. However, proposed monument regulations permit continued occupancy of some cabins in specified circumstances. Any permitted occupancy shall be strictly constrained to one and five year occupancy permits.

2. H.R. 39/ Udall --

It does not deal with the problem of cabins occupancy. Presumably, cabin occupants would be treated as trespassers under existing law.

3. S. 9 as Reported --

It codifies and improves upon the approach proposed in the national monument regulations. Long-time occupants would be permitted to retain the use of their cabins so long as such use does not significantly impact the purpose of the conservation

certain criteria, through the lifetime of the principal occupant or the continuous occupancy by the last surviving member of the immediate family presently living in the cabin.

C. Wilderness Management

1. Monuments/Executive Withdrawals (Existing Law) --

Under existing law, the Secretary may determine, subject to the provisions of the Wilderness Act, what uses may be permitted as compatible with Wilderness designations.

2. H.R. 39/ Udall --

H.R. 39 authorizes very limited fisheries and aquaculture activities in Forest Wilderness only. However, fisheries enhancement is barred on approximately 61 million acres of other Wilderness. Existing and new public use cabins would be allowed in Forest Wilderness units, but would be prohibited on 61 million acres of Wilderness under other management systems.

3. S. 9 as Reported --

S. 9 permits a broader range of aquaculture, fisheries enhancement activities, and facilities on all Wilderness areas with the specific exception of 6.1 million acres of National Park Service Wilderness. Existing public use cabins would remain and be maintained in all Wilderness areas under this bill, and new cabins may be constructed as necessary for the protection of public health and welfare.

D. Exemption from Wilderness Review

1. Monuments/Executive Withdrawals (Existing Law) --

Existing law directs the Secretary of the Interior to apply Section 603 of the Federal Land Policy and Management Act to review each 5,000 acre tract of roadless Federal land in Alaska for possible Wilderness designation. In the interim, all affected lands would be managed as de facto Wilderness.

2. H.R. 39/ Udall --

It does not exempt or lessen the burden on the Secretary to complete Wilderness reviews per Section 603 of all roadless areas on Federal lands in Alaska.

3. S. 9 as Reported --

Section 1317 statutorily exempts Alaska from the mandatory Wilderness review provisions of Section 603. The Secretary retains discretionary power to recommend Federal lands for Wilderness designation, but is no longer required to do so.

Any recommendations for Wilderness can only be implemented through Congressional action.

E. Revocation and "No More"

These concepts refer respectively to:

(a) The revocation by Congress of the National Monuments and executive withdrawals imposed on Alaska in November and December of 1978;

(b) The requirement that any future Federal withdrawals for conservation system units in Alaska be granted only by act of Congress and not by executive or administrative action; and

(c) That the bill contain a Congressional policy finding that no more land withdrawals for conservation system units are needed.

1. Monuments/Executive Withdrawals (Existing Law) --

Obviously, imposition of these withdrawals in late 1978 created the need for such provisions.

2. H.R. 39/Udall --

H.R. 39 does not provide for either the revocation or the "no more" concept.\*

3. S.9 as Reported --

S.9 revokes the National Monuments and executive withdrawals in the face of Congressional designation made in the bill. Thus, any lands currently within the monuments or withdrawals which are not within a conservation system unit established or expanded by S.9 are returned to the public domain or conveyed to the State, if selected.

The Senate Committee bill does not contain a provision requiring that future Federal withdrawals in Alaska for conservation system units be created only by Act of Congress, but it does contain a policy finding that no more land withdrawals for conservation system units are needed.

\*The Tsongas Substitute has a revocation clause but replaces the withdrawals with H.R. 39 units and boundaries.

<u>Land Designations</u>	<u>S.9-1979</u>	<u>Gall-Anderson H.R. 39</u>	<u>Monuments/Executive Withdrawals</u>
<u>"New Set Asides"</u>			
Parks/Monuments	22.2	27.0	56.0
Preserves	18.0	17.0	-0-
N.R.A.'s	4.8	-0-	-0-
Refuges	41.0	79.0	57.1*
Forests	8.7	2.5	-0-
Wild & Scenic Rivers	1.2	2.0	-0-
BLM Conservation Areas	<u>7.4</u>	<u>-0-</u>	<u>-0-</u>
TOTAL	103.3	127.5	113.0
<u>Wilderness</u>			
Parks	29.7	34.1	-0-
Refuges	4.3	27.5	-0-
Forests	<u>4.3</u>	<u>5.9</u>	<u>-0-</u>
TOTAL	38.3	67.5	-0-**
<u>Other Withdrawals</u>			
Special Mgmt. Areas	2.1	-0-	-0-
Forest Withdrawals***	<u>-0-</u>	<u>-0-</u>	<u>8.0</u>
TOTAL	2.1	-0-	8.0
<u>Total Affected Lands</u>			
New Set Asides	103.3	127.5	113.0
Existing Lands Redesignated Wilderness	13.5	27.5	-0-
Other Withdrawals	<u>2.1</u>	<u>-0-</u>	<u>8.0</u>
TOTAL	118.9	155.0	121.0

\* "Emergency" withdrawals which may last up to 20 years; land use to be determined by the Secretary. Additionally, a substantial percentage of these lands are being added to the wildlife refuge system by executive action.

\*\* Wilderness can only be established by Congress.

\*\*\* Emergency & RARE II withdrawals in the Chugach and Tongass Forests.

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.**

TO: [

Governor Jay S. Hammond  
Office of the Governor  
Pouch A  
Juneau, Alaska 99811

DATE: September 24, 1979

FILE NO:

TELEPHONE NO:

FROM:

John W. Katz  
Special Counsel  
Office of the Governor  
Washington, D.C.


SUBJECT: State Comments on Proposed  
Management Regulations

For your information, I am enclosing a copy of the State's submission to the Department of the Interior with respect to that agency's proposed regulations to govern the administration of the new national monuments in Alaska.

As you will notice, this submission consists of three parts: your August 15 testimony in Anchorage, section-by-section comments drafted by Tom Meacham and me, and an appendix prepared by the Department of Fish and Game. The State's written critique has been supplemented in a series of meetings which we have held with Interior Department personnel, including Assistant Secretary Robert Herbst, the national and Alaskan directors of the Park Service, and the Fish and Wildlife Service, staff people in Secretary Andrus's office, lawyers from the Solicitor's office, and other staff persons in Alaska and Washington, D.C. The comment period for the proposed regulations ends on September 26, and we expect final rules to be issued some time in November.

If you have any questions or comments regarding the accompanying enclosures, please let me know.

cc: Lt. Governor Terry Miller



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
ANCHORAGE

September 7, 1979

Also sent to:

Area Director  
National Park Service  
540 West Fifth Avenue  
Anchorage, Alaska 99501

Area Director  
U.S. Fish & Wildlife Service  
Department of the Interior  
1011 East Tudor Road  
Anchorage, Alaska 99507

Dear Sir:

Enclosed please find the comments of the State of Alaska in response to the Department's rulemaking concerning proposed regulations published in the Federal Register by the National Park Service and the U.S. Fish and Wildlife Service to govern future administration of the national monuments created last year by Presidential proclamation.

Our comments are divided into two principal parts. The first part consists of testimony delivered by Governor Hammond during hearings held by the Department in Anchorage on August 15, 1979. This testimony sets forth the basic framework of the State's position and identifies our major problems with the proposed regulations. The second portion of our submission consists of detailed line-by-line comments prepared by the Attorney General's Office in coordination with the Office of the Governor. These comments elaborate upon the concerns expressed by Governor Hammond and include a number of suggested changes. In so doing, we have sought to compile and synthesize the input of various State agencies and of individuals and organizations that have communicated their concerns to the State.

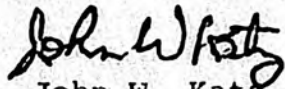
For the sake of brevity, the State has confined most of its comments to problems which we perceive in the proposed regulations. By so doing, we do not mean to overlook the fact that the proposed rules depart from their existing counterparts by permitting a number of uses which would otherwise be prohibited. In this regard, it is our understanding that certain individuals and organizations may seek to weaken the current proposals by suggesting additional prohibitions and restrictions. We would strongly oppose such an effort and do not want our silence on certain points to be construed as anything less than full support for the allowance of uses related to the Alaskan lifestyle. Rather, as our detailed comments will indicate, we are hopeful that the Department will build upon the start embodied in the current proposals by permitting additional uses, reducing unnecessary administrative discretion and restrictions, and otherwise developing substantive guidelines and procedures designed to perpetuate existing lifestyles. In

Area Director  
Page Two  
September 7, 1979

our opinion, these objectives can be achieved to some extent without jeopardizing the stated purposes of the monument proclamations, which cannot be altered significantly unless and until there is a legislative or judicial resolution.

The comments submitted herein will be supplemented in subsequent meetings between representatives of the Interior Department and the State. We look forward to continuing our joint efforts to improve the current proposals.

Sincerely,



John W. Katz  
Special Counsel

JWK/dw

cc: Governor Hammond  
Lt. Governor Miller

Attachments

STATE OF ALASKA COMMENTS  
PROPOSED NATIONAL PARK SERVICE  
ALASKA NATIONAL MONUMENT  
GENERAL MANAGEMENT REGULATIONS

Following are the comments of the State of Alaska concerning the proposed final regulations of the National Park Service, U.S. Department of the Interior regarding Alaska National monuments.

Supplementary Information. Though the supplementary information provided with the proposed final regulations does not constitute a part of the regulations themselves, several items contained in this information, or omitted from the supplementary information and the regulations require comment.

1. Subsistence. On page 37739 of the Federal Register is contained the statement that,

The regulations for the new national monuments must afford protection to the many values which support the monument designations. According to the proclamations, the protection of the subsistence lifestyle must "enhance," not detract from, the other historic and scientific values of the monuments.

A review of the national monument Proclamations does not support this statement, since maintenance of a subsistence lifestyle is recognized as a values of the monument, co-equal with historic and scientific values (and in fact a part of the "scientific and historic" values); subsistence is not subordinated to these other values, and is not conditioned by the Proclamations upon its "enhancement" of the other values mentioned.

2. Taking of Fish and Wildlife. Though sport hunting is forbidden in the national monuments by the Proclamations, the provision of subsistence hunting and trapping within the monuments, as well as sport and subsistence fishing requires that the relationship between the state and federal governments be clarified regarding fish and game management. Attached is proposed language which would accomplish this result. (Attachment A).

3. Condemnation. No statement is contained in the supplementary information, nor are regulations proposed, on the subject of condemnation of inholdings within national monuments. The regulations recognize that private and public inholdings will exist within these monuments, and provide access to these inholdings. However, any mention of federal authority to condemn and acquire, or otherwise restrict through easements, the use of these inholdings is missing from the regulations. Under what general guidelines or philosophy will condemnation or zoning authority be exercised? Under what general circumstances will involuntary acquisition of inholdings be sought, so as to achieve refuge management goals and purposes or to limit or eliminate inconsistent use of inholdings? Some general statements regarding the policies of the National Park Service toward inholdings should, the State feels, be contained in the regulations.

The State's position regarding acquisition authority is reflected in the attached proposed language. (Attachment B). As a general matter, we believe that Federal acquisition is contrary to the purposes and objects of the Alaska Statehood Act and the Alaska Native Claims Settlement Act and certain other Federal laws, and therefore should only be exercised in cases involving significant detriment to important monument values.

4. Water Management. The National Monument Proclamations have created an ambiguity regarding the status of water and water rights within the monuments. The proclamations purport to appropriate and withdraw "all waters" within the monument boundaries, and then to reserve "all water necessary to the proper care and management of those objects protected by the monument". The conflict between the purported appropriation of the entire quantity of water within the monument, and the reservation of only that water "necessary" for the protection and management of the monument, should be resolved by regulation. Under the Winters doctrine of federal reserve water rights, the United States has reserved and appropriated that quantity of water necessary for the protection and management of the monument, but any quantity of water in excess to such purposes is subject to appropriation by others under state water laws. Failure to resolve this ambiguity through the regulations will perpetuate uncertainty about the extent of the federal right.

5. Purpose of the Monument. The monument Proclamations for the national monuments contained a statement of the various purposes for which each monument was proclaimed. Nowhere in the regulations are these purposes set forth in the same fashion as they appear in the Proclamations. Where elements

of the purposes do appear in the regulations, they are paraphrased, extracted, or otherwise not identical to the underlying proclamations. The State believes that because the proclamations form the basis for the monuments and the regulations, the purposes of each monument should be set forth verbatim in Subpart A.

6. Federal Administrative Manuals. It is the State's understanding that, in several areas in which deficiencies or unacceptable breadth of administrative discretion have been identified, the National Park Service intends to rely upon its administrative manuals for guidance, rather than seeking more concise, definitive regulations. The State objects to this approach. Administrative manuals of the managing agency are both voluminous and not subject to easy public access. It is doubtful that the general public either knows of their existence, nor where they may be obtained and researched. Further, the administrative manuals, in contrast to regulations, are not subject to prior public notice, review and comment before promulgation. Therefore, the State feels that reliance upon the agency's administrative manuals for guidance in discretionary decisions and identified deficiencies in the proposed regulations should be minimized, and the regulations themselves corrected to circumscribe discretion and to eliminate such deficiencies.

7. Management Plans. The proposed regulations do not require the National Park Service to adopt an overall plan for the comprehensive management of each national monument. While such a goal may exist as a matter of departmental policy, it should be embodied in regulation to protect traditional uses, to make the process systematic, and to afford the interested public adequate opportunity for notice, review and comment.

8. Proposed Regulations. The following comments pertain to the proposed regulations, contained at 44 Federal Register 37744-37751 (June 28, 1979). The affected section is cited, followed by the State's comment or proposed change:

13.1(k) (Definitions): The term "temporary" should be defined as a period not exceeding 90 days, rather than 12 months, which is excessive and unwarranted.

13.2(e) (Applicability and Scope): The regulations should be made inapplicable to privately-owned lands, including lands owned by a Native regional corporation or an individual

Native pursuant to the 1906 Native Allotment Act and the Alaska Native Claims Settlement Act. The concept, stated in the proposed regulations, of Indian lands owned "tribally" is not applicable to Alaska, with the sole exception of the Metlakatla Reservation in Southeast Alaska, which does not lie within a monument. Further, it is not clear that State or other non-federal public lands are not subject to the regulations. This fact should be set forth in this section.

13.10(a) (Access): The requirement for an access permit by persons with a "valid property or occupancy interest in lands" raises several problems. Does this regulation require a validity challenge to be made of each unpatented mining claim for which access is sought? The State believes that such a requirement is both unnecessary and unreasonable. Under Section 13.12(a)(4) and (b)(4), a person seeking to obtain a permit for an existing cabin is required to disclaim any interest in the real property on which the cabin is located. How, then, can such a person assert the necessary "valid property or occupancy interest in lands" required to obtain an access permit under Section 13.10? This section does not recognize existing routes of travel, which may be section line easements or public user easements established under 43 U.S.C. Section 932 of other authority. No access permit should be required for access to inholdings by those means for which no permit is required for general use of the monument by the public, including but not limited to snow-machine use, foot travel, or horseback riding. Because the limitation on access can effectively curtail activities which are otherwise permitted within the monuments, the State suggests that the attached language be inserted. (Attachment C).

There is need to limit individual administrator discretion by specifying the requirements for issuance of a permit for access required by Section 13.10. Suggested language for issuance and denial of permits, as well as notice, hearing and appeal procedures for implementation of management decisions, are attached. (Attachment D).

Section 13.11 (Aircraft): The State supports the treatment of fixed-wing aircraft by this regulation. However, there is no logic to the more restrictive treatment of helicopters, including the requirement of a permit. While sport hunting by use of a helicopter for transportation or support is illegal under state law and is not permitted by the national monument proclamations, the use of a helicopter in support of fishing, mining and other activities is not illegal, a fact which is not recognized

in the proposed regulation. This regulation would make such use unlawful without a permit. The prohibition against use of aircraft for subsistence purposes (with the exception of Anuktuvuk Pass) is not supported by fact, since there are several other areas in which the lawful and necessary use of aircraft for support of subsistence hunting has been fully documented in the past.

The discretion of the superintendent regarding restriction or closure of aircraft use must be circumscribed by explicit, legally-definable terms, as emphasized in the State's Attachment D.

Section 13.12 (Cabins and Other Structures): A requirement in Section (a) (2) for a "sketch and photograph" is redundant; surely one or the other will suffice.

The State supports the regulations regarding recognition of existing cabins and other structures, as a satisfactory minimum proposal on which to base regulation of these facilities. The 5-year use and occupancy permit, non-transferrable but renewable in the case of cabins existing prior to March 25, 1974 leaves ambiguous the question of the fate of such a cabin if the applicant, the head of a household, dies. Must the family be evicted, or can the family rely upon issuance of the permit to the deceased head-of-household to continue occupancy for their own natural lives? This proposed regulation deals with the problem too simply, and does not recognize the fact that existing occupancy and use of such cabins may vary considerably from case to case. The State supports issuance of a permit which would be valid throughout the life of the last immediate family member occupying the cabin.

The prohibition in subsection (d) against rebuilding cabins or structures which are destroyed or deteriorate is not in the best interest of the public, and is unduly harsh. The possibility that deliberate destruction or arson by unidentified persons may be used as a means to eliminate existing cabins and cabin permits should not be overlooked.

The superintendent should be required to authorize the construction and use of cabins and other related structures necessary for the accomplishment subsistence activities where it is determined that such structures are reasonably necessary to accommodate that use, since the continuation of subsistence is one of the purposes of the monuments. The State has attached language which would accomplish this result. (Attachment E).

The superintendent's range of discretion regarding the issuance of cabin permits must be suitably defined and circumscribed, as the State has proposed previously. (Attachment D).

13.14 (Commercial Fishing Operations): The regulations imply that commercial fishing operations may only continue at that level which was present at the time the monument was established. This would prevent, unjustifiably in the State's view, the possible increase in the level of commercial fishing in many instances without harm to the resource. Such a decision is within the traditional regulatory authority of the State of Alaska.

Federal permits for commercial fishing should be required only in situations where commercial fishing activities involve land-based operations on lands which are within monuments. The authority of the superintendent to control operation of motorboats on waters within monuments is sufficient to control any abuses of this aspect of commercial fishing.

There are no standards set forth for the content or issuance of a commercial fishing permit. Such standards should be set forth, together with a definition of the range of discretion afforded the superintendent for issuance or denial of such permits, as has been suggested previously by the State.

There is no mention in the regulations of sport fishing, and while this activity is permitted within national parks and national monuments elsewhere, its omission in these regulations raises questions concerning the opportunity of the public to engage in sport fishing within the Alaska national park monuments.

13.15 (Firearms, Traps and Weapons): While the "carrying" of a firearm within the Alaska national monuments is permitted, there is no authorization to use the firearm unless the person carrying it is an authorized subsistence user. If its utility for a non-subsistence user is for personal protection that authorized emergency use should be stated, as it has been stated in the proposed Fish and Wildlife Service regulations at Section 98.42 regarding wildlife monuments.

Subparagraph (e) permits weapons (including firearms) "within or upon a device used for transportation", provided that the weapons are unloaded and cased or otherwise packed in such a way as to prevent their ready use while in the monument. If a firearm is carried on the person, or on horseback, as opposed

to a mechanical transportation device, is this regulation intended to be applicable? If it is applicable, then the entire purpose of carrying a firearm for personal protection, which is assumed to be permitted by Section 13.15(a), would be defeated by the fact that the firearm would not be available for emergency use.

The range of discretion of the superintendent in determining what areas should be opened or closed to the use of firearms must be suitably circumscribed, as the State has stated previously in its comments.

Section 13.16 (Motorboats): Subparagraph (e) requires a determination that motorboats are causing "considerable adverse effects". Such a finding has no recognized legal meaning; a legal standard of "significant adverse effects" does have such meaning. Therefore, it is suggested that the adjective "significant" be substituted for "considerable". The provision in this subsection concerning reopening of an area formerly closed should allow mitigation of prior adverse effects as a justification for re-opening.

The decision of the superintendent to close an area to motorboats is, at the present time, a decision unbounded by standards or specific considerations, and thus his discretion is subject to the same criticisms raised by the State earlier in its comments on other sections of these regulations.

Section 13.17 (Off-road Vehicles): Because these regulations are guided by Executive Order 11644, the regulations should follow exactly the reasons stated in the Executive Order, and the superintendent's range of discretion should be governed by that Order.

Subparagraph (b) (4) requires that restrictions imposed by the superintendent "may relate" to certain factors; this language should be changed to "shall relate", to define the range of administrative discretion; if there are other factors which might be considered, they should be listed.

Subparagraph (b) (5) sets the standard of "considerable adverse effects"; again, this phrase has no recognized legal meaning, and should be changed to "significant adverse effects".

Section 13.19 (Preservation of Natural Features): Subsection (b) states that the superintendent "may" permit the gathering of natural materials if certain standards, which are stated in the proviso section, have been met. If these standards have been met, then the superintendent should be required to issue a permit. Thus "may" should be changed to "shall". The necessity of defining and circumscribing the range of discretion of the superintendent, which now appears unlimited in this regulation, has been discussed earlier in the State's comments.

Section 13.20 (Snowmobiles): The State is concerned with the approach taken in the snowmobile regulation, since there is no need to designate travel routes for snowmachines due to the absence of any terrain damage if suitable snow cover is present. The philosophy here should generally support the concept that the monuments are open to snowmachines for lawful uses unless otherwise closed or restricted. The comments regarding the relationship of the regulations to Executive Order 11644, previously stated in the State's comments to the off-road vehicle section, are applicable here.

Subsection (b) (5) requires a finding of "considerable adverse effects"; again, this concept has no legal meaning, and the word "significant" should be substituted for "considerable".

Section 13.21 (Unattended or Abandoned Property): This section does not define the range of discretion of the superintendent to impound unattended property, and in subsection (c) the concept of such property "interfering with" is not defined sufficiently to inform the public of what property or actions are covered by the regulation. For example are stored trapsand equipment, the contents of cabins, and similar items for uses nominally permitted under the regulations, "unattended personal property"? The State's previous comments concerning the range of administrative discretion are applicable here. (attachment D).

Subpart B (Subsistence): For the reasons discussed in the accompanying testimony of Governor Hammond, we believe that the proposed regulations are deficient in their treatment of subsistence use. While the State disagrees with some of the legal and policy underpinnings of the proposed regulations, we recognize that the drafters are bound by the language of the Solicitor's Office. Accordingly, so that our comments will be of maximum assistance, we have incorporated these constraints into the following comments.

As a general matter, we believe that the treatment of subsistence should conform to the provision of the Breaux-Dingell bill or S.9, as the State proposes to amend it. Both bills reflect a substantial evolution in most people's thinking about the mechanics of the subsistence. Either bill, as a result, represents the broadest consensus which we have yet been able to achieve with respect to the regulation of subsistence use.

It is unnecessary to require, prior to any shortage in fish or wildlife populations, that local rural residents shall have the "first" priority consumptive use of such resources. Only when such resources must be allocated between resource users is a priority ranking necessary. Policy considerations which should be taken into account in determining such priority should include that policy which would have the least adverse impact upon rural residents, and that policy which would allow continuation of a subsistence lifestyle. The order of priorities for distinguishing between subsistence users should, the State feels, adopt the following sequence:

1. A particular resource is not in jeopardy. Therefore, all persons may sport fish, and subsistence uses may be allowed without differentiation between subsistence users.
2. The resource is in some jeopardy. Therefore, only rural residents may fish (if that is the resource in jeopardy), and other subsistence uses would continue pursuant to the Proclamations.
3. The resource is in greater jeopardy. Therefore, only local rural residents can hunt, fish, or trap for that particular resource. The eligibility of such residents would be determined by establishing residence zones which encompass concentration of people known to have a historical relationship to the resource involved. For these purposes, zones would encompass not only affected villages and towns, but persons residing in the vicinity of such communities. At this stage, there would be no need to obtain a permit, except by persons outside the residence zone who can qualify as provided below.

Before moving to the next step, access and seasonal restrictions should be used to protect the interests of local residents.

4. The resource is in still greater jeopardy. Therefore, for the first time, distinctions must be made among local residents. Accordingly, it is necessary to make a finding with respect to an individual's historic dependence upon the subsistence resource involved. A permit would then be issued. The final regulations should clearly specify the criteria for approval or disapproval of a permit and should describe in general the terms and conditions which may be included in a permit.
5. The resource is in still greater jeopardy. Therefore, it is necessary to make distinctions among local residents who have a historic dependency on the resource. At this point, it would be appropriate to determine whether the resource involved is the mainstay of the user's livelihood. Such a determination would involve consideration of alternative food sources and economic criteria. Because of the arbitrary and difficult nature of these determinations, we suggest that they be used only as a last resort.
6. The resource is in such jeopardy that all hunting, fishing, or trapping for that resource must be terminated until the resource recovers sufficiently to allow for resumption of some levels of take.

We believe that the final regulations should provide for each of the discrete steps just described, but that such steps should be used in sequence only as the condition of the resource deteriorates. If a full-blown regulatory scheme set forth in the proposed regulations is not altered as we have suggested, it is extremely likely that the detrimental impacts discussed in the Governor's testimony will materialize. As a consequence, the perpetuation of subsistence hunting, fishing and trapping, which is an objective of both the Department and the State, could well be jeopardized.

The requirement in Section 13.40 that the level of subsistence not exceed that occurring during the 10-year period before January 1, 1979 requires additional discussion before implementation by regulation. The State recognizes certain deficiencies in the current approach. However, before concurring in a change, we want to assure ourselves that the solution is better than the current proposal. Thus, for example, we are opposed to the creation of a "closed class" of subsistence users. The concept proposed in the regulations would, in effect, create a closed class of subsistence users, while all proposed legislation dealing with subsistence uses has emphasized that the class is not limited to the present generation, or those persons presently living a

The requirement in Section 106.11(b)(2) that the level of subsistence not exceed that occurring during the 10-year period before January 1, 1979 requires additional discussion before implementation by regulation. The State recognizes certain deficiencies in the current approach. However, before concurring in a change, we want to assure ourselves that the solution is better than the current proposal. Thus, for example, we are opposed to the creation of a "closed class" of subsistence users. The concept proposed in the regulations would, in effect, create a closed class of subsistence users, while all proposed legislation dealing with subsistence uses has emphasized that the class is not limited to the present generation, or those persons presently living a subsistence lifestyle, but is open to all persons now engaged, and so engaged in the future, so long as the resource is not jeopardized.

106.21 (State Regulation of Subsistence Uses):

The State is very concerned with the means by which state implementation of subsistence uses within the monuments is to be dealt with. If the State assumes regulatory responsibility, a later decision that the State has failed to properly carry out that responsibility is a very serious one, and should receive much higher initial consideration and review than is provided in the proposed regulations. We believe that any Federal decision that the State not in compliance with subsistence management requirements, and thus substituting the Department for the State as the direct manager of fish and resident wildlife, should be reached judicially in the first instance, as proposed legislation would do. A copy of proposed language which would accomplish this is attached. (Attachment F).

A less satisfactory alternative, in the State's view, but one which is preferable to the proposed regulation, is to adopt provisions which would, upon a finding by the Department that the State had failed to adequately implement the subsistence provisions, authorize the area manager to close the lands to all but subsistence uses. However, a decision to open lands previously closed to subsistence uses by the State would require a finding by the Secretary, not the area manager, that the State had failed to implement the subsistence provisions, and that such a remedy was necessary. A decision of this magnitude, placing the federal government directly in the role of fish and wildlife manager, is of such significance due to its effect upon federal-state relations that it should be made only at the highest level within the Department.

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Section 13.43 (Subsistence Permits): No time limit is given within which the superintendent must reach a decision denying or approving a subsistence permit. Such a time limit is necessary, and an APA-type procedural protection should be provided, unless the required "informal hearing" is sufficiently defined so as to provide this type of necessary protection. The phrase "informal hearing" should be modified by regulations which define exactly what an "informal hearing" constitutes. Such a definition is required throughout the regulations, wherever the phrase "informal hearing" appears.

13.44 (State Regulation of Subsistence Uses):  
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Section 13.45 (Prohibition of Aircraft Use): As stated previously, certain areas have a past history of subsistence use, with lawful transportation by aircraft an integral part of that use. Designating only Anuktuvuk (Section 13.74(a)(2)) ignores this prior history.

Section 13.46 (Use of Snowmobiles and Motorboats for Subsistence Activities): The "informal public hearing" needs definition. If it is defined in the administrative manual, as we understand, then this definition should be stated in the regulations.

Section 13.49 (Subsistence Use of Timber and Plant Material): The proposed regulations make the subsistence use of timber allowable under a permit, if it is determined that such subsistence use is compatible with the purposes for which the monument was established. The Presidential Proclamations do not establish a priority among historic, scientific and subsistence uses of the monument land. Therefore, this attempt to subordinate subsistence uses to the other purposes for which the monument was established is contrary to the Proclamations.

Section 13.50 (Closure to Subsistence Uses): The authority granted the superintendent to close national monuments to subsistence uses " . . . or to take such other measures as may be necessary to provide for the public safety, administration, or to secure the natural stability and continued viability of one or more populations of fish, wildlife, or plants, . . . " goes beyond the recognized authority of the superintendent to close lands. It is the State's traditional function to set seasons and bag limits for allowed subsistence fishing and hunting throughout the State, and within the monuments. Without legislative authority, the superintendent has no implied power to take such measures. This regulation should state explicitly that those "other measures" which are authorized in this section do not include authorization of seasons or bag limits. In particular, the regulations should state, either in Section 13.50 or in a separate section, the allocation of authority between the State, as primary fish and resident wildlife manager, and the Federal government, as primary land and habitat manager. Pending legislation furnishes a model for such a provision, which is attached to these comments. (Attachment A).

Further, Section 13.50 requires clarification to the effect that restrictions on subsistence uses may be imposed only for one or more of the reasons justifying closure to subsistence uses, and not for unlisted uses unrelated to the status of the subsistence resource.

Section 13.70-.82 (Special Regulations): As mentioned previously, the lawful use of aircraft for subsistence hunting support has not been recognized in any of the national monuments except Gates of the Arctic. Following is a list of those other areas in which the use of aircraft for subsistence hunting and fishing has been significant in the past, and has not been detrimental to the resource:

- 13.70 Chignik, Chignik Lagoon, Port Heiden, Pilot Point, Ugashik
- 13.71 None
- 13.72 Kotzebue, Noatak
- 13.73 Minchumina, Telida, Nikolai
- 13.74 Alatna, Allakaket, Ambler, Anaktuvuk, Bettles, Kobuk, Shungnak, Hughes
- 13.75 Yakutat
- 13.76 Egigik, Igiugig, Kakhonak, Levelock, Naknek, South Naknek, King Salmon
- 13.77 None
- 13.78 Kotzebue
- 13.79 Nondalton, Port Alsworth, Newhalen, Iliamna, Pedro Bay, Lime Village
- 13.80 Kivalina, Kotzebue, Noatak
- 13.81 Christochina, Chitina, Copper Center, Gakona, Gulkana, McCarthy, Mentasta Lake, Nabesna, Slana, Yakutat, Glennallen
- 13.82 Circle, Eagle, Eagle Village, Central

ATTACHMENT A

(New Section) Suggested language for clarification of relationship between Federal and State fish and game management authority.

TAKING OF FISH AND WILDLIFE. (a) Nothing in these regulations is intended to enlarge or diminish the responsibility and traditional authority of the State of Alaska for management of fish and wildlife on the public lands except as specifically provided by these regulations, or to amend the Alaska Constitution.

(b) Except as specifically provided otherwise by these regulations, nothing in these regulations is intended to enlarge or diminish the responsibility and authority of the Department over the public lands.

(c) The taking of fish and wildlife in all national monuments shall be carried out in accordance with the provisions of the Proclamations, these regulations and applicable state and federal law. Notwithstanding any other provision of these regulations, the Department shall administer and manage those national monuments which permit subsistence uses, to ensure the opportunity for the continuance of such uses by local rural residents. Fishing shall be permitted in accordance with the provisions of these regulations and other applicable state and federal law.

**ATTACHMENT B**

[New Section]. Suggested language for land acquisition policy.

(a) **LAND ACQUISITION AUTHORITY.** Except as otherwise provided in these regulations, the Secretary may acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any national monument. Any such land owned by--

(1) the State or a political subdivision of the State;

(2) a Native Corporation which has Natives as a majority of its stockholders;

(3) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to section 14(c)(1) of the Alaska Native Claims Settlement Act, or a descendent of such occupant, or any subsequent transferee, so long as such land is not used by such transferee in a manner detrimental to the values of the national monument in which it is located; or

(4) any other landowner, or subsequent transferee, so long as such land is not used by such landowner or transferee in a manner detrimental to the values of the monument in which it is located may only be acquired for such purposes with the consent of the State, political subdivision of the State, Native corporation, occupant, transferee, or other landowner, as the case may be. No land described in paragraphs (3) and (4) which may be acquired without the consent of the owner may be so acquired unless, after notice and hearing in the vicinity of the affected monument, the Secretary finds that use of such land by the owner would be detrimental to the values of the monument in which it is located.

(b) **IMPROVED PROPERTY.** No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes for which the affected national monument was established.

(c) **RETAINED RIGHTS.** The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for non-commercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty-five years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of the Proclamations on these regulations, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(d) **DEFINITIONS.** For the purposes of this section, the term "improved property" means--

(1) a detached single family dwelling, the construction of which was begun before December 1, 1978 (hereinafter referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land--

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before December 1, 1978, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to December 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(e) CONSIDERATION OF HARDSHIP. The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a national monument to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result, in, undue hardship.

## ATTACHMENT C

(Section 13.10(a)) Suggested language for access to inholdings.

(a) Notwithstanding any other provision of these regulations, the Area Director shall permit the use of snowmachines (during periods of adequate snow cover), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by the Proclamations, these regulations or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Area Director to protect the values of the national monuments, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected monument, the Area Director finds that such use would be detrimental to the resource values of the monument. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities within national monuments where such use is permitted by the Proclamations, these regulations, or other law.

(b) Notwithstanding any other provisions of these regulations, in any case in which State-owned or privately-owned land or a mining claim or valid occupancy is within or is effectively surrounded by one or more national monuments, the State or private owner or occupant, and their successors in interest, shall be granted by the Area Director such rights as may be necessary to assure adequate and economically feasible access for economic and other purposes to the affected non-federal land. Such rights shall be subject to reasonable regulations to protect the values of the adjacent national monument lands.

## ATTACHMENT D

### Suggested language for appeal from permit and management decisions.

(a) **Who May Appeal:** A permittee, permit applicant, or any person whose rights or privileges are adversely affected by any action of the superintendent relating to this Part 13, may appeal such action as provided in this section.

(b) **Preliminary Procedure:** Prior to making an adverse decision or order regarding a permit or application for permit, the superintendent shall provide the permittee or applicant with written notice of the proposed action and its proposed effective date. In each case the written notice shall provide an analysis of the specific factors previously adopted as criteria for decision on each type of permit, as applied to the facts of the case. The superintendent shall base his decision upon substantial evidence considering the administrative record as a whole. The administrative record shall include all public comments timely submitted to the superintendent for consideration.

(c) **Standards for Decisions:** In determining whether to permit, restrict, curtail, or modify any public use, access, or activity otherwise allowed or prohibited under this Part 13, the superintendent shall consider conflicts with other public uses, public health and safety, significant environmental and resource impacts, scientific research activities, protection of endangered and threatened species, preservation of historic values, and other applicable federal and state laws and regulations. The superintendent shall make available upon request a written decision, including an analysis of the factors required by this paragraph. The decision shall be based upon substantial evidence derived from the administrative record as a whole. The administrative record shall include all public comments timely submitted to the superintendent in response to the notice.

(d) **Procedure on Appeal:** Within 30 days after issuance of the notice described in paragraphs (b) and (c) of this section, any adversely affected person, permittee, or permit applicant may: (1) file with the superintendent with a written statement of objection to the proposed action or date and the reasons for such objection; or (2) initiate the appeals procedures in paragraph (e) of this section, including the submission of written objections to the proposed action and the reasons for such objection. The permittee, applicant, or other adversely affected person shall be notified in writing of the superintendent's final decision or order within thirty (30) days after receipt of the statement of objection.

(e) Limitation of Appeals: The permit applicant, permittee, or adversely affected party shall have thirty (30) days from the issuance of the superintendent's final decision or, in the case of a direct appeal initiated pursuant to (d) (2) of this section, the postmarked date of initial notice from the superintendent, within which to file written appeal to the Area Director. The appellant shall be notified of the Area Director's decision within 30 days of receipt of the appeal. The Area Director's decision shall constitute final agency action on the permit revocation or rejection.

(f) Oral Presentation: Upon request, the appellant shall be provided an opportunity for oral presentation before the Area Director within the thirty (30) day appeal period.

(g) Addresses: The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each notification or order.

(h) Compliance Pending Appeal: Compliance with any final decision or order of the superintendent shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the Area Director, and then only upon a determination by the Area Director that such suspension will not be detrimental to the interests of the United States.

## ATTACHMENT E

(Section 13.12) Suggested language for uses incident to allowed uses.

**ALLOWED USES.** (a) Within all national monuments where the taking of fish and wildlife for sport, commercial or subsistence purposes is permitted in accordance with the provisions of the Proclamations or other applicable state and federal law, the monument manager shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment and use, of campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the monument by the permittee.

(b) Notwithstanding the foregoing provisions, the monument manager may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected national monument was established, and may thereupon deny such proposed use or establishment.

## ATTACHMENT F

(Section 13.44) Suggested language for judicial enforcement of decisions to pre-empt State subsistence management.

If the Secretary receives substantial information to the effect that the preference for subsistence uses set forth in this Subpart B is not adequately provided for, and setting forth the facts upon which such information is based and detailing efforts to obtain timely relief through available State grievance procedures, the Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines in writing that, based upon substantial evidence in the administrative record, the preference for subsistence uses is not adequately provided and that timely relief has not been obtained, he shall submit his views to the Governor and seek to ensure the adequate and timely provision of such preference through discussions with the State. The Secretary shall inform the person or persons who submitted the information to him of the results of such discussions. If the Secretary determines that the State has failed to make adequate and timely provision for the preference for subsistence uses after having been provided a reasonable opportunity to do so and that such failure threatens the ability of local Alaska residents to satisfy their subsistence needs, the Secretary shall bring an action in the United States district court to require the State to take such actions as are necessary to provide such preference.

  
**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR  
WASHINGTON, D. C.

September 21, 1979

Also sent to:

Area Director  
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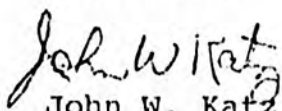
Dear Sir:

The accompanying material from the Alaska Department of Fish and Game is submitted as an appendix to comments previously submitted by the State of Alaska with respect to the Department's proposed regulations to govern administration of the new national monuments in Alaska.

This enclosure was received too late to be included in our original submission. Because we believe that the information will be most useful in the Interior Department's rulemaking, we are forwarding this material notwithstanding our lack of prior communication to you. While we find Fish and Game's comments generally consistent with the State's position, as reflected in our previous correspondence, any conflicts in policy should be resolved in favor of positions articulated in Governor Hammond's testimony and our earlier line-by-line critique.

Thank you for your consideration of this additional material.

Sincerely,

  
John W. Katz  
Special Counsel

cc: Governor Hammond  
Lt. Governor Miller

Attachments

TO: [

John Katz  
Special Assistant  
Office of the Governor

DATE: September 17, 1979

FILE NO:

TELEPHONE NO:

FROM:

Ronald O. Skoog  
Commissioner  
Department of Fish and Game



SUBJECT: Monument Regulations

The enclosed comments were prepared by our Game Division and Subsistence Section to address the proposed monument regulations. Please refer to my earlier comments as well as the enclosed as you prepare the State's response.

The enclosed addresses specific Federal regulations with the intention of deleting or revising same in accordance with our conception of the State's best interest. These comments are at the operative level and do not specifically address the policies expressed in the State's lawsuit; i.e. that the designation of such monuments is an illegal act and that State fish and game regulations therefore apply unfettered by Federal regulations.

The Department of Interior has the authority to allow sport hunting in monuments, and should have done so. They could have allowed for a broad spectrum of subsistence use under State control, but they did not. It is not in the best interest of either the State, the people, or the game and fish resources to unnecessarily limit taking in these monuments. In sum, our comments on the specifics of these regulations do not constitute tacit approval of Federal regulation, but rather comprise our attempts to limit the adverse impact of Federal regulation on the people of Alaska.

The strategy employed by the Subsistence Section involves incorporating "for subsistence use" in many regulations as a specifically mentioned priority to be protected in relation to other uses. The sum of such provisions is that subsistence use is to be elevated and may thus continue for a longer period under fewer restrictions. The costs accrue in that regulations regarding access, visitation, and so on may become more restrictive in order to favor subsistence.

Within the frame work for comment, I feel that continuation of unfettered subsistence use in Parks especially should be our highest priority goal, and I urge you to seriously consider incorporating the Subsistence Section strategy in the overall State response. With the expected support from AFN and similar groups, this line of comment may well have the greatest opportunity to achieve the desired goals of change.

The 10 year provision for subsistence harvest levels is completely unacceptable, as is the onerous provision for Federal oversight of fish

and game management. Adoption of the Park Service subsistence definitions and priorities has placed the USF&WS in the potentially untenable situation of applying more severe restrictions to "subsistence" use than to "nonsubsistence" use, while the former is the first priority use.

Within these comments we have used the term "nonresident" to refer to all persons not designated as "local, rural residents" for the purpose of these regulations. Also, the Subsistence and Game comments both list additional communities for inclusion as "resident zone" communities; such lists are to be considered additive.

Enclosure

Comments on Fish and Wildlife Regulations for Alaskan Monuments

and

Comments on Regulations Proposed by National Park Service for  
Alaska National Monuments

by

Alaska Department of Fish and Game

Game Division

September 17, 1979

**Comments on Fish and Wildlife Regulations for Alaskan Monuments**

**Part 96 - Administrative Provisions**

**Subpart A - Introduction**

96.11 **Purpose of regulations**

No comment

96.12 **Definitions**

No comment

96.13 **Other applicable laws**

No comment

96.14 **Scope**

These regulations (Parts 96-106) or any authority therefrom shall not apply in any emergency situation involving significant risk to human life or limb.

**Subpart B - Public Notices**

96.21 **General provisions**

(a) The public should be notified of any change in access or use by the following procedures:

- (1) official signs
- (2) special regulations
- (3) maps in office of monument manager and area director
- and
- (4) publication in major newspapers having general circulation in Juneau, Anchorage, Fairbanks and Nome

(b) In determining whether to modify public use, access or activity... monument manager shall consult with the State before imposing modifications. Such modifications shall be based upon significant evidence and not just administrative opinion or hearsay.

**Subpart C - Permits**

96.31 **General provisions**

No comment

96.32 **Permits required to be exhibited on request**

No comment

96.33 **Revocation or rejection of permits; appeals**

No comment

Subpart D - Fees and Charges

96.41 General provisions

No comment

Subpart E - Concessions

96.51 General provisions

No comment

Subpart F - Safety Regulations

96.61 Public safety

No comment

96.62 Reporting of accidents

No comment

Part 97 - Public Entry and Use

Subpart A - Introduction

97.11 Purpose of regulations

No comment

Subpart B - Public Entry

97.21 General trespass provision

(b) add domestic goats to list of animals prohibited from general access to monuments.

97.22 General regulations on entry

No comment

97.23 Exception for entry for economic use privileges

No comment

97.24 Exception for emergency access

No comment

Subpart C - Public Use and Recreation

97.31 General provisions

No comment

97.32 Recreational uses

No comment

97.33 Special regulations

Without knowledge of "procedures contained in the Departmental Manual," which presumably provide public hearings, State input, etc. into process of making "special regulations," one cannot intelligently comment in detail on this matter.

97.34 Special regulations concerning public use, etc. (reserved)

No comment

97.35 Cabin sites

There does not appear to be any good reason for not allowing use of previously occupied cabins for all recreational purposes. Special use permits for such purposes should be issued to the owner on a renewable, 5-year basis for the lifetime of the owner. Such permits should only be revoked for sufficient cause. Permittees should be notified in advance of such revocation and be permitted to correct any circumstance(s) which is the basis for revocation.

97.36 Public assemblies and meetings

No comment

97.37 Guiding operations

No comment

Part 98 - Prohibited and Restricted Acts

Subpart A - Introduction

98.11 Purpose of regulations

No comment

Subpart B - Taking Violations

98.21 General provisions

No person shall take any animal or plant...except as authorized under this Subchapter H, except in any emergency involving significant risk to human life or limb.

Subpart C - The Use of Vehicles

98.31 General provisions regarding vehicles

No comment

98.32 Boats

No comment

98.33 Aircraft

(c)(3) Immediate salvage of valuable parts by the operator of downed aircraft is permissible without permit.

(d) Closures or restrictions shall be published in newspapers of general circulation in Juneau, Anchorage, Fairbanks and Nome on 4 consecutive weeks.

Subpart D - The Use of Weapons

98.41 Fireworks and explosives

No comment

98.42 Firearms

No comment

98.43 Weapons other than firearms

No comment

Subpart E - Injuring or Damaging Plants and Animals

98.51 Disturbing, injuring and damaging plants and animals

No comment

98.52 Introduction of plants and animals

Although the intent of this regulation is to prevent the introduction of unwanted plants and animals into National Monuments, the wording is so broad as to extend the prohibition beyond what is needed or desirable. The language should be more precise, as this wording could affect the foodgathering activities of local subsistence users.

Subpart F - Actions Against Real or Personal Property

98.61 Destruction or removal of property

No comment

98.62 Search for and removal of valued objects

No comment

98.63 Mining

No comment

Subpart G - Unauthorized Use of Light and Sound Equipment

98.71 Motion or sound pictures

Without knowledge of the "provisions of 43 CFR Part 5" it is difficult to comment on this otherwise unacceptable restriction. Who or which of the values to be protected by the monument function would be hurt by taking movies for "subsequent commercial use" as long as it did not involve undue harassment of wildlife? Harassed wildlife do not make good movie actors. They run away. How about commercial still photos?

98.72 Audio equipment

No comment

Subpart H - Personal Conduct

98.81 Alcoholic beverages

No comment

98.82 Possession and delivery of controlled substances

No comment

98.83 Interference with persons engaged in authorized activities

No comment

Subpart I - Miscellaneous Prohibitions

98.91 Private structures

No comment

98.92 Unattended or abandoned property

The inclusion of adequate provisions to allow for storage and use of essential equipment for such activities as commercial and subsistence fishing and trapping is critical.

This part dealing with rights-of-way, easements, fees therefore, etc. are beyond our competency to offer constructive criticism. Perhaps our habitat or land specialists can comment appropriately.

Part 101 - Feral Animal Management

Subpart A - Feral Animals

101.11 Control of feral animals

No comment

101.12 Disposition of feral animals

add: or may be humanely destroyed.

Part 102 - Fish and Wildlife Species Management

Subpart A - Surplus Fish and Wildlife

102.1 Determination of surplus fish and wildlife populations

This regulation should include appropriate wording requiring the concurrence of the State in any determination of surplus or lack thereof. If concurrence between the State and Service cannot be achieved the available data should be submitted to a disinterested wildlife expert for analysis and resolution, e.g. expert committee of Wildlife Society.

102.2 Methods of surplus fish and wildlife population control and disposal

add: (3) use in bona fide scientific studies requiring sacrifice of animals for collection of specimens for laboratory analysis.

Subpart B - Terms and Conditions of Fish and Wildlife Reduction and Disposal

102.11 Donation and loan of fish and wildlife specimens

No comment

102.12 Commercial harvest of fishery resources

No comment

102.13 Official animal control operations

No comment

102.14 Trapping and sport hunting and fishing programs

No comment

Subpart A - General Provisions

103.11 Sport hunting authorization

add: Such closure or restriction of sport hunting shall only be instituted following consultation with and agreement from the State, and be based on valid scientific data, and not simply a matter of unilateral opinion of either party.

103.12 General provisions

(c) add: by either jurisdiction

(3) ...will be published in the Federal Register,

add: in local newspapers in Juneau, Anchorage, Fairbanks, and Nome during 4 consecutive weeks and...

103.13 Procedure for publication for special regulations

(t) Special regulations shall be initiated only with the concurrence of the State.

103.14 Migratory game bird special regulations (reserved)

No comment

103.15 Big game and small game special regulations for individual national wildlife monument areas (reserved)

All regulations applying to big or small game shall be in compliance with State regulations and will not be published except with the concurrence of the State.

Part 104 - Sport Fishing

104.11 Sport fishing authorization

add: ...but only after concurrence of the State.

104.12 General regulations

No comment

104.13 Procedure for publication of special regulations

(e) Special regulations may be amended as needed but only after consultation with the State and on the grounds of significant scientific data.

## Subpart A - General Provisions

### 105.11 Trapping authorization

add: Such restrictions shall be imposed only after consultation with the State and will not be in conflict with maximum sustained yield management principles.

### 105.12 General provisions

No comment

## Subpart B - Trapping Program

### 105.21 Trapping program

add: Such restrictions shall be imposed only after consultation with the State and will not be in conflict with maximum sustained yield management principles.

## Part 106 - Subsistence

### Subpart A - Introduction

#### 106.11 Purpose and policy

(a) Unlike the NPS regulations, the "local rural resident" is not identified in this section by village of residency. Are we to assume that only villages located within the Yukon Flats and Becharof Monuments qualify as residences of "local rural residents?" Are all "local rural residents" going to be identified by individual special permits at the discretion of the monument manager?

(b) (2) The comments in our earlier memo and those of the Subsistence Section clearly point to this restriction as providing the greatest potential for loss of subsistence use privileges in National Park Monuments. Inclusion in Fish and Wildlife Monuments is neither reasonable nor justified since the proclamations and Fish and Wildlife policy state "subsistence shall be the first priority consumptive use," and this provision places a limit on the resources that may be allotted to subsistence users but leaves "nonsubsistence" use open ended.

(3) add: Such restrictions or prohibitions shall not be imposed prior to consultation with the State.

#### 106.12 Definitions

(3) We have commented at length in the NPS analysis on the use of the phrase "customary trade" to describe commercial trapping, i.e. trapping furbearers for pelts which are then sold for money. Since commercial trapping is allowed in Fish and Wildlife Monuments, it is imperative that "subsistence" trappers be allowed to sell furs as well.

Subpart B - General Provisions

106.21 State regulation of subsistence uses

As iterated in my previous memo, the State program for regulation of subsistence uses legally applies unless specifically superceded by Federal regulation. The provisions of 106.21 (b) which require State enactment of the "10 year" maximum harvest level before State regulations apply, is not acceptable. The carrot is State control, the stick is found in 106.21 (d) whereby if the State does not adopt a regulatory program in compliance with (b) then the Area Director may impose seasons, bag limits, etc... "and may also include the closure of all or part of the affected monument to all consumptive users of a particular species of fish or wildlife except subsistence."

106.22 Use of snowmobiles and motorboats for subsistence activities

(a) Notice of restrictions shall be published weekly in newspapers of general circulation in Anchorage and Fairbanks for 4 consecutive weeks...

All restrictions will be shown on maps...and by posting of signs in the vicinity, etc....

106.23 Subsistence use of timber and plant material

No comment

106.24 Closure to subsistence uses

Notice of intent and also final action shall be published weekly in newspapers in Anchorage and Fairbanks on 4 consecutive weeks before and also after final action.

13.1 Definitions

(e) Definition of firearm includes so-called air rifles which are not firearms in any legal or technical sense.

(k) The term temporary means period of time not to exceed 60 days.

13.2 Applicability and scope

None of the restrictions in 36 CFR Part 13 apply in any situation involving risk to human life or limb.

(e) ... (including Indian and Eskimo lands...)

Subpart A - Public Use and Recreation

13.10 Access

(a) This section should specifically include language providing access to Park lands by persons without occupancy rights for recreational purposes without requirement for permit. No reasonable mode of access should be prohibited where resultant environmental damage is negligible.

13.11 Aircraft

(g) Taking of valuable components from disabled aircraft by owner at time of "rescue" should not require a permit. Illegal salvage can take place very rapidly regardless of State or Federal regulations. It should not be up to the discretion of governmental authorities whether or not a person can salvage his private property from public lands upon which the property is legally placed. An individual's right to ownership of private property should not be alienated for other than just cause... The means of salvage may require some regulation, but not the right to salvage one's own private property.

13.12 Cabins and other structures

(d) This paragraph should be clarified regarding the legality of making "small repairs" to cabins occupied under permit. For example, if a falling limb punctures the roof, breaks a window, etc., it should be permissible to make repairs. A reasonable alternative might be to issue one non-transferable permit for the lifetime of the owner(s), and allow repairs as necessary without restriction? (i.e. cabins built prior to March 25, 1974.)

13.13 Camping

(c) and (d) Temporary or permanent closure of specific areas to camping should include under all circumstances the posting of appropriate signs on the closed area in addition to other forms of legal notice.

Notices of closure should be published in local papers in Juneau, Anchorage, Fairbanks, and Nome for four consecutive weeks. The most certain way for persons to be informed of illegal camping is by posting those areas in which camping is illegal. Regulations should maximize convenience to public.

13.14 Commercial fishing operations

No comment

13.15 Firearms, traps, and weapons

(a) In the "section by section analysis" it is implied, if not stated outright, that the only reason for a recreationist having a firearm in a monument is for purposes of preventing "injury or loss of life inflicted by dangerous animals." Firearms are useful in the wilderness not only in emergencies involving protection from dangerous animals (e.g. bears, rabid animals, rutting moose, etc.) but also for emergency signaling, taking of food or securing shelter (the body cavity of a recently killed moose is good shelter from freezing). Regulations regarding firearms possession are enacted in the interests of public safety. Such regulations may be appropriate in areas where human densities are high and human/human interactions are the principal threats to health and well being. Such traditional thinking must, however, be modified to accommodate the exigencies of bush life in Alaska, where human densities are very low and most threats to the health and well being of visitors arise from natural forces.

(c) and (d) In those instances where special regulation of firearms by NPS edict is unavoidable, it should be mandatory upon NPS personnel to adequately post such temporary or permanent control areas, in addition to the other normal means of informing the public. Notices of restrictions should be prominently published in local papers of general circulation in Juneau, Anchorage, Fairbanks, and Nome during 4 consecutive weeks.

(e) No comment

13.16 Motorboats

(c) and (d) Temporary or permanent closures or restrictions should be announced in at least one newspaper of general circulation for 4 consecutive weeks in each of the following cities: Juneau, Anchorage, Fairbanks, and Nome and by posting of appropriate signs.

13.17 Off-road vehicles

(b), (3) and (4) Routes specifically open or subject to restricted use or temporary closure should be identified by appropriate posting, and on maps available from Superintendent.

13.18 Picnicking

Since no standards are announced by which areas closed to picnicking are determined it is assumed that such closures will not be made in a capricious fashion or solely for the convenience of the Park Service.

13.19 Preservation of natural features

(a) Prohibitions against use of dead or downed timber as fuel for campfires should be:

- (1) published in general newspapers in Juneau, Anchorage, Fairbanks, and Nome during 4 consecutive weeks,
- (2) designated on maps at monument headquarters,

and

- (3) by adequate and appropriate posting.
- (4) such dead or downed timber can be used at any time or place despite restrictions in emergencies

(b) The superintendent will (not may) permit...gathering for non-commercial use (not just personal)...

added: (5) clams, shellfish and other edible seafood for prompt, non-commercial use as food.

Portions of a park area where such gathering is restricted shall be:

(1) published in general newspapers in Juneau, Anchorage, Fairbanks and Nome on 4 consecutive weeks;

(2) designated on a map...

and

(3) by appropriate and adequate posting

13.20 Snowmobiles

(a) The use of snowmobiles is permitted in all monuments except where specifically prohibited.

(b) - (2) Notice of opening or closing of area for snowmobile use shall be published in Federal Register and in general newspapers in Juneau, Anchorage, Fairbanks and Nome on 4 consecutive weeks and public will have at least 60 days following last publication to comment.

(3) Routes and areas on which snowmobile use is permitted will be:  
1) designated by posting

and

2) by marking on a map...

(4) Restricting or temporary closure of any route or area will be by both:

1) appropriate posting

and

2) marking on a map...

13.21 Unattended or abandoned property

- (b) Superintendent may...
- (2) establish reasonable limits...
  - (3) prescribe reasonable and adequately protective manner...
  - (4) designate areas...property may be left for reasonable periods of time...

Such designations and restrictions shall be published in Federal Register, designated on map...and published in general newspapers in Juneau, Anchorage, Fairbanks, and Nome on 4 consecutive weeks.

Subpart B - Subsistence

13.40 Purpose and policy

Subpart (a) provides for subsistence use privileges to local rural residents "who comply with applicable State and Federal law." The implication is that of limited entry with a potential permit denial to anyone who fails or has failed to comply with State or Federal law. Reasonable flexibility should be retained to allow continued use by persons who at one time violated a fish or game law.

(b), (1) The term "Whenever it is necessary to restrict..." may be interpreted differently by State and Federal agencies. A mechanism should be proposed for joint consultation and decision-making on this important point.

(b), (2) As previously iterated, the 10-year mean harvest concept is the single most detrimental regulation to be applied to subsistence use. Data are not and cannot be made available to support such arbitrary figures. The concept ignores population fluctuations of fish, game, and humans as well as changes in usage based on availability of alternate resources.

(b), (4) Wildlife may be taken by anyone at anytime there is unforeseen threat to human life or limb involving:

- (a) bodily harm
- (b) potentially rabid animals
- (c) starvation
- (d) exposure to elements (e.g. use of caribou skins to prevent freezing)
- (e) other threatening circumstances

13.41 Definitions

(a) The definition of family excludes any member who is not a local, rural resident from legally sharing in the subsistence caught bounty of his family. Arbitrary distinctions such as these tend to operate against customary and traditional usage and family ties.

(d), (2) The limitation of "customary trade" to the exchange of furs for cash is an arbitrary one which runs contrary to past local practice in many instances. This regulation should be open ended to the extent that customary trade can be documented as having occurred.

13.42 Determination of resident zones

**Add:** The Department contends that available research was not utilized in determining resident zones for purpose of subsistence use of monuments. Listed communities should be expanded to include our recommendations under Subpart C, 13.70 et. seq.

13.43 Subsistence permits for persons who permanently reside outside a resident zone

No comment

13.44 State regulation of subsistence uses

These regulations are unacceptable to the State as drafted. Comments in the Subsistence Section response provide appropriate substitute wording and the rationale behind the change. A recent AAG's opinion holds that State authority to regulate does not have to be recognized or formally adopted by the Monument managers to exist. The Federal regulation drafters do not appear to be cognizant of this fact.

Although the Federal Government as the land owner may place certain restrictions on access and use, principally through regulation of trespass, the State's position is that the imposition of Monument status is illegal and subsequent rulings and regulations are similarly illegal. The position of the Boards of Game and Fish is that the State shall propose and implement reasonable regulations regarding hunting, fishing and trapping use in GMU's regardless of monument status. Further restrictions may be enacted and enforced by Federal authorities, but the State contends that such restrictions are illegal.

13.45 Prohibition of aircraft use

As iterated in our earlier response, the prohibition of aircraft use wrongfully distinguishes between methods and means and the subsistence user. Persons designated as legitimate subsistence users should have the option to fill subsistence needs by any reasonable means. Persons do not have to own aircraft to utilize them for hunting and fishing. Chartering is a common method of access.

The prior designation of communities under Subpart C before aircraft use is allowed precludes emergency use of this means of relief. The regulations should state (assuming the general ban is retained) "Aircraft use for subsistence purposes may be allowed by the Area Manager following adequate demonstration of need."

13.46 Use of snowmobiles and motorboats for subsistence activities

(a) No restriction of snowmobiles or motorboats should be imposed without prior public hearings in all affected villages (not just in the affected vicinity).

Notice of proposed or emergency closures should be published in a newspaper of general circulation within the resident area (not just within the state).

All restrictions should be shown on:

(1) maps in Superintendent's office

(2) notices in local post offices

and also

(3) by the posting of signs in the vicinity of the restrictions

13.47 Subsistence fishing

No comment

13.48 Subsistence hunting and trapping

No comment

13.49 Subsistence use of timber and plant material

No comment

13.50 Closure to subsistence uses

Notice of actions and reasons justifying them shall be published in at least one newspaper of general circulation within the affected area (not just within the state).

Subpart C - Specific National Monuments in Alaska

13.70 Aniakchak National Monument

(a), (1) add Meshik to resident zone

13.71 Bering Land Bridge National Monument

add: Brevig Mission, Teller, Nome, and Council to resident zone for Bering Land Bridge Monument.

13.72 Cape Krusenstern National Monument

No comment

13.73 Denali National Monument

(a), (1) add Nicolai and McGrath to resident zone; add Cantwell, McKinley Village, Healy, Colorado, Lignite, Hurricane, Talkeetna, Petersville, and Cache Creek to Denali Extension.

13.74 Gates of Arctic National Monument

add: Wiseman

(a), (2) Aircraft use: Allow on Noatak River above confluence with Nimiuktuk River.

The provision for use of aircraft in subsistence hunting by residents of Anaktuvuk allows such use only "in extraordinary cases where no reasonable alternative exists..." and then only by a presumably individual "permit issued by the Superintendent."

If the residents of Anaktuvuk are to be permitted to use aircraft as an uneconomic, non-traditional means of subsistence hunting, then all citizens in all resident zones of all monuments should also be permitted to do so.

13.75 Glacier Bay National Monument

No comment

13.76 Katmai National Monument

(a) Add villages of King Salmon, Naknek, and South Naknek to resident zone. Remove village of Egegik unless aircraft permitted and other villages included.

13.77 Kenai Fjords National Monument

No comment

13.78 Kobuk Valley National Monument

(a) Add Selawik and Kotzebue to resident zone.

13.79 Lake Clark National Monument

(a), (1) Add following villages to resident zone: Iliamna, Newhalen, Pedro Bay, Pile Bay and Seversens.

(2) No justification whatever to prohibit taking of Dall sheep just because cannot find recent evidence of use.

(b), (1) No need whatever to flatly prohibit use of motorboats on any lakes in monument. Occasional operation of rubber boats (e.g. Avon) with small outboard motors by recreationists can be controlled by permit and adequately preserve the so-called "ecologic integrity" of these lakes. While it is quite practical to haul in a rubber raft and small motor, it is impractical to haul in any normal canoe. A relatively small amount of motorboat use on these large lakes cannot in any conceivable way measurably alter the ecology.

13.80 Noatak National Monument

Allow aircraft above Nimiuktuk River confluence with Noatak River.

13.81 Wrangell-St. Elias National Monument

Add following villages to resident zone: Glennallen, Kennicott, Northway, Tetlin, Tok, Tonsina, Tazlina, Kenny Lake.

13.82 Yukon-Charley National Monument

Add Central, Chicken and Boundary to resident zone.

## APPENDIX

This Appendix contains detailed comments by the Alaska Department of Fish and Game on proposed final regulations for U.S. Fish and Wildlife Service and U.S. National Park Service Monuments. These comments serve as background for the State's overall recommendations on the proposed regulations.

The Appendix also contains an inclusive list of communities whose residents have used resources in the respective Monuments for subsistence purposes. The State recommends this list as the basis for establishing resident zones pursuant to Subpart C of the National Park Service regulations.

PROPOSED AMENDMENTS TO SUBPART C -  
SPECIAL REGULATIONS -  
SPECIFIC NATIONAL MONUMENTS IN ALASKA

In general, the State finds that the list of communities whose inhabitants have used Monument areas for subsistence purposes more or less traditionally is deficient. Therefore, the State proposes that the following revised list of communities constitute the basis for resident zones for the respective monuments.


- 13.70 Chignik, Chignik Lagoon, Meshik, Pilot Point, Port Heiden, Ugashik.
- 13.71 Brevig Mission, Buckland, Deering, Council, Kotzebue, Nome, Shishmaref, Teller, Wales.
- 13.72 Ambler, Buckland, Deering, Kivalina, Kiana, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, Shungnak.
- 13.73 Cache Creek, Cantwell, Colorado, Healy, Hurricane Lignite, McGrath, McKinley Village, Nikolai, Petersville, Talkeetna.
- 13.74 Alatna, Allakaket, Ambler, Anaktuvuk, Bettles, Hughes, Kobuk, Shungnak, Wiseman.
- 13.75 Yakutat.
- 13.76 Egigik, Igiugig, Kakhonak, King Salmon, Levelock, Naknek, South Naknek.
- 13.77 No change.
- 13.78 Ambler, Kiana, Kobuk, Kotzebue, Norvik, Selawik, Shungnak.
- 13.79 Iliamna, Lime Village, Newhalen, Nondalton, Pedro Bay, Pile Bay, Port Alsworth, Seversen's.
- 13.80 Anaktuvuk, Kivalina, Kotzebue, Noatak.
- 13.81 Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kennicott, Kenny Lake, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tazlina, Tetlin, Tok, Tonsina, Yakutat.
- 13.82 Boundary, Central, Chicken, Circle, Eagle, Eagle Village.

TO: [ John Katz, Special Assistant  
Office of the Governor

DATE: September 11, 1979

FILE NO:

TELEPHONE NO:

FROM: Tom Lonner, Chief   
Subsistence Section  
Department of Fish and Game

SUBJECT:

This short critique of proposed National Park Service regulations was prepared following a review of extensive comments prepared by Game Division, RurALCAP, Alaska Federation of Natives, and staff of the Subsistence Section, ADFG. The Subsistence Section agrees with many of the penetrating observations, questions, and alternatives appearing in these commentaries. However, since the Subsistence Section plays a particularly significant role in the State management system, the major differences between existing State and proposed Federal management systems should be noted.

These differences are somewhat surprising given the history of the State subsistence statute (SLA 960) and subsequent policy and procedure adopted by the Alaska Boards of Fisheries and Game. The State subsistence statute is a liberal, flexible section of law which has as its objective the protection of the subsistence priority on the use of Alaska's wild resources. It is written in such a way as to allow discretion in the manner of meeting subsistence needs and the introduction of scientific information to decision makers on changing subsistence needs and activities. Following enactment of this legislation, the Alaska Boards of Fisheries and Game adopted a policy statement and a set of procedures for explicitly meeting subsistence needs, consistent with the status of wild resources. These Board actions were encouraged in testimony from representatives of the Department of Interior and the National Park Service; the testimony assured the Boards that the policy and procedure were consistent not only with pending D-2 legislation but the upcoming subsistence regulations on National Monuments. It should be noted that the policy and procedure avoided both over-definition of subsistence and establishment of fixed criteria for subsistence eligibility and harvest levels. In effect, the new legislation and procedure tended to reflect and protect the day-to-day reality of subsistence but not restrict or otherwise alter that reality.

It was the expectation by the Subsistence Section that subsequent Federal actions would be consistent with these State actions. Based on extensive reading of subsistence studies conducted by Park Service, the Subsistence Section anticipated regulations based on findings of these studies. The studies unequivocally and uniformly note the inability to establish historical harvest levels due to lack of data; they also note the inability to explain or project the considerable fluctuations in the availability of the constellation of subsistence resources and consequent subsistence harvest levels.

It was with considerable dismay that the Section discovered in Park Service regulations the clear intention to carefully circumscribe subsistence harvest levels, participation, and other activities without documentation supporting the need or utility of such regulation. These regulations will alter the subsistence reality, creating changes in human activities with unpredicted and unpredictable consequences in the human and natural environments.

While both State and Federal policy clearly support continuation of subsistence, differences between State and Federal regulations are quite clear. The State annually utilizes procedures to establish harvest limits sufficient to the needs of subsistence users and status of the resources. Federal regulations intend to establish an annual harvest level (based on very recent historical analysis) and to manage activities within that level, regardless of changing human and environmental conditions.

The Subsistence Section does not understand how setting such conservative restrictions furthers Park Service's purposes, i.e. protecting:

- 1) Subsistence as a valued activity
- 2) Subsistence users and their cultural heritage
- 3) Wild Resources
- 4) Interests of other park users

It is not assumed that the Park Service intends to sacrifice some or all of these values for sake of administrative simplicity. However, the Subsistence Section suggests that the Park Service has selected a singularly inappropriate tool to achieve its purposes.

The park Service appears to have no vital stake in harvest levels per se. Biological monitoring, harvest levels, bag limits, seasons and salvage are more appropriately the concern of wildlife managers, in this case, the Alaska Department of Fish and Game. However, the Park Service does have a powerful vested interest in maintaining certain levels and mixes of wildlife populations.

The Subsistence Section suggests that the Park Service delete all language dealing with harvest levels and, concurrently, introduce extensive language describing its goals for wildlife within its boundaries. For example, it might quantify its goals into species density per unit area, balance among species, and so on. The Department of Fish and Game would then manage toward these objectives within fluctuations of human and environmental conditions. For example, losses within the constellation and subsistence resources can be offset with normal and sensitive management tools. Similarly, alterations in subsistence harvest, due to changing economic and population dynamics, can be easily accomplished without endangering any of the purposes of the Park Service or involving the Park Service directly in wildlife management.

Two additional benefits would flow from this approach:

- 1) State management of subsistence would be consistent across all Alaska lands and species.
- 2) Trends and patterns in resource availability and harvest which have characterized subsistence dependency and for centuries would not be immediately and irremediably constrained by limitations based on analysis of a single decade.

APPENDIX A  
SUBSISTENCE SECTION COMMENTS

Overall: The most disturbing element of the proposed regulations is the lack of any intention to regulate and zone nonresident visitor access to Alaska National Monuments. Presidential Proclamations which established the monuments cited the subsistence lifestyle as a value to be protected. Over-regulation of subsistence, as reflected in the proposed regulations, will erode subsistence into a facsimile of the original activity, while lack of regulation of non-resident visitors will allow conflicts with subsistence to occur to the detriment of both the quality of the visitor experience and the protection of subsistence activities.

Other disturbing themes in the proposed regulations include Park Service intentions to supercede State fish and game management authority, and NPS intentions to use economic dependency criteria to evaluate subsistence users.

Sec. 13.1 (k) "temporary" is defined as a period of time not to exceed 12 months. A number of sections (13.11, 13.13, 13.15, 13.16, 13.20) permit "temporary" closures or restrictions upon the discretion of a monument superintendent without prior notice, comment, or explanation. Consequently, closures or restrictions which may engender considerable personal and community hardship may be imposed for up to a full year without a preliminary finding of immediacy, without prior notice to affected local residents, without consideration of the impact of such administrative action upon affected local residents and communities, and without opportunity for public comment. A 60 day limitation, rather than one year, and followed by public hearings in the locale affected is more consistent with the time frame for emergency action established in sections 13.46(a) and 13.50. (These comments follow directly from and are consistent with the draft comments of the Alaska Federation of Natives)

13.10 (a) Should be amended to read "...valid property, occupancy or subsistence use interest in land..." etc. Explanation: This change is in keeping with the protection of traditional travel routes used to gain access to lands for subsistence purposes.

13.11 (b) Should be amended to read "...shall be guided by factors such as the potential for conflicts with subsistence uses, other public uses..." etc. Explanation: The potential for conflict between subsistence activities and aircraft is high. The monument superintendent should consider this factor.

13.13 (b) Should be amended to read "...shall be guided by factors such as the potential for conflicts with subsistence use, other public uses..." etc. Explanation: Non-resident camping in the immediate vicinity of ongoing subsistence activities may interfere or conflict with subsistence users.

13.14 Delete in entirety. This section suggests that the Park Service may supercede State authority to manage commercial fisheries. Furthermore, it is not clear whether a permit is proposed to be issued to each fisherman or the fishery as a whole.

13.15 (b) Should be amended to read "...shall be guided by such factors as subsistence uses, other non-resident visitor uses, public health and safety..." etc. Explanation: Subsistence uses of firearms should have clear and separate consideration in any plan to restrict the use of firearms on National Monument lands.

13.15 (f) This regulation is extremely important. It should be left intact.

13.16 (b) Should be amended to read "...shall be guided by factors such as the potential for conflict with subsistence uses, other public uses..." etc. Explanation: The superintendent should be careful to restrict non-resident use of motorboats where they interfere with subsistence activities, and on the other hand be careful not to impose restriction which would preclude motorboat support of subsistence activities.

13.17 (b) (1) Should be amended to read "...shall be guided by factors such as the potential for conflict with subsistence uses, other public uses..." etc. Explanation: The superintendent should consider whether non-resident use of off-road vehicles conflicts with subsistence activities. Conversely the superintendent should consider whether restriction of off-road vehicles would limit subsistence uses.

13.17 (b) (4) Should be amended to read "...reduce conflicts between different land uses, provided that subsistence uses shall be the priority use." Explanation: Uses of Alaska National Monument lands towards the end of subsistence should have priority over other land uses.

13.20 (b) (1) Should be amended to read "...shall consider such factors as the potential for conflict with subsistence uses, other public uses..." etc. Explanation: 1) Extreme care must be used to ensure that non-resident users of snowmachines do not interfere with existing subsistence activities. 2) Designated areas of recreational snowmachine use should not include areas of subsistence use. 3) The volume of recreational snowmachine use should not be so large as to cause degradation of natural values of the area.

13.21 (a) Add to the existing language: "Provided that the superintendent shall take into consideration the traditional and seasonal subsistence uses in controlling unattended personal property."

13.21 (b) Add to the existing language: "Provided that the superintendent shall take into consideration the traditional and seasonal subsistence uses in controlling unattended personal property." Explanation: (for both 13.21 (a) and (b) changes) In Kobuk Valley National Monument, tent frames and fish racks are often left intentionally for subsequent use the following year. Similarly traps, wood stoves, tent frames, and other gear are often left unattended for use the following winter. It is likely that this situation also occurs in Noatak National Monument and Gates of the Arctic National Monument.

13.40 (a) Delete in entirety and substitute: "The purpose of this support is to provide for the spatial and temporal regulation of non-resident visitation in the Alaska National Monuments such that non-resident visitation does not interfere with existing subsistence uses and activities." Explanation: 1) The purpose of this new language is to protect the subsistence lifestyle. Reference Presidential Proclamations 4612-4619, 4621, 4622, 4624-4627, which establish that the continued existence of the unique subsistence culture of local residents is a value to be protected (sic). (Federal Register, Dec. 5, 1978). 2) It is the intent of this new language to protect the subsistence lifestyle from adverse impacts, rather than to decimate subsistence values through regulation. 3) Visitation may be easily regulated towards a positive visitor experience in Alaska National Monuments. There is ample precedent in the policies and regulations of the National Park Service in the contiguous lower 48 states that visitor access and use must sometimes be regulated to protect existing monument values. In Alaska the subsistence lifestyle is an existing, desirable, and even more sensitive monument value.

13.40 (b) Delete the word "consumptive" where the word occurs. Explanation: The taking of fish and game resources for human food should be the priority use of the Alaska National Monuments.

13.40 (b) (2) Delete in entirety. Explanation: 1) This policy is a usurpation of the State of Alaska's right to manage fish and game resources. 2) This policy does not make good biological sense. Cyclic and non-cyclic annual population fluctuations, and variations in the cycles themselves often occur over periods longer than 10 years in the Arctic. 3) There is historical precedent for increasing subsistence use in that the NANA region once supported a much larger population totally on subsistence activities. 4) There is not enough existing data on subsistence use and need to be able to make final determinations of quantities of resources harvested. 5) Subsistence harvests vary with the relative abundance of each species. If, for example, caribou are very low one year then the salmon harvest may be high in response. Strict subsistence harvest quotas would preclude these natural variations. 6) Does "significant expansion" refer to the amounts of resources harvested or the number of people participating in a subsistence lifestyle?

13.40 (b) (3) Delete in entirety. Explanation: 1) If the safety of visitation is threatened by subsistence use, then visitation should be regulated, not subsistence. 2) Subsistence should not be regulated for the nebulous reason of "administration." 3) The Alaska Dept. of Fish and Game should make any determination of the necessity of curtailing harvests, not the National Park Service.

13.41 (a) As the subsection now stands a person must not only be a member of the family of a rural resident but also himself be a rural resident. Such an approach keys "family" not on biological or psychological relationships between human beings, but rather on the place of domicile of all members of the family unit. Application of the proposed definition would result in the anomaly of an Alaska Native raised in a village but now domiciled in a non-rural area being unable to participate at the family dinner table during a visit to his village in the consumption of a moose or caribou taken by his father or brother in a national monument. The insertion of this additional eligibility requirement in the definition of "family" reflects a troubling lack of appreciation of the cultural values which are recognized and protected by the language of the monument proclamations which establish the continuation of the subsistence way of life as an important value to be protected within monument areas. (Taken verbatim from draft AFN comments on proposed monument regulations.)

13.41 (b) The monument proclamations which provide the legal justification for the promulgation of these regulations speak only to subsistence uses by "local residents," not by "local rural residents." Since the definition of "subsistence uses" includes the threshold requirement of rural residency, the use of the term "local rural residents" may prove confusing to persons unschooled in the evolution of the subsistence lexicon. The term should be changed to "local resident." (Taken verbatim from AFN draft comments on proposed monument regulations.)

13.41 (c) The commitment to the protection of the subsistence way of life includes provision for allowing local residents to continue in that way of life if, and to the extent, they (not NPS or the State of Alaska) choose to do so. Local residents with established patterns of subsistence uses within monuments must be permitted to continue such uses. Consequently, "resident zones" should be areas within, or communities and areas near monuments in which persons with established patterns of subsistence uses reside. An analysis of the overall degree of dependence of such persons on subsistence resources within a monument as the mainstay of livelihood, or of the percentage of subsistence needs of such persons which are satisfied by resources within a monument vis-a-vis resources outside the monument are not relevant to the identification of a "resident zone" and reference to those types of criteria should be eliminated from the definition. (Taken verbatim from AFN draft comments on proposed monument regulations.)

13.41 (d) (2) Delete in entirety and substitute:

"Customary trade shall mean--

- (i) the exchange of furs for cash; and
- (ii) the exchange of other fish, wildlife, and plant resources, or their parts, for cash as may be designated in subpart C of this part.

Explanation: 1) In Cape Krusenstern National Monument, beluga are harvested and the white muktuk is bartered for goods or cash. (?) Parts of animals used for craft purposes are often initially sold or traded before being fashioned into functional or artistic objects.

13.42 "Resident zones" should be based upon the identification of communities and areas in which concentrations of persons who have established patterns of subsistence uses within adjacent monuments reside, and not upon an additional determination of the degree to which such persons depend upon the harvest of subsistence resources within a monument as "the mainstay of their livelihoods." (Taken from AFN draft comments on proposed monument regulations.)

In the first place, sufficient data to support such judgements do not exist and would be extremely difficult to collect. Secondly, such a system would be very difficult if not impossible to administrate equitably. If permits for subsistence must be issued, they should be issued on a community basis only.

13.43 The previous discussion of the economic dependence criteria and other problems in section 13.42 is also applicable to 13.43 (a) (1). This situation -- persons who reside outside a resident zone -- is the only situation where it should be necessary to issue "subsistence permits" to individuals. All other permits should be issued to communities. An additional subsection (a) (3) should be added in order to provide for hardship exemptions in the discretion of the superintendent.

Denial of a permit to engage in subsistence works a hardship only on the applicant. Time is not of the essence here for the National Park Service. The appeal period should be extended from 60 to 180 days, with authorization to the Director to waive the 180 day limit for good cause.

Subsection (d) must be modified to ensure that every applicant who is denied a permit by the superintendent shall be entitled to a hearing before the Alaska Area Director at a reasonable location in the applicant's area of residence. As drafted, this section leaves entitlement to an evidentiary hearing to the discretion of the Director, a situation inconsistent with recognized constitutional principles relating to so valuable a property right, Pence v. Kleppe, 529 F. 2nd 135 (9th Cu., 1976) (taken from AFN draft comments on proposed monument regulations.)

13.44 (a) Should be amended to read, "The State of Alaska may regulate, in a manner consistent with sound scientific resource management practices, the taking of fish and wildlife within Alaska National Monuments by local residents for subsistence purposes, by any

qualified persons for commercial fishing purposes, and by any qualified persons for sport fishing purposes." Explanation:

1) The State of Alaska must retain its constitutional right to manage fish and game resources within Alaska National Monuments. 2) It is proper that State management be challenged on the basis of its scientific propriety. This is a healthy process and will result in better management. It would be improper for the National Park Service to question State management on the basis of differing philosophies of management (perceived natural population stasis vis-a-vis perceived harvestable increments, for example), on the basis of differing administrative viewpoints (licensing procedures), or on the basis of permitted methods of harvest (possible disputes over the caliber of a weapon necessary to harvest certain big game). 3) The National Park Service must understand the deleterious, confusing effect that several different sets of harvest limits and means would have on the subsistence user. In the NANA region, for example, it is conceivable that an Inupiat hunter from Kotzebue would have to recognize several different sets of new monument boundaries, the different set of resource rules which apply to each boundary and the rules which apply outside the boundaries, and would potentially have to possess three or four sets of hunting permits. It would be much better to have one consistent set of harvest rules for each Game Management Unit now in existence under State management.

13.44 (c) Delete in entirety. Explanation: 1) The Alaska Area Director of the National Park Service must not have the authority to supercede State resource management anywhere within Alaska. 2) There are no expressed scientific criteria in consideration of which the Alaska Area Director must rely in making a decision under this paragraph. He may not be qualified to make such scientific judgements. 3) The regulatory program used by the State of Alaska to control, "methods and means of take, access, season lengths, bag limits, and harvest quotas..." depends upon a system of local and regional fish and game advisory boards which provide local input for the statewide Boards of Fish and Game. The state boards compare these inputs with the best available scientific knowledge from the Department of Fish and Game, and reach a decision concerning resource harvest regulations. The National Park Service has not provided any comparable means of local, representative input into the Alaska Area Director's decision making process before a restrictive decision is made.

13.44 (d) Delete in entirety. Explanation: 1) An appeal process should necessitate a review of the problem by an authority higher than the Alaska Area Director, the entity who is responsible for imposing federal authority over state authority in the first place. As a corollary, in the federal and state court system, the same judge who applies a ruling is not authorized to review an appeal concerning that same ruling. 2) Consistent with the discussion of 13.44 (c), the National Park Service should not have the authority to supercede State fish and game management.

13.44 (e) Delete in authority. Explanation: See discussion under 13.50.

13.46 (a) Should be amended to read "...shall consider factors such as possible conflicts with subsistence uses, effects on public health, ..." etc. Explanation: Subsistence uses should be the principle criteria in any restrictive decision which might adversely affect the taking of food by local residents.

13.46 (b) The second sentence in this subsection should be deleted. Explanation: The current phrasing of 13.46 (b) is unnecessary as it duplicates existing State law.

13.49 This section should be modified to clarify that "the specifications of a permit" issued pursuant to this section may not include a requirement that fair market value, or other fees or charges, be paid for house logs or other plant materials. In the NANA region a sufficient cash economy does not exist within the subsistence lifestyle to pay such fees. (Adapted from draft AFN comments on proposed monument regulations.)

In addition, such permits as specified in this section should be available to communities as well as individuals. The taking of house logs or other plant materials is often a community effort as well as an individual effort.

13.50 Add to the existing language, "Provided that such closure authority as described in this section shall not supercede the scientific determination of proper resource harvest levels and subsistence needs as determined by the State of Alaska." Explanation: 1) The authority granted the superintendent under the proposed regulation is far too broad with respect to the deleterious effects such restrictive actions might have on subsistence users. 2) "Administration" is not sufficient cause for closure of subsistence activities. 3) If "Public safety" factors are at stake, then non-resident visitation should be restricted or curtailed, not the taking of food by subsistence users. 4) If the "...continued viability of one or more populations of fish, wildlife, or plants" is at stake, then the State of Alaska should be notified so that existing emergency harvest closure authority may be implemented. The superintendent does not necessarily have the scientific background or judgement to make such decisions. 5) There is no provision in this section for local comment before an emergency closure of subsistence harvest is imposed. If it were determined, for example, that the beluga harvest at Shesolik (within Cape Krusenstern National Monument) must be closed due to a threat to recreational boating, a 60-day closure could be imposed without consultation with local residents. Such closure would impose a severe hardship on subsistence users of beluga.

13.71 Kotzebue should be included in the list of communities lying within the resident zone. Based on a 1972 survey of subsistence activities and harvest (NANA, 1974) (NANA, unpubl.). Kotzebue residents use areas within Bering Land Bridge National Monument for subsistence purposes.

13.72. The following communities should be added to the list of communities included within the resident zone:

Kobuk  
Shungnak  
Ambler  
Kiana  
Noorvik  
Selavik  
Buckland  
Deering

Based on historical data of general knowledge and a subsistence survey conducted by NANA in 1972 (NANA, 1974)(NANA, unpubl.). the Cape Krusenstein coastal area, especially Shesolik, has always been an area of congregation for region residents on an annual basis. A large enough data base on the amount and regularity of this use does not yet exist to exclude any regional communities from the Cape Kruseustern National Monument resident zone.

Also, Section 13.14 in the proposed regulations should not apply to Cape Krusenstern due to the existing commercial fishery.

13.78 The following communities should be added to the list of communities included in the resident zone:

Selavik  
Noatak  
Kotzebue

Based upon a subsistence survey conducted by NANA in 1972 (NANA, 1974) (NANA, unpubl.), Selavik, Noatak, and Kotzebue subsistence users have traditionally used the area within Kobuk Valley National Monument.

13.80 The following communities should be added to the list of communities included within the resident zone:

Kobuk  
Shungnak  
Ambler  
Kiana  
Noorvik

Based upon a subsistence survey conducted by NANA in 1972 (NANA, 1974)(NANA, unpubl.) Kobuk, Shungnak, Ambler, Kiana, and Noorvik have all traditionally used the area within Noatak National Monument for subsistence purposes.

Proposed Additions to the  
Proposed Regulations for  
Alaska National Monuments

Under Subpart B, a new regulation:

13.51 Regulation and Closure of non-Resident Visitation

The superintendent, upon notification by a representative body of a community or region included in the resident zone for an Alaska National Monument, or upon the advice of the State of Alaska, and after adequate notice and informal public hearings, shall have the authority to regulate by permit the volume and timing of non-resident visitors entering particular areas within the affected Alaska National Monument. The superintendent shall also have the authority to close particular areas within an Alaska National Monument to non-resident visitors pursuant to the criteria listed in this section and (a).

(a) The superintendent, in determining whether to regulate by permit or close non-resident visitor access to a particular area within an Alaska National Monument shall consider such factors as potential or actual conflicts with subsistence users, interference with subsistence activities or access, public safety, soil, vegetation, fish or wildlife, fish or wildlife habitat, endangered or threatened species or their habitats, historic or scientific values, or other management considerations consistent with monument purposes.

(b) Such regulation by permit, or closure, of non-resident visitor access by a superintendent shall remain in effect for up to 180 days, at which time the public shall be afforded the opportunity to appeal the restrictions to the Alaska Area Director. Within 30 days the Alaska Area Director shall hold an informal public hearing regarding the appeal. If the actions taken by the superintendent are deemed appropriate by the Alaska Area Director, the superintendent pursuant to (a) of this section, may continue the regulation by permit, or closure, to non-resident visitation for up to one year, at which time further appeals may be heard.

Explanation: 1) This regulation would be consistent with the proposed changes in 13.40 (a), which states in essence that non-resident visitation may have to be regulated in order to protect subsistence use.

2) Uncontrolled non-resident visitation may have an adverse effect on the values of a monument. There is ample precedent in existing National Park Service regulations in lower 48 monuments, that visitation must sometimes be controlled in order to preserve existing monument values/

3) If residents of a community included in a resident zone feel or can show that non-resident visitation is adversely affecting their subsistence activities in a monument, they should have the right and the means to request control of visitation.

## Literature Cited

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NANA, 1974. Resources Harvested in the NANA Native Region, In; Subsistence Harvests in Five Native Regions; Anchorage, Alaska; the Joint Federal-State Land Use Planning Commission for Alaska, Resource Planning Team, pp. 9-13.

NANA, 1979. Personal communication. (Unpublished maps of seasonal subsistence use zones for each community as a result of NANA's 1972 subsistence survey.)

**· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
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PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
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TESTIMONY OF THE HONORABLE JAY S. HAMMOND  
GOVERNOR OF ALASKA  
U.S. DEPARTMENT OF THE INTERIOR  
HEARINGS ON PROPOSED NATIONAL MONUMENT REGULATIONS  
August 15, 1979

GOOD AFTERNOON: MY NAME IS JAY HAMMOND, GOVERNOR OF ALASKA. WITH ME TODAY IS JOHN KATZ, MY SPECIAL COUNSEL FOR ALASKA LANDS. I APPRECIATE THIS OPPORTUNITY TO PRESENT THE STATE'S POSITION ON THE REGULATIONS RECENTLY PROPOSED BY THE INTERIOR DEPARTMENT TO GOVERN THE FUTURE ADMINISTRATION OF THE NATIONAL MONUMENTS CREATED LAST YEAR BY PRESIDENTIAL PROCLAMATION.

MY REMARKS TODAY WILL BE REASONABLY BRIEF. THE PROPOSED REGULATIONS REQUIRE A DETAILED LINE-BY-LINE ANALYSIS WHICH CANNOT READILY BE PRESENTED IN A FEW MINUTES OF ORAL TESTIMONY. ACCORDINGLY, WITHIN THE NEXT COUPLE OF WEEKS, MY ADMINISTRATION WILL PROVIDE YOU WITH OUR COMMENTS AND SUGGESTED CHANGES. THIS CRITIQUE WILL REFLECT THE INPUT OF A NUMBER OF STATE AGENCIES AND OF MANY ALASKANS WHO ARE CURRENTLY GIVING US THEIR SUGGESTIONS.

MY ADMINISTRATION IS ADAMANTLY OPPOSED TO THE CREATION OF NATIONAL MONUMENTS, WILDLIFE REFUGES, AND SPECIAL MANAGEMENT AREAS BY UNILATERAL ACTION OF THE PRESIDENT OR THE SECRETARY OF THE INTERIOR. WE VIEW SUCH ACTION AS A GROSS ABUSE OF FEDERAL POWER AND A USURPATION OF AUTHORITY VESTED IN THE CONGRESS UNDER THE U.S. CONSTITUTION. HOWEVER, GIVEN THE GREAT UNCERTAINTY ABOUT FUTURE LEGISLATIVE AND JUDICIAL RESOLUTIONS OF THE ALASKA LANDS ISSUE, IT WOULD BE IRRESPONSIBLE, IN MY OPINION, FOR US TO IGNORE THE MANY SUBSTANTIAL PROBLEMS WHICH

WE HAVE IDENTIFIED IN THE PROPOSED MONUMENT REGULATIONS. ACCORDINGLY, MY ADMINISTRATION WILL PARTICIPATE CONSTRUCTIVELY IN THE RULEMAKING PROCESS, AND WE APPRECIATE THE OPPORTUNITIES WHICH THE INTERIOR DEPARTMENT IS PROVIDING SO THAT WE CAN ACCOMPLISH THIS RESULT. NEVERTHELESS, OUR PARTICIPATION AND MY REMARKS TODAY SHOULD NOT BE CONSTRUED IN ANY WAY AS CONCEDED OR COMPROMISING ANY POINT IN THE STATE'S LAWSUIT AGAINST THE FEDERAL GOVERNMENT OR OUR LEGISLATIVE PROPOSALS RESPECTING THE (D)(2) LANDS.

WHILE WE HAVE MANY SERIOUS PROBLEMS WITH THE PROPOSED REGULATIONS, WE RECOGNIZE THAT IN CERTAIN IMPORTANT RESPECTS, THE REGULATIONS RELAX OR OTHERWISE BENEFICIALLY MODIFY FAR MORE STRINGENT RULES THAT WOULD OTHERWISE APPLY. IN THIS REGARD, IT IS OUR UNDERSTANDING THAT THERE HAS BEEN SHARP DEBATE WITHIN THE INTERIOR DEPARTMENT ABOUT WHETHER TO APPLY EXISTING REGULATIONS WHICH WERE DEVELOPED IN OTHER CONTEXTS OR TO SEEK A SOLUTION TAILORED TO ALASKA'S UNIQUE SITUATION. WE ARE PLEASED THAT THE DEPARTMENT HAS AT LEAST STARTED DOWN THE LATTER ROAD, AND I ENCOURAGE YOU TO BUILD ON THIS BEGINNING BY REDOUBLING YOUR EFFORTS TO ACHIEVE A SENSITIVE, NON-BUREAUCRATIC SOLUTION TO THE CHALLENGE PRESENTED BY THE MONUMENT DESIGNATIONS.

THE BASIS OF OUR WORK ON THE ALASKA LANDS ISSUE--OUR SO-CALLED "MARCHING ORDER"--IS A RESOLUTION ENACTED BY THE STATE LEGISLATURE EARLIER THIS YEAR. THIS RESOLUTION DIRECTS US TO WORK FOR A FAIR AND BALANCED LEGISLATIVE SOLUTION WHICH ADDRESSES ALASKA'S SOVEREIGN, SOCIAL, AND ECONOMIC CONCERNS. WHILE THE PURPOSE OF THE RESOLUTION IS TO GUIDE OUR LEGISLATIVE EFFORTS, CERTAIN OBJECTIVES STATED THEREIN RELATE GENERALLY TO

THE MANAGEMENT OF FEDERAL LANDS, AND THEREFORE APPLY WITH EQUAL FORCE TO THE DEPARTMENT'S PROPOSED RULEMAKING.

THE RESOLUTION ASKS FROM THE FEDERAL GOVERNMENT ONLY THAT WHICH THE RESPONSIBLE REPRESENTATIVES OF ANY STATE WOULD REQUEST. IN BRIEF, WE ASK THAT ANY RESOLUTION OF THE ALASKA LANDS ISSUE CONTAIN PROVISIONS TO: (1) FULFILL ALASKA'S ENTITLEMENT UNDER THE STATEHOOD ACT; (2) PROVIDE NEEDED ACCESS ACROSS CONSERVATION SYSTEM UNITS; (3) INSURE CONTINUING STATE MANAGEMENT OF RESIDENT WILDLIFE AND FISH; (4) EXCLUDE HIGH-VALUE COMMODITY RESOURCES FROM THE BOUNDARIES OF OVERLY RESTRICTIVE CONSERVATION UNITS WITHIN WHICH EVEN THE MOST ENVIRONMENTALLY-RESPONSIBLE DEVELOPMENT WOULD BE PRECLUDED; (5) ASSURE TRADITIONAL ALASKAN USES AT EXISTING LEVELS; AND (6) REQUIRE ADMINISTRATIVE FOREBEARANCE FROM THE IMPOSITION OF ADDITIONAL CONSERVATION WITHDRAWALS.

UNFORTUNATELY, THE PRESIDENT'S UNILATERAL DESIGNATION OF NEW NATIONAL MONUMENTS HAS ALREADY THWARTED SOME OF THE OBJECTIVES JUST STATED. WE RECOGNIZE THAT THE SECRETARY OF THE INTERIOR LACKS THE AUTHORITY TO RECTIFY THESE PROBLEMS. ONLY A FAIR LEGISLATIVE SETTLEMENT CAN FULLY ACHIEVE OUR DESIRED GOALS. HOWEVER, REASONABLE MONUMENT REGULATIONS CAN AT LEAST PARTIALLY ADDRESS SOME OF THE CONCERNS THAT WE HAVE EXPRESSED. IN PARTICULAR, SUCH REGULATIONS CAN INSURE NEEDED ACCESS ACROSS MONUMENT LAND, PROVIDE FOR CONTINUING STATE MANAGEMENT OF RESIDENT WILDLIFE AND FISH, AND PERMIT THE CONTINUATION OF TRADITIONAL ALASKAN LAND USES.

BEFORE ASSESSING THE PROPOSED REGULATIONS IN TERMS OF THOSE CONSENSUS POINTS WHICH ARE ACHIEVABLE BY ADMINISTRATIVE ACTION, I WANT TO TOUCH BRIEFLY ON CERTAIN GENERAL CONCERNS RAISED BY THE PROPOSED RULES.

THERE CAN BE NO DOUBT THAT THE PROPOSED REGULATIONS WOULD SIGNIFICANTLY EXPAND FEDERAL BUREAUCRACY AND CONTROL. WHEN THE MONUMENTS WERE ESTABLISHED LAST YEAR, THE PRESIDENT AND THE SECRETARY STATED THAT SUCH ACTION WAS NECESSARY TO PROVIDE INTERIM PROTECTION PENDING FINAL CONGRESSIONAL ACTION. WE STRONGLY DISAGREE THAT THE CREATION OF 56 MILLION ACRES OF NATIONAL MONUMENTS WAS NECESSARY FOR THIS PURPOSE. IN ANY EVENT, THE DECISION TO PROMULGATE FINAL RULES BELIES THE PRESIDENT'S STATED OBJECTIVE.

THERE IS NO EVIDENCE THAT THE EXISTING INTERIM REGULATIONS, PERHAPS AS AMENDED IN A FEW RESPECTS, DO NOT PROVIDE WHATEVER PROTECTION THE FEDERAL GOVERNMENT FELT NECESSARY. AND, THE INTERIM REGULATIONS ARE CERTAINLY FAR LESS ONEROUS AND RESTRICTIVE THAN THE PROPOSED RULES CURRENTLY UNDER CONSIDERATION. MOREOVER, IT IS WORTH NOTING THAT SOME OF THE DIRECTIVES CONTAINED IN THE PROPOSED REGULATIONS ARE INCONSISTENT WITH ANY OF THE PENDING (D)(2) BILLS. THEREFORE, SIGNIFICANT MODIFICATIONS IN ANY FINAL REGULATIONS WOULD BE NECESSARY TO COMPLY WITH DIRECTIVES CONTAINED IN ANY SUBSEQUENT LEGISLATION. IN THESE CIRCUMSTANCES, IT IS DIFFICULT TO PERCEIVE WHY THE PUBLIC MUST BE SUBJECTED TO A POSSIBLE SEQUENCE OF RAPIDLY CHANGING ADMINISTRATIVE AND LEGISLATIVE GUIDELINES, WITH THE CONCOMITANT CONFUSION AND RESENTMENT WHICH WILL INEVITABLY RESULT.

WHILE THE DEPARTMENT HAS MADE AN EFFORT TO AVOID THE INEVITABLE RESULT, I HAVE LITTLE DOUBT BUT THAT IMPLEMENTATION OF THE PROPOSED REGULATIONS WOULD IMPOSE A "PERMIT" LIFESTYLE ON MANY RURAL ALASKANS AND OTHERS DESIRING TO USE MONUMENT LANDS. ADMITTEDLY, NOT ALL USES WOULD REQUIRE A PERMIT, BUT MANY IMPORTANT ACTIVITIES WOULD BE SUBJECT TO SUCH PRIOR APPROVAL. IN ADDITION, BUREAUCRATIC DETERMINATIONS, WITH THE ASSOCIATED PAPERWORK, WOULD BE REQUIRED IN CONNECTION WITH A NUMBER OF CRUCIAL DETERMINATIONS RESPECTING LAND USE AND INDIVIDUAL ELIGIBILITY FOR CERTAIN BENEFITS.

I FIND MOST OF THIS BUREAUCRATIC CONTROL TO BE UNFORTUNATE AND UNNECESSARY. THERE IS LITTLE TO SUGGEST THAT TRADITIONAL ALASKAN USE OF FEDERAL LAND HAS RESULTED IN SIGNIFICANT ENVIRONMENTAL DISTURBANCE OR OTHER PROBLEMS NECESSITATING GREATLY INCREASED FEDERAL CONTROL. BEYOND THIS, MANY ALASKANS RESIDE IN RURAL AREAS PARTLY TO ESCAPE FROM THE BUREAUCRACY, AND MANY LACK THE EDUCATION AND EXPERIENCE WHICH MAY BE NECESSARY TO PROTECT THEIR RIGHTS UNDER THE REGULATORY SCHEME CURRENTLY BEING PROPOSED. THUS, THE DEPARTMENT'S FAILURE TO DEVELOP REGULATIONS WHICH ARE TRULY SENSITIVE TO THESE CONSIDERATIONS COULD RESULT IN THE END OF A LIFESTYLE WHICH SHOULD BE PROTECTED AND FOSTERED IN THESE DAYS OF INCREASING CONFORMITY AND CENTRALIZATION.

WHILE THE PROPOSED REGULATIONS DO SEEK TO ADDRESS CERTAIN UNIQUE ASPECTS OF LIFE IN ALASKA, THE LITTLE PRINT OFTEN TAKES AWAY WHAT THE BIG PRINT PROVIDES. IN OTHER WORDS, THE SEEMING ALLOWANCE OF A PARTICULAR USE IS OFTEN BELIED BY THE TREMENDOUS DISCRETION GIVEN

TO SOME FEDERAL OFFICIAL TO DENY OR RESTRICT THAT USE. THUS, FOR EXAMPLE, THE ALLOWANCE OF CERTAIN LAND USES WITHIN NATIONAL MONUMENTS ADMINISTERED BY THE PARK SERVICE IS CONDITIONED UPON THE COMPATIBILITY OF SUCH USES WITH A LAUNDRY LIST OF OTHER CONCERNS, INCLUDING "AESTHETICS." SINCE AESTHETICS IS PURELY A SUBJECTIVE CONCEPT, HOW WILL AN AGGRIEVED PARTY SUCCESSFULLY CHALLENGE AN ADMINISTRATOR'S DETERMINATION THAT A PARTICULAR USE IS NOT AESTHETICALLY PLEASING? ACCORDINGLY, I THINK THAT THE LIST OF FACTORS WHICH CAN DEFEAT AN APPARENTLY ALLOWED USE SHOULD BE SIGNIFICANTLY REDUCED. AT LEAST AS IMPORTANT, WRITTEN FINDINGS, DIRECT CONSULTATION, AND OTHER PROCEDURAL SAFEGUARDS (NOT JUST RULEMAKING IN THE FEDERAL REGISTER) SHOULD BE REQUIRED, EVEN IN SITUATIONS WHERE A PERMIT IS NOT INVOLVED.

ANOTHER REGRETTABLE CONSEQUENCE OF THE PROPOSED REGULATIONS IS THAT THEY COULD HAVE THE EFFECT OF ALTERING THE TRADITIONAL RELATIONSHIP BETWEEN THE CITIZENS OF A STATE, ON THE ONE HAND, AND THEIR STATE AND FEDERAL GOVERNMENTS, ON THE OTHER. UNDER THE PROPOSED REGULATIONS, THE FEDERAL GOVERNMENT WOULD BECOME INTIMATELY INVOLVED IN DAY-TO-DAY DECISIONS OF GREAT IMPORTANCE TO THE USERS OF NATIONAL MONUMENTS. THIS AUTHORITY WOULD EXTEND TO AN AREA LARGER THAN THE COMBINED TOTAL ACREAGE OF MANY STATES.

THUS, WHILE THE PROPOSED REGULATIONS PURPORT TO DEAL WITH LAND MANAGEMENT AND ADMINISTRATION, THEIR SUBJECT MATTER IS SO COMPREHENSIVE AS TO IMPACT ON TRADITIONAL SPHERES OF GOVERNMENTAL AUTHORITY AND CONTROL. I DOUBT THAT THE INTERIOR DEPARTMENT INTENDS TO ALTER THESE TRADITIONAL RELATIONSHIPS, BUT GREAT CARE MUST BE TAKEN TO AVOID UNINTENDED RESULTS.

ALASKANS FOUGHT TOO HARD FOR STATEHOOD TO SEE THEIR EFFORTS THWARTED BY ADMINISTRATIVE ACTION WHICH COULD SUBSTITUTE FEDERAL SOVEREIGNTY FOR STATE JURISDICTION, AND THEREBY MARK A PARTIAL RETURN TO TERRITORIAL DAYS.

I WILL NEXT TURN TO A BRIEF ANALYSIS OF THE PROPOSED REGULATIONS IN TERMS OF THE THREE CONSENSUS POINTS WHICH ARE RELEVANT TO THE CURRENT ADMINISTRATIVE PROPOSALS. IN EACH INSTANCE, OUR DETAILED WRITTEN COMMENTS WILL ELABORATE UPON OUR CONCERNS AND ACCEPTABLE SOLUTIONS THERETO.

#### TRADITIONAL MANAGEMENT OF RESIDENT WILDLIFE AND FISH

ONE OF THE CARDINAL TENETS RELATED TO THIS CONSENSUS POINT IS THAT THERE MUST BE NO DIRECT FEDERAL OVERSIGHT OR INVOLVEMENT IN THE STATE'S MANAGEMENT OF RESIDENT WILDLIFE AND FISH. THE MONUMENT REGULATIONS PROPOSED BY THE PARK SERVICE AND THE FISH AND WILDLIFE SERVICE REPRESENT A GIANT STEP BACKWARD IN THIS REGARD. IGNORING SUBSTANTIAL PROGRESS MADE IN THE SUBSISTENCE TITLE OF THE BREAUX-DINGELL BILL AND IN S.9, NOW PENDING BEFORE THE SENATE ENERGY COMMITTEE, THE TWO REGULATORY PROPOSALS WOULD AUTHORIZE INTERIOR DEPARTMENT PERSONNEL TO BECOME DIRECTLY INVOLVED IN STATE MANAGEMENT DECISIONS, INCLUDING THE ESTABLISHMENT OF SEASONS, BAG LIMITS, AND METHODS OF TAKE. FEW OF THE PROTECTIONS PROVIDED THE STATE IN BREAUX-DINGELL AND S.9 WOULD BE AFFORDED.

AS A CONSEQUENCE, THE STATE'S EFFORTS TO MANAGE SPECIES ON A COMPREHENSIVE BASIS WITHOUT REGARD TO LAND OWNERSHIP COULD BE JEOPARDIZED.

MOREOVER, OUR STRONG INTEREST IN MANAGING RESIDENT WILDLIFE AND FISH, WHICH WAS ONE OF THE PRINCIPAL OBJECTIVES IN OUR FIGHT FOR STATEHOOD, COULD BE THWARTED.

ACCORDINGLY, WE SUGGEST THAT THE REGULATIONS INCLUDE A GENERAL CONFIRMATION OF THE STATE'S TRADITIONAL ROLE WITH RESPECT TO THE MANAGEMENT OF RESIDENT WILDLIFE AND FISH. IN ADDITION, THE REGULATION OF SUBSISTENCE USE SHOULD BE CARRIED OUT PURSUANT TO POLICIES AND PROCEDURES WHICH EXIST IN STATE LAW OR HAVE PREVIOUSLY BEEN SUPPORTED BY THE ALASKA CONGRESSIONAL DELEGATION AND MY ADMINISTRATION. IN THIS REGARD, IT SHOULD BE NOTED THAT THE STATE, BY STATUTE AND REGULATION, HAS ALREADY IMPLEMENTED A SUBSISTENCE REGULATORY PROGRAM WHICH WILL PROTECT AND FOSTER SUBSISTENCE USES. THEREFORE, THERE IS NO NEED FOR ANY ONEROUS FEDERAL OVERSIGHT AND CONTROL.

ANOTHER MATTER WHICH IS OF GREAT CONCERN TO US RELATES TO THOSE PORTIONS OF THE PARK SERVICE PROPOSALS WHICH WOULD ESTABLISH SUBSISTENCE ELIGIBILITY CRITERIA BASED PARTLY ON ECONOMIC DEPENDENCE AND HISTORICAL USE. THE USE OF ECONOMIC CRITERIA WOULD CREATE ARBITRARY DISTINCTIONS AND WOULD APPEAR UNWORKABLE ON THE BASIS OF PAST EXPERIENCE. A REQUIREMENT OF HISTORICAL USE WOULD HAVE THE EFFECT OF CREATING A CLOSED CLASS OF SUBSISTENCE USERS, THUS DENYING ALASKANS OUR TRADITIONAL FREEDOM TO MOVE WITHOUT CONSTRAINTS FROM ONE PLACE TO ANOTHER.

I MUST ALSO OBJECT TO THAT PORTION OF THE PROPOSED RULEMAKING WHICH INDICATES THAT THE STATE HAS BEEN DILATORY IN ITS IDENTIFICATION OF SUBSISTENCE USERS. IN FACT, THE STATE HAS BEEN ABLE TO DEVELOP

INNOVATIVE SOLUTIONS WHICH HAVE AVOIDED THE NECESSITY OF ESTABLISHING A BUREAUCRATIC REGIME LIKE THE ONE CURRENTLY PROPOSED BY THE PARK SERVICE. I AM HOPEFUL THAT WE WILL BE SUCCESSFUL IN ALTERING THIS PROPOSAL, BECAUSE THE STATE, THROUGH ITS OWN MANAGEMENT PROGRAM, WILL NOT IMPLEMENT AN ARBITRARY FEDERAL REGIME.

#### PROVIDE NEEDED ACCESS ACROSS CONSERVATION SYSTEM UNITS

THE ISSUE OF ACCESS ACROSS CONSERVATION UNITS IN TURN CAN BE BROKEN DOWN INTO AT LEAST THREE SUBISSUES. THE FIRST OF THESE CONCERNS ACCESS FOR TRANSPORTATION AND UTILITY PURPOSES. UNFORTUNATELY, DUE TO SERIOUS WEAKNESSES AND CONSTRAINTS IN EXISTING LAW, BOTH THE PARK SERVICE AND THE FISH AND WILDLIFE SERVICE ARE PRECLUDED FROM ADOPTING CERTAIN POLICIES AND PROCEDURES WHICH WOULD RESOLVE MANY OF THE PROBLEMS THAT WILL PROBABLY ARISE ON MONUMENT LANDS. TO RESOLVE THESE PROBLEMS, THE STATE HAS PROPOSED, AND OBTAINED THE INCLUSION IN CERTAIN (D)(2) BILLS OF, A TRANSPORTATION TITLE WHICH WOULD REPRESENT A TREMENDOUS IMPROVEMENT OVER EXISTING LAW.

THE SECOND SUBISSUE RELATES TO ACCESS TO STATE AND PRIVATE LANDS LOCATED WITHIN MONUMENT BOUNDARIES. WHILE THE PROPOSED REGULATIONS DO PROVIDE SOME ASSURANCE OF SUCH ACCESS, THE ASSOCIATED CONDITIONS AND PROVISOS DILUTE THE STRENGTH OF THIS ASSURANCE. ACCORDINGLY, WE WILL BE PROPOSING LANGUAGE BASED UPON SOME OF THE PROGRESS THAT WE HAVE MADE IN THE LEGISLATIVE ARENA.

THE THIRD SUBISSUE CONCERNS TRADITIONAL ACCESS BY SNOWMACHINE, AIRCRAFT, MOTORBOAT, AND OTHER MEANS. UNDER THE PROPOSED REGULATIONS, THE PROMISE OF SUCH ACCESS IS SERIOUSLY WEAKENED BY THE TREMENDOUS DISCRETION GIVEN

TO INTERIOR DEPARTMENT PERSONNEL TO CLOSE AN AREA OR OTHERWISE TO RESTRICT ACCESS IN THE FUTURE. THE ANOMOLOUS TREATMENT OF AIRCRAFT ACCESS IN THE PROPOSED PARK SERVICE REGULATIONS COULD ALSO CREATE FUTURE DIFFICULTIES. AS INDICATED PREVIOUSLY, WE BELIEVE THAT THE AMBIT OF ADMINISTRATIVE DISCRETION MUST BE SIGNIFICANTLY REDUCED AND PROTECTIVE PROCEDURES ADOPTED IF THE ACCESS-RELATED OBJECTIVES OF THE REGULATIONS ARE TO BE ACHIEVED.

### ASSURE TRADITIONAL ALASKAN USES AT EXISTING LEVELS

THIS IS A COMPLICATED ISSUE WHICH CAN BE ADDRESSED ONLY SUPERFICIALLY IN THIS BRIEF TESTIMONY. OF COURSE, ONE VERY IMPORTANT TRADITIONAL USE--SPORT HUNTING--HAS ALREADY BEEN PRECLUDED BY THE PROCLAMATIONS ESTABLISHING MONUMENTS UNDER PARK SERVICE JURISDICTION. WE DISPUTE THE PARK SERVICE'S CLAIM THAT EXISTING STATUTES PROHIBIT SPORT HUNTING IN THE MONUMENTS UNDER ITS CONTROL, BUT WE RECOGNIZE THAT THIS ISSUE CANNOT BE RESOLVED IN THE PRESENT RULEMAKING.

WHILE THE PROPOSED REGULATIONS PURPORT TO ALLOW CERTAIN OTHER TRADITIONAL USES, THIS PROMISE IS WEAKENED BY THE FACTORS REFERRED TO PREVIOUSLY. MOREOVER, OTHER USES WHICH HAVE CAUSED VERY LITTLE ENVIRONMENTAL DISTURBANCE IN THE PAST--FOR EXAMPLE, THE CONSTRUCTION OF CABINS AND SHELTERS--ARE NOW PROHIBITED OR CONDITIONED UPON THE ACQUISITION OF A PERMIT. THE BASIC THRUST OF OUR SUGGESTIONS IN THESE AREAS WILL BE TO EXPAND THE NUMBER OF TRADITIONAL USES WHICH ARE ALLOWED, TO PROVIDE ADDITIONAL PROCEDURAL PROTECTIONS, AND TO REDUCE THE AMOUNT OF PAPERWORK AND BUREAUCRACY ASSOCIATED WITH A REQUEST TO UTILIZE MONUMENT LANDS.

IN CLOSING, I WANT TO EXPRESS TO YOU THE TREMENDOUS FRUSTRATION AND MALAISE WHICH MOST ALASKANS FEEL WITH RESPECT TO THE CONTINUING SUCCESSION OF UNILATERAL FEDERAL ACTIONS AND PROPOSALS LEADING TO THE CREATION OF NEW NATIONAL MONUMENTS, WILDLIFE REFUGES, AND SPECIAL MANAGEMENT AREAS. ONLY A SUCCESSFUL LEGISLATIVE OR JUDICIAL RESOLUTION OF THE ALASKA LANDS ISSUE WILL DISSIPATE THESE FRUSTRATIONS. MEANWHILE, THE PROMULGATION OF REGULATIONS WHICH TRULY ADDRESS OUR CONCERNS AND THE SENSITIVE ADMINISTRATION OF SUCH REGULATIONS COULD HELP REDUCE SOME OF THE ADVERSE CONSEQUENCES OF THE UNILATERAL FEDERAL ACTIONS WHICH WE SO OPPOSE. IN THIS WAY, CONFLICT AND HARDSHIP MIGHT BE REDUCED IN THE INTERIM PENDING A MORE SATISFACTORY RESOLUTION. ACCORDINGLY, I URGE THE DEPARTMENT'S CAREFUL ATTENTION TO THE CONCERNS AND SUGGESTIONS FOR CHANGE WHICH WILL BE EXPRESSED BY ALASKANS RELATIVE TO VARIOUS ASPECTS OF THE PROPOSED REGULATIONS.

THANK YOU FOR THIS OPPORTUNITY TO PRESENT THE GENERAL FRAMEWORK OF THE STATE'S MISSION.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

STATE OF ALASKA, et al, )  
 )  
 Plaintiffs, )  
 )  
 vs. ) No. A78-291 Civil  
 )  
 JAMES EARL CARTER, President )  
 of the United States, et al, )  
 )  
 Defendants. )  
 )

AFFIDAVIT OF JOHN W. KATZ

I, JOHN W. KATZ, having been first duly sworn, on oath, depose and state that:

1. I am the special counsel (to the Governor of the State of Alaska) in charge of the State's (d)(2) office in Washington, D.C., and have been in that capacity since February 1, 1979;
2. I spend approximately one-half of my time in Washington, D.C., including most of the preceding five weeks;
3. While in Washington, D.C., I have contacts, either directly or through lobbyists, with Alaska's Congressional delegation, leadership in both houses of the Congress, and the members of various committees, including the Senate Energy Committee;
4. At the present time, there is major legislation pending before the Congress when it returns from the summer recess. This legislation includes the Salt II Treaty, various energy proposals, and certain authorization and appropriation measures;
5. It is my belief that while a (d)(2) bill will probably be reported by the Senate Energy Committee, such legislation will not be brought to the floor of the Senate this year unless there is consent to a time agreement. Approval of such an agreement requires the unanimous consent of the Senate, and that is highly unlikely;

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6. Given the matters currently pending in Congress, the position of various members of Congress on (d)(2) and other measures, and my own analysis of the situation, as supplemented by experienced Washington, D.C., lobbyists whom I have hired to work on (d)(2), I do not believe that a bill will reach the Senate floor this year;

7. The timing of any Congressional action on (d)(2) legislation next year is extremely difficult to predict. For one thing, it is likely that some of the energy and other measures now pending will be held over until next year. For another, at least one Senator has indicated his intention to attempt to block Senate passage of a (d)(2) bill. Finally, if the Senate passes a (d)(2) bill which is different than the measure previously passed by the House--and this is at least reasonably likely--a conference committee would be required to resolve the differences. This process of compromise could be quite lengthy, with no certainty that a resolution acceptable to both the House and Senate can be achieved.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

*John W. Katz*  
\_\_\_\_\_  
John W. Katz

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

SUBSCRIBED AND SWORN to before me this 9th day of August, 1979.

*Darcus G. Maughan*  
\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 6-17-80

BIRCH, HORTON, LITNER, MONROE,  
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Myths and Facts About the Alaska Lands Legislation

July 26, 1979

The following statements have been taken directly from testimony presented by Congressmen Udall and Seiberling and from correspondence to Congress written by members of the Carter Administration. Not only are these statements extremely inaccurate and misleading in themselves, they contribute to a pattern of hyperbole and misperception which has pervaded the Alaska lands debate from the beginning.

Most of the statements have been advanced as arguments in support of the Udall-Anderson bill. In this context, the statements take on added significance, because they have become a misleading basis for an advocacy position. Since the statements discussed below deal with such important elements of the pending legislation, we feel compelled to set the record straight.

General Statements and Philosophy

1. Myth: "...The Udall-Anderson bill is the fair and balanced bill the House passed last year..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: The Udall-Anderson bill is not the bill that passed the House last year. There are many significant differences and omissions. For example, the Udall-Anderson bill increases the amount of wilderness acreage, particularly in the extremely sensitive region of Southeastern Alaska, omits important provisions relating to the conveyance of State lands, creates additional conflicts with commodity resources and State selection desires, and significantly increases the total amount of acreage that would be affected by Alaska lands legislation.

Moreover, it should be noted that some of the principal proponents of the Udall-Anderson bill claimed that the

\*With certain exceptions not relevant here, the so-called Huckaby bill reported by the House Interior Committee is identical to S.9, which is now pending before (and was reported last year by) the Senate Committee on Energy and Natural Resources. Therefore, statements and rebuttals addressed to the House measure apply equally to S.9 and the Senate's consideration of that bill.

Senate would pass a weak Alaska lands bill, and that therefore it was necessary for the House to pass Udall-Anderson in order to establish a strong negotiating position in the conference committee. There has never been any evidence that the Senate would treat the Alaska lands legislation in the manner just indicated. In fact, the Senate Energy Committee reported a strong environmental bill last year.

2. Myth: "...In our approach we have been guided by two principles. One is save and preserve only the areas of true national significance. The other...is that we exclude areas of economic interests..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: Proponents of all the Alaska lands bills support these principles. The problem is that the Udall-Anderson bill does not apply them. For example, that proposal would include in wilderness areas two of Alaska's seven world-class mineral discoveries identified by the Stanford Research Institute. (Also see comments regarding the Arctic Wildlife Range and Southeast Alaska.)

3. Myth: "It is very clear that two-thirds of Alaska is wide open (for development)..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: This is not an acreage game. Resources, whether they be beautiful scenery, minerals, or wildlife habitat, are where you find them.

Moreover, the State has enacted stringent land use and environmental controls which apply to State and private lands. In addition, the State has created numerous State parks and critical habitat areas, including two of the largest State parks in the United States. Several Federal statutes regulate or prohibit activities on Federal lands which are unaffected by the D-2 legislation, and certain Federal environmental laws apply to all lands.

### Energy

4. Myth: "...The most likely sources (of oil and gas) are offshore. Every single area is available. We mandate the Secretary to go ahead and start leasing this. Of the 149 million sedimentary basins onshore, all are made available except 2 million..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: Neither the Udall-Anderson bill nor any other pending Alaska lands measure deals with oil and gas development on the

Outer Continental Shelf. This matter was treated in legislation enacted by the Congress last year. Moreover, it should be recognized that oil development in Arctic Coastal areas poses environmental risks far exceeding those associated with upland development or OCS development elsewhere in the country.

With respect to the last sentence quoted above, the Udall-Anderson bill would prohibit oil and gas development in ten million acres of favorable onshore petroleum provinces, as identified by the United States Bureau of Mines. Portions of these provinces are included in national parks, park preserves, and wilderness areas located in national forests and wildlife refuges.

5. Myth: "...95% of the oil and gas potential, both the high and favorable, as well as the sedimentary basins, is open for development." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: In addition to the response to Myth No. 4, petroleum experts make it clear that the existing data base will not support such assertions. One memorandum prepared by geologists for the State of Alaska concludes:

"Thus, a statement such as '95% of the energy resources of Alaska lie outside proposed D-2 boundaries' is inaccurate, misleading, incomplete, and incorrect, unless the author has some statistically correct means of concomitantly stating how sure, or how unsure, he is of his estimate. If he cannot make this important qualification, his statement is not only meaningless, but a distortion of the truth."

Moreover, Congressman Seiberling's statement presupposes the inclusion of an adequate title relating to the transportation of energy resources. The transportation title in the Udall-Anderson bill is not nearly as good as its counterpart in other pending measures, and therefore could discourage development located far from existing transportation facilities.

Finally, it should be noted that the Udall-Anderson bill would substantially alter the system for upland oil and gas leasing in certain areas. The net effect of these changes is to create a bifurcated approval process that would probably impede future leasing. The need for such changes is questionable, particularly since the existing Mineral Leasing Act of 1920 has worked reasonably well and has frequently been amended to address environmental and other concerns.

6. Myth: "...recently the USGS made tests right next to the (Arctic National Wildlife) Range and they find that the facts on which they had extrapolated are incorrect. They have downgraded their estimates to the point where it looks like it is not even an economically viable potential..." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: There has been no new testing in the Arctic Wildlife Range. The USGS report referred to by Congressman Seiberling consisted of a re-evaluation of the existing data base. The report simply indicated that the physical conditions governing oil and gas potential in the Arctic Wildlife Range are probably somewhat different than those at Prudhoe Bay. Most petroleum experts still believe that the coastal plain of the Arctic Wildlife Range is the most promising unexplored upland petroleum province on the North American continent.

7. Myth: "...You could not get any more oil (out of) Alaska if you wanted to. You would have to build another pipeline..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: This is simply not true. The present oil pipeline is not operating at full capacity, and could receive additional through-puts. In addition, given the lead time required for exploration and development, it is likely that the Prudhoe Bay field be will declining about the time that new discoveries would come on line.

8. Myth: "The Bill (Udall-Anderson) will expedite leasing in this Reserve (National Petroleum Reserve - Alaska) and is preferable to any alternative before the House." --Secretary Schlesinger, correspondence to Congressman Ashley, dated May 4, 1979.

Fact: While the Udall-Anderson bill does contain provisions for expediting leasing in the National Petroleum Reserve - Alaska, those provisions are actually weaker than ones included in the Breaux-Dingell bill, which was pending at the time of Secretary Schlesinger's letter. For example, in contradistinction to Breaux-Dingell, the Udall measure, as it existed at the time of Secretary Schlesinger's letter, did not mandate a deadline for leasing. On the House floor, the Udall-Anderson bill was amended to include the stronger language from Breaux-Dingell.

9. Myth: "Although it is true that some of the areas in Alaska that will be foreclosed to development have favorable geological anomalies which are potentially important for oil and gas,

the total amount of possible oil and gas acreage in Alaska for which exploration and development would be prohibited is not great." --Secretary Schlesinger, correspondence to Congressman Ashley, dated May 4, 1979.

Fact: While this statement is true, its use to support the Udall-Anderson approach is quite misleading, especially in its inference that the exploration and development of important new energy sources in Alaska would not be adversely impacted by H.R. 39. Acres of land are not barrels of oil, and as mentioned above, the Udall-Anderson bill would foreclose exploration of the most significant upland petroleum prospect in Alaska. Moreover, the foreclosed acreage lies in close proximity to the recent discoveries near Point Thompson and to the existing Trans-Alaska Pipeline.

### State Lands

10. Myth: "...Mr. Udall didn't mention that in addition to the 105 million that the State has been granted to select, and they have already selected 100 of those 105 million and the argument is only about the other 5 million which they want to select into parks and so forth. The natives have gotten 44 million acres granted to them so you have a total of 149 million acres that are going to go to the inhabitants of the State..." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: Of the 103.5 million acres promised to the State of Alaska some 20 years ago in the Alaska Statehood Act, the State has received effective title (patent and tentative approval) to only 36 million acres. While the State has filed selections encompassing many more millions of acres of its entitlement, much of this acreage is presently under administrative or judicial challenge by the Federal Government. If the Federal Government is successful--and we will probably not have a final answer for several years--the State will fall far short of its total entitlement, but the deadline for selection (which is 1984) will have expired. Moreover, while the location of most Native selections is not fixed, less than 9 million acres of the total Native entitlement promised in 1971 has been conveyed.

11. Myth: "We do not support the expedited conveyance language in...this bill (Huckaby) and recommend that it be deleted from the bill. Substantial policy, procedural, and administrative changes have begun to make the existing conveyance process function as it should." --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

Fact: The State conveyance language included in the Huckaby bill, S.9, and the version of H.R. 39 which passed the House last year, was developed during an intensive process which

involved the direct participation of the Department of the Interior. Despite important "administrative and procedural" changes which the Department has made since then, the existing conveyance process has not yet begun to "function as it should." In late 1978, Secretary Andrus announced that the State would receive conveyance to considerable acreage during 1979. Well over half the year has passed, and the State has yet to receive a single acre.

As a consequence of problems in the administrative processing of State selections and of certain factors beyond the control of the Interior Department, Alaska has received effective title to only about 36 million of the 103.5 million acres promised some twenty years ago at statehood. The conveyance title in Huckaby would streamline the land transfer process and would effect a number of needed changes in the Alaska Statehood Act. These changes are important, and cannot be made by administrative action.

### Timber Harvesting and Mining in Southeast Alaska

12. Myth: "... (Regarding Admiralty Island in Southeast Alaska)... they chop it up and make it into something called the pulp bank so pulp can continue to be shipped..." --Congressman Udall, testimony to the House Rules Committee, dated April 30, 1979.

Fact: Everyone agrees that the existing annual cut and job levels in Southeast Alaska should be maintained. The principal conflict concerns the method for accomplishing this. Under the bill reported last year by the Senate Energy Committee, a portion of Admiralty Island would be designated as a special management area and managed as wilderness for a ten-year period. If, at the end of the ten-year period, studies show that the annual cut cannot be maintained, Congress could authorize timber harvesting. If Congressmen Udall and Anderson are correct that their approach to Southeast Alaska will not reduce the annual cut or existing job levels, Admiralty Island would never be harvested under any of the pending bills.

13. Myth: "... We can produce the same amount of timber as in the past 4 or 5 years and there would be room for growth. There will not be a single job in Alaska lost in the timbering industry and there will be room for growth..." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: Given the wilderness designations in the Udall-Anderson bill, both additional federal funding and State and privately-owned timber would be required to maintain the existing level of harvest. There is no guarantee of either. In fact, there is every indication that adequate appropriations would not be forthcoming. Moreover, the ten-year average

harvest, which represents a more accurate picture of the timber industry in Southeast, is significantly higher than the four-or-five-year averages used as a basis for the Udall-Anderson bill.

14. Myth: "The Udall-Anderson compromise responds to the timbering, mining, fishing, and employment issues (affecting Southeast Alaska) raised during the development of this legislation." --Secretary Berglund, correspondence to Congressman Lungren, dated May 7, 1979.

Fact: Econometric studies by the U.S. Forest Service (page 27, final EIS, Tongass Land Use Management Plan) show that Southeast Alaska's timber industry could sustain a significant loss of jobs as a result of the land designations in the Udall bill. According to some projections, unemployment in the region could exceed thirty-five percent (35%). Of the three major mineral discoveries in Southeast Alaska which have been identified by the Stanford Research Institute, two are included within wilderness areas. Thus, the U.S. Borax molybdenum find at Quartz Hill, perhaps the largest deposit of its type in the world, is located within the proposed Misty Fjords wilderness. While wilderness designation theoretically does not preclude the development of valid mining claims, experience shows that further exploration and development are usually stifled. In summary, all proponents of Alaska lands legislation advocate the establishment of large wilderness areas in Southeastern, but the designations in the Udall-Anderson bill are so excessive as to belie Secretary Berglund's statement.

15. Myth: "the Administration is committed to maintaining the timber harvest level of 450 mmbf from the National Forests in Alaska, through an increased investment of up to \$12 million annually." --Secretary Berglund, correspondence to Congressman Lungren, dated May 7, 1979.

Fact: This statement, used as evidence of a guarantee for protection of existing jobs in Southeast Alaska's timber industry, is very misleading. The Congress must appropriate the funds to make it come true. Moreover, the Administration's budget recommendations for timber programs in the national forests actually showed a reduction this year from previous years. In light of this, it is difficult to believe that Congress would increase appropriations to Alaska, especially at the apparent expense of the other western states. This conclusion has already been substantiated by the statements of one subcommittee chairman who has jurisdiction over Forest Service programs.

#### Mining

16. Myth: "...Are we fair on mining?...We have given them 700 years of drilling at 1,000 acres per day to open up. We say drill in

those areas first..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: Under the Udall-Anderson bill, 70% of the acreage rated by the Bureau of Mines as highly favorable for hardrock minerals would be permanently withdrawn from development. The total amount of acreage available for mineral development is not the critical factor--it is the location of that acreage which is important.

17. Myth: "It (the Huckaby bill) mandates the President to recommend by 1981 a program for private mineral development on parks." --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

Fact: The Huckaby bill merely directs the President to make recommendations on the advisability of opening areas to development. Like other elements of the study and reporting requirements, the objective is to compile resource and policy information for use by Congress in subsequent decision-making. In fact, under all pending bills, national parks, preserves, and national park monuments are closed to mineral development unless opened by subsequent Congressional action.

#### Transportation

18. Myth: "(The Huckaby bill) rewrites existing law on the subject (transportation access) for Alaska. We believe existing law is adequate and the entire transportation title is unnecessary and ought to be deleted from the bill." --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

Fact: While proponents of various Alaska lands bills have disagreed about the mechanics of a transportation title, every bill which has been seriously considered by the Congress during the last three years has incorporated a comprehensive title dealing with transportation and access across conservation system units. The present transportation system in Alaska is embryonic, and the conservation units which would be established through the Alaska lands legislation are immense, often isolating State and Native lands, communities, and commodity resources. Most people who have considered the issue believe that Alaska's situation is unique and that a number of problems in existing law are exacerbated by the factors mentioned above.

## Hunting

19. Myth: "...We say (Udall-Anderson) 90 percent of the whole area will be open for sport hunting..." --Congressman Udall, testimony before the House Rules Committee, April 30, 1979.

Fact: This figure is entirely erroneous, whether it applies to the total land mass of Alaska (375 million acres) or only to Federal lands in Alaska. With respect to the entire State, the following lands are now, or would be, closed to public sport hunting: 44 million acres of Native lands; several million acres of existing Federal reserves such as McKinley National Park; 30 million acres designated in the Udall-Anderson bill; and certain State and private lands. If one looks only at Federal lands, the combination of existing reserved lands, together with the additional areas closed by the Udall-Anderson bill, would exceed 10% of such lands. In addition, several important sport hunting areas open under pending bills are closed in the Udall-Anderson proposal. Finally, with hunting, as with other resource issues, percentages and numbers of acres open to a given use are not nearly so important as the location and quality of the resource.

## Specific Geographic Areas

20. Myth: "(The Huckaby bill) does not provide refuge protection for all of the Alaska Peninsula refuge proposal." --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

Fact: Under the Huckaby bill, the entire Bristol Bay Region, including the Federal lands on the Alaska Peninsula, would be designated as the Bristol Bay Cooperative Region. Following a three-year cooperative study between the Federal Government and the State, a plan would be presented to both Congress and the State Legislature. During the interim period of the study, all federal lands within the region would be managed by the U.S. Fish and Wildlife Service as a refuge. If the plan is unacceptable to Congress, all of the federal lands on the Alaska Peninsula (and certain federal lands elsewhere in the region) would continue to be managed "as if they were included within a refuge established under Section 302 of this Act."

21. Myth: "It (the Huckaby bill) deletes key habitat from the existing Yukon Flats National Monument, an area that every year produces 2.1 million waterfowl." --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

Fact: The area deleted from the Udall-Anderson proposal for Yukon Flats is geographically different from the Yukon Flats

proper, and the former area, designated as a national recreation area in the Huckaby bill, lies far beyond the prime waterfowl habitat as identified by the U.S. Fish and Wildlife Service. In the important habitat area, the Huckaby boundary is identical to the boundary in the version of H.R. 39 which passed the House of Representatives last year and which was strongly endorsed by the Carter Administration.

#### Kuwait of the North?

22. Myth: "...Alaskans have the highest per capita income of any state. They are the Kuwait of the North..." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: While it is true that Alaska has the highest per-capita income of any state, it also has the highest cost of living and unemployment rates of any state in the Nation. Unemployment currently averages about 12%, and is as high as 65% in some rural areas. Moreover, despite significant belt-tightening, State expenditures for necessary programs have exceeded revenues for several years.

#### Alaska Native Position

23. Myth: "...and it is no coincidence that the Natives, whose interest we have carefully tried to protect in this legislation, are supporting the Udall-Anderson bill." --Congressman Seiberling, testimony before the House Rules Committee, April 30, 1979.

Fact: Alaska Natives, like any other large group of people, do not speak with one voice on this extremely complex series of issues. Certain proponents of the Udall-Anderson bill asked several of the Native corporations to abandon their long-standing neutrality regarding support of any particular bill as a quid quo pro for inclusion in the Udall-Anderson bill of amendments of particular interest to each corporation. Some corporations wrote equivocal letters endorsing legislation containing their amendments; others refused to respond to this demand. The Alaska Federation of Natives, the official spokesman for most of the Native regional corporations, has refused to endorse any particular Alaska lands bill. The State of Alaska strongly supports the Native amendments included in the Udall-Anderson and other bills considered by the House.

## Summary

24. Myth: "Existing laws designed to protect the public interest in Federal lands all over the country are waived or weakened. The bill flatly prohibits any future studies or withdrawals "except those authorized by this Act" for any purpose whatsoever; it opens 20 million acres of existing National Park System land to trophy and sport hunting; it opens the currently protected, extremely fragile Arctic National Wildlife Range to oil and gas exploration; it deletes key habitat from the existing Yukon Flats National Monument, an area that every year produces 2.1 million waterfowl; it omits refuge designation, adopted by the House in 1978, for the Togiak and highly productive Alaska Peninsula area; it makes unwarranted changes in existing law so as to permit roads, pipelines, coal slurry lines, railroads, etc. through national parks and wildlife refuges and wilderness areas; and it weakens wilderness protection by providing for a variety of incompatible uses. --Secretary Andrus, correspondence to Congressman Udall, dated March 13, 1979.

fact: This is one of the most blatant examples of hyperbole and inaccuracy expressed by some participants in the process of developing Alaska lands legislation.

None of the pending Alaska lands bills purports to waive or amend existing environmental laws of general applicability, such as the Clean Air Act, the Water Pollution Control Act, or the Solid Waste Act. The Huckaby bill, though not S.9 with one exception, does obviate the need for certain withdrawals and studies because Congress is addressing these matters within the framework of a comprehensive, multi-million acre legislative solution.

With respect to Secretary Andrus' statement regarding hunting within units of the National Park System, it must be noted that no pending bill would open to hunting those lands which were closed prior to December 1, 1978. On that date, President Carter created 56 million acres of new national monuments, many of which are closed to sport hunting. At that time, the President indicated that his actions were intended to be interim in nature, pending a final Congressional resolution. If the people's elected representatives, after balancing all of the competing concerns, determine that certain adjustments in prior unilateral administrative actions should be made, it seems that such Congressional decision-making would represent a proper working of the Federal system, and would effectuate the Carter Administration's professed intentions.

With respect to the effect of the Huckaby bill on the Arctic Wildlife Range, it should be noted that this area is not currently designated as wilderness. Therefore, upon a finding of compatibility with refuge objectives, the Secretary of the Interior, under his existing authority,

could open this area to oil and gas leasing. Thus, it is the Udall-Anderson bill which would change the status quo. In contrast, certain other bills would authorize a carefully-controlled assessment of the oil and gas potential of the Arctic coastal plain, thus permitting the Congress to make an informed decision at a later date to open or close the Range to oil and gas development. In this way, the possibility of panicky and unplanned exploration during some future oil crisis can be avoided.

The "Yukon Flats National Monument" is one of the areas established last year pending Congressional action. Moreover, the key habitat areas are adequately protected in all the pending measures (see Myth No. 21, Yukon Flats, and Myth No. 20, Alaska Peninsula.)

With respect to the statement on access through conservation system units, none of the pending bills changes the substantive standards for approval of transportation and utility systems. In recognition of certain deficiencies in existing law and Alaska's unique geographic circumstances, most of the pending measures, including the Udall-Anderson bill, improve the process for considering and approving applications. No proposed bill would permit administrative approval of access through areas where Congressional action is required under existing law. (Also see Myth No. 18.)

Regarding Secretary Andrus' comments on wilderness, all pending bills contain provisions which make at least some modifications in the Wilderness Act in order to address the immense acreages involved and the unique nature of rural Alaskan lifestyle. Thus, for example, all bills would permit certain motorized activities in wilderness areas. The changes in wilderness management which are allowed by the various bills are in fact minor, in relationship to the objectives of the Wilderness Act and the magnitude of the acreage placed in Wilderness.

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November 19, 1979

To: Addressees

Subject: Outdoor Writers Tour

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# HUNTER

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Volume 7, No. 11

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## EXCITATION

*Alaskans are a pretty hardy group of people. They are used to fighting cold, wilderness and the highest prices in the United States. Those battles are the expected part of the Alaskan life style. Now, they are faced with the biggest fight ever, the "Great Federal Land Grab," which is more properly titled d-2 legislation.*

*In this battle, the less than one-half-million Alaskans are in opposition to the White House, Congress, the Department of Interior, anti-hunters and preservationists. The odds are a little more than lopsided.*

*At stake is the federal take-over of millions of acres of Alaskan land — some of it among the finest hunting land in the world. The specifics of this issue are presented elsewhere in this special issue on the Alaskan lands controversy.*

*While the ultimate fate of these lands lies with Congress, President Carter has already closed 41 million acres to hunting by declaring 17 national monuments under the Antiquities Act. Hunting is prohibited on 14 of those "monuments."*

*Alaskans are fighting the presidential action. Under the leadership of the REAL Alaskan Coalition, "The Great Monument Trespass" has been organized. They simply urged Alaskans to hunt on the closed land.*

*Referring to their action as "Alaska's tea party," hundreds of Alaskans hunted on the monument lands in the hopes of being arrested by National Park Service rangers. At press time, with most of the hunting season over, only three hunters had been issued citations.*

*Ken Fanning, Executive Director of the REAL Alaskan Coalition, is hoping the arrests will give them a chance to test the legality of the Antiquities Act in court. When President Carter used the Act to create the monuments, the State of Alaska filed suit challenging the legality of that action and other land withdrawals. However, a federal judge has halted court proceedings until Congress settles the land issue.*

*Alaskans realize they cannot win this fight alone. Therefore, they have formed a new group called Fight Back, Alaska to take the battle to the lower forty-eight.*

*The Alaskans will be looking to Western states for their strongest support. They point out that 93.5 percent of the land controlled by the Federal government is located in 11 Western states and Alaska.*

*The so called federal land reforms in Alaska and many other states are being supported by preservationists under the guise of conservation. A forgotten part of conservation is that natural resources are to be protected from natural decay or ruin. The exclusion of hunting, fishing and trapping from such large sections of our most extensive wilderness is contrary to the rules of intelligent conservation and wildlife management.*

*People in the lower forty-eight — particularly those in the Eastern states — have a difficult time getting concerned about the Alaskan land problem. Most ask, "How can wilderness be bad?"*

*Most of those who ask this question have never seen Alaskan wilderness and cannot comprehend vast tracts of land that would take weeks to penetrate on foot. They cannot understand that even bird watchers and other non-consumptive users of the land will lose this wilderness because much of Alaska will be unreachable.*

*How can properly conducted hunting, fishing, trapping or even bird watching hurt wilderness?*

**Earl Shelsby**



# Alaska—There's No Excess of Access

By Norm Nelson



Alaska has only about one mile of road for every 130 square miles of terrain. Compare that to Texas which has about one mile of road for every 1.15 square miles, and it's easy to see that motor vehicle access for Alaskan sportsmen is practically nil.

A recent visitor to Alaska was taken salmon fishing by his hosts. The access road to this particular river was so full of cars and the limited stretch of river so lined with fishermen that the astonished visitor compared it to the Pentagon parking lot in Washington D.C.

"Is it always this crowded?" he asked.

"No," his host replied, "It's usually worse."

That true incident underlines something residents of the Lower 48 rarely realize. Enormous Alaska (seven times the size of Minnesota, about twice the size of Texas) is assumed to be a vast outdoor playground. Non-Alaskan hunters look at a map of it and have fantasies about hunting all over the huge expanse.

However, the fact is that most Alaskan outdoor recreation is confined to a relatively small area by the lack of access roads. Before you

can enjoy the great outdoors anywhere, you must get there. Getting into choice Alaskan hunting spots is usually impossible by normal surface transportation. Getting in by air is usually expensive.

Texas, a state that's far from being crowded, has 230,970 miles of public roads. That's about one mile of road for every 1.15 square miles of land in The Lone Star State. Alaska, double the size, has only about 4,500 miles of roads, about one mile of road for every 130 square miles of terrain.

The great debate about Alaska today involves "development" which is a word meaning many things to different people. The powerful preservationist lobby in the U.S. is striving hard to lock up much of Alaska in some form or other of permanent wilderness. That means very little, if any, outdoor recreation in such areas. The Carter Administration's move months ago to make "national

land is almost no access to monument lands, a whole class of possible recreationists — in this case, sport hunters — are barred from using these lands.

Sportsmen themselves often have mixed feelings about so-called wilderness set-asides. Many of us deplore the ecological changes that sometimes — not always — take place as a result of some forms of developmental land practices.

But never forget that the extreme alternative — no development at all — can and does mean that large areas of public domain will be locked up in a no-use status for the sheer lack of accessibility. In the case of Alaska, much of the problem is due to the zeal of the preservationists to stop hunting along with preventing any economic/ecological development. When anyone objects to this extremism, the preservationist bloc immediately smears him as being in favor of throwing open the lands in question to large-scale development.

As a sportsman for close to four decades and a journalist crusading much of that time for legitimate conservation, I, along with wiser men like Rep. John Dingell, believe there's a rational middle ground. This should include intelligent use of some outdoor recreation areas that can be utilized by the rank and file who cannot afford chartered aircraft or expensive pack trains. A rational approach to managing Alaskan wilderness as a natural resource should also include setting aside substantial areas as true, untouched wilderness because of unique ecological and esthetic values. But not the whole state!

Even with more development, Alaska is never going to be overdeveloped with too many roads penetrating pristine back-country. The formidable mountainous or boggy tundra terrain and the severe problems of permafrost engineering make both road building and maintenance amazingly expensive. But any road building that does take place cannot help but provide more recreational opportunities in this huge land where, presently, recreationists are overcrowded in the tiny fraction of the land they have access to. ■

# Hunting— An American Tradition

As we began the decade of the 70s, Alaska was a state possessing a character and life style uniquely Alaskan. It was a dream destination for sportsmen or for anyone who wanted to visit our last frontier. It was a state in rapport with being itself.

Now, as we end the 70s, Alaska is in turmoil. Civil rebellion is a reality. Preservationists, more predatory than any gray wolf, scheme to lock out all who hunt and trap on vast millions of acres just because they use a renewable resource rather than "leave only footprints and take only photographs." Eskimos and Indians with their millions of acres and dollars assured to them wait restlessly and plan eagerly for the final division of the spoils. Empire-building federal bureaus seek control of enormous tracts of land, not because they can manage them better, but because more land means bigger budgets and greater power.

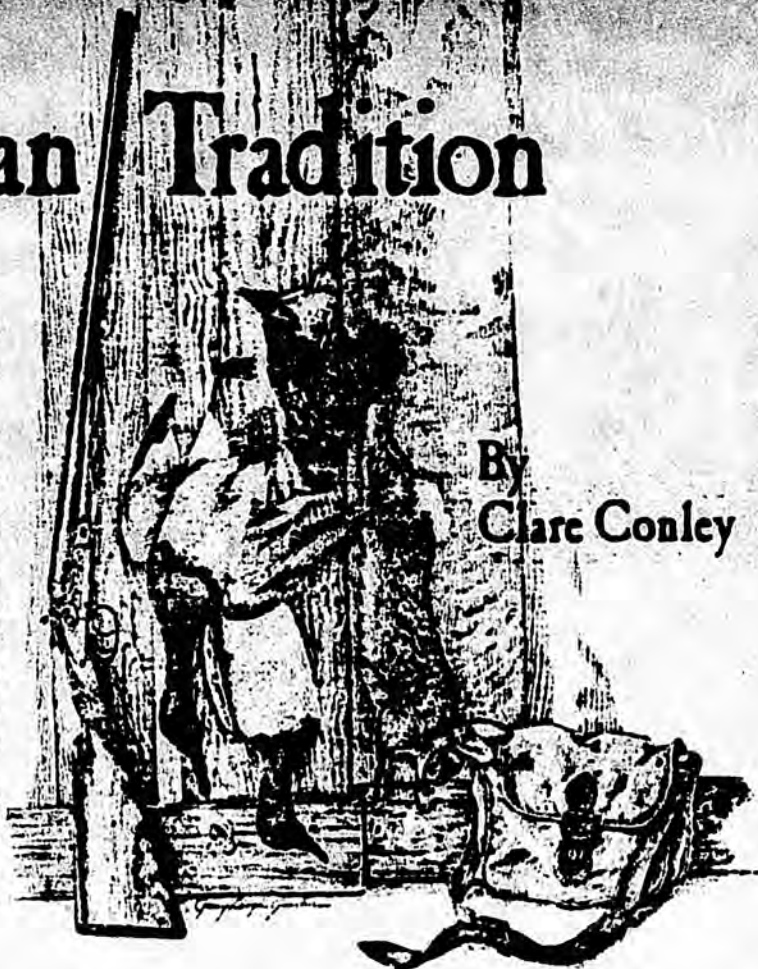
Oil companies face a lock up of petroleum and mineral lands at a time when the nation needs them. The state government fears that lost revenues of oil, minerals, timber and sportsmen will drive the state into increased unemployment and debt.

## Alaska—What's Really At Stake?

But the most terrible of all is that the Alaskan life style, which is as worthwhile preserving as the wildlife, is being brutally killed off by a don't-touch administration policy that refuses to see that man is as much a part of the Alaskan ecosystem as is the caribou.

In the middle are 20 million American sportsmen as well as the entire non-sporting public. They are confused by claim and counter claim about what is best for Alaska. They do not understand the size of the land and the character of the people. They have been sold out by the national administration and betrayed by national organizations which claim to represent them. Now gut-reacting out of fear of losing everything, they feel forced to accept absolute lockups as being the only way to protect Alaskan land. Avowed anti-hunting, anti-trapping groups, such as Friends of Animals and Fund for Animals, have banded together with closet preservationist groups, such as the National Wildlife Federation and the Sierra Club, to restrict the use of the best pieces of Alaskan land to nature walks and backpacking. (The total acreage is about as much as in Wisconsin, or Illinois, or Iowa.) This is in spite of the fact that these "acceptable" activities don't occur to any significant degree on these acres because they are too remote, too hostile and too expensive to reach.

By 1970 the Alaska pot was beginning to boil, and the heat was coming from oil. Discovered on the North



By  
Clare Conley

Slope in huge quantities, it could not be brought out by sea. An overland route was the only solution. Conservationists, including myself, testified in the U.S. Senate that the pipeline should not be built before the technology was fully researched.

But the real stopper turned out to be the claims of the Indians and Eskimos, known as the Native Claims. These Native Claims stemmed from an unresolved treaty dating back to the purchase of Alaska from Russia. They were a tangled assortment of claims by various tribes. These tribes overlapped each other and declared ownership of the whole state by virtue of ancient tribal land use. The U.S. Congress had never taken these claims seriously. About 99 percent of Alaska was owned then by the federal government and was well-managed by the Bureau of Land Management (BLM). The Natives used the land pretty much as they wanted. But the pipeline changed all that.

Clear title to the land along the route of the pipeline had to be established. Native Claims clouded that title. Suddenly in 1971 the pressure on the President, the Secretary of Interior and on Congress to settle the Native Claims grew intense. It came from the ever-powerful oil lobby, from the Natives and from the State of Alaska which wanted the wellhead oil tax money to start flowing. Before that time, it was known that the Natives would have settled at various times for 5 to 10 million acres, so it came as a rude surprise when

THE AMERICAN HUNTER

million acres and \$1 billion — all to 50,000 people. Obviously the payoff to the Natives was made ridiculously high to avoid a Supreme Court challenge which would delay the pipeline.

That act will come to be recognized as the most recklessly damaging piece of legislation ever perpetrated on Alaska or to the land holdings of the American people. It was rushed through Congress so fast that those of us who could write editorials and inform the people of the danger did not have time to get it into print. President Nixon signed the bill immediately. (Curiously now, the ANCSA is biting back the hands that brought it into being — namely the oil lobby. Because of the act, oil and mineral prospecting and development in Alaska has been brought to a halt.)

## ***The Alaska Plan Was Never Meant To Be A Blueprint For Public Parks.***

At this point, the land grab was on. The Natives had the right to take about half of their 44 million acres any place that was not already deeded or in monuments, parks or preserves. The authors of the bill saw the danger in giving the Natives unlimited first choice of land and included the d-2 section in the Act to protect key lands. This instructed the Secretary of Interior to set aside up to 80 million acres for placement into various *conservation* units by December 18, 1978. The Natives then drew up a plan of 116 million acres from which they wanted to select their land, and the State picked 77 million acres as granted in the Statehood Act.

The Department of Interior refused to recognize any land claims until it had made its selection, but eventually it did allow the state to select 41 million acres and gave title to 22 million of these acres. The Natives began receiving their money, but received title for the time being to only about 200,000 acres. The idea was to develop a land plan in the Department of Interior under the d-2 section which would retain in public ownership unique scenic areas and wildlife habitat. *It was not a blueprint for public parks.* But this is what preservationists have made it into. So while conservationists avoided having key lands fall into private Native ownership, preservationists seized the chance to lock up these lands in parks where no one can use them.

The Department of Interior land selection and land use plan under d-2 was supposed to become a law by being passed by Congress before the cutoff date — December, 1978. Otherwise, Native Claims could be registered. By 1978 had preservationist advice had become Carter Administration policy.

The first Administration attempt to push an Alaska Lands Bill through Congress occurred in 1978 — before the cutoff date. But instead of placing 80 million acres in conservation units, it set aside 123 million acres. A third of this, including much first-class game habitat, was to go into non-hunting park status. Because of this and other outstanding faults, the bill failed to pass Congress.

NOVEMBER 1979

and very soon, President Carter set aside all the important land as a number of federal monuments, which essentially are parks and are managed by the Park Service. There are three exceptions which are managed by the Fish and Wildlife Service.

This year, 1979, another attempt is being made to pass an Administration Bill (the Udall Bill) through Congress. A combination of intense lobbying by the White House and preservationist-thinking groups such as the National Wildlife Federation, National Audubon Society, Isaac Walton League and the Sierra Club, allied with staunch anti-hunting groups, such as Friends of Animals and Fund for Animals, got the bill through the House.

The Administration's Alaska Land Bill has become the cause-of-all-causes for Tom Kimball who dictates policy at the National Wildlife Federation (NWF). Kimball almost never has risked his position at NWF by putting both feet at once in any conservation boat — unless it was firmly on solid ground. He has this time. And many of his grass roots state organizations do not support him. He had had to fight desperately and spend a lot of money to keep the campaign in line. Otherwise he risked a staggering blow to his own stature and to that of the NWF. By my own knowledge, Pennsylvania with 200,000 members in the NWF state affiliation, Michigan with 125,000 members and Illinois with 30,000 members voted not to support Kimball in his campaign for the Administration bill. It is a sizeable chunk of the NWF. And, I am told, many other states rebelled as well.

Now that bill is in the Senate Energy and Resources Committee headed by Sen. Henry Jackson (D-WA). Sen. Jackson also has his own bill on Alaska land before the same committee. Of the two, the Jackson Bill is by far the better. But both have faults.

Without question, the basic flaw in both bills is that they begin with the idea that vast amounts of land must be in parks. This is wrong. It fails to recognize traditional uses of the land, mostly hunting and trapping. It ignores the basic character of the people of Alaska, the frontier style of life. It will throw hundreds of guides and their helpers out of work, and it transfers the land from the Bureau of Land Management (BLM) to the National Park Service.

There is no reason to move the land management from one agency to another. The BLM has always managed Alaska land, and it knows how. The Park Service has never managed land in Alaska of this size and remoteness. The National Park Service has expertise in managing places like Yellowstone National Park, which has about 2,222,000 acres or Mt. McKinley National Park, with 1.9 million acres.

Suddenly the Park Service wants to create a park in the Wrangell Mountains that has 10 million acres and another park in the Brooks Range that has 8.2 million acres plus many other smaller parks. And even most of these smaller parks are larger than any it presently manages. The Park Service is not equipped for such management and should not be when we have an agency which is.

*continued on pg. 77*

Most citizens are not aware that it is possible to keep the land under the management of the BLM in conservation units called National Recreation Acres. They would still be owned by the federal government. They would be open to hunting and, most likely, trapping. They would allow guiding to continue. In summary, these acres would be places where people could go and take part in the traditional uses of the

have built for themselves. Recreation areas would also permit state management of the game.

Although Alaskans hate the current monument status of their land, it is better to live with it another year so that, with greater understanding of the problems, legislators can sit down and design a land bill that will reflect the needs of the people of Alaska and of the United States.

## SERVICES FOR HUNTERS

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# Alaska Lands...

By George Martin

**A**ccording to Terry Miller, Lt. Governor of Alaska "The Alaska lands legislation is the most important issue to face the state since statehood."

Sound like a politician's grasp of the obvious? Well, take a look at the highlights of a 21-year, very complicated and involved subject, but every time the name Alaska appears, insert the name of your state. You won't like it and neither do the sportsmen of Alaska.

1958 — Alaska statehood bill passes both houses of Congress; allows new state to select 104 million acres of land within 25 years of statehood. Native aboriginal claims to be settled later. 99.8 percent of lands federally owned.

1959 — President Eisenhower proclaims Alaska the 49th state. Court of Claims rules Tlingit and Haida Indians are entitled to com-

pensation for lands taken from them by U.S.

1961 — First regional organization, Inupiat Paitot, organized out of concern to protect aboriginal rights.

1963 — Alaska Task Force, appointed by the Interior Secretary finds Organic Act lacking provisions for natives to obtain title. Natives oppose the task force's recommendations of granting individual land, small acreages for village growth and designation without ownership of lands for food gathering.

1966 — Land freeze imposed by Interior Secretary Stewart Udall until Congressional action upon native claims; suit is filed against Udall by the state.

1967 — First bills to settle native land claims are filed in Congress.

1968 — Alaska Land Claims Task Force recommends a 40 million acre land settlement; governmental study asserts native land claims to be valid.

1970 — U.S. Senate passes an Alaska native claims bill.

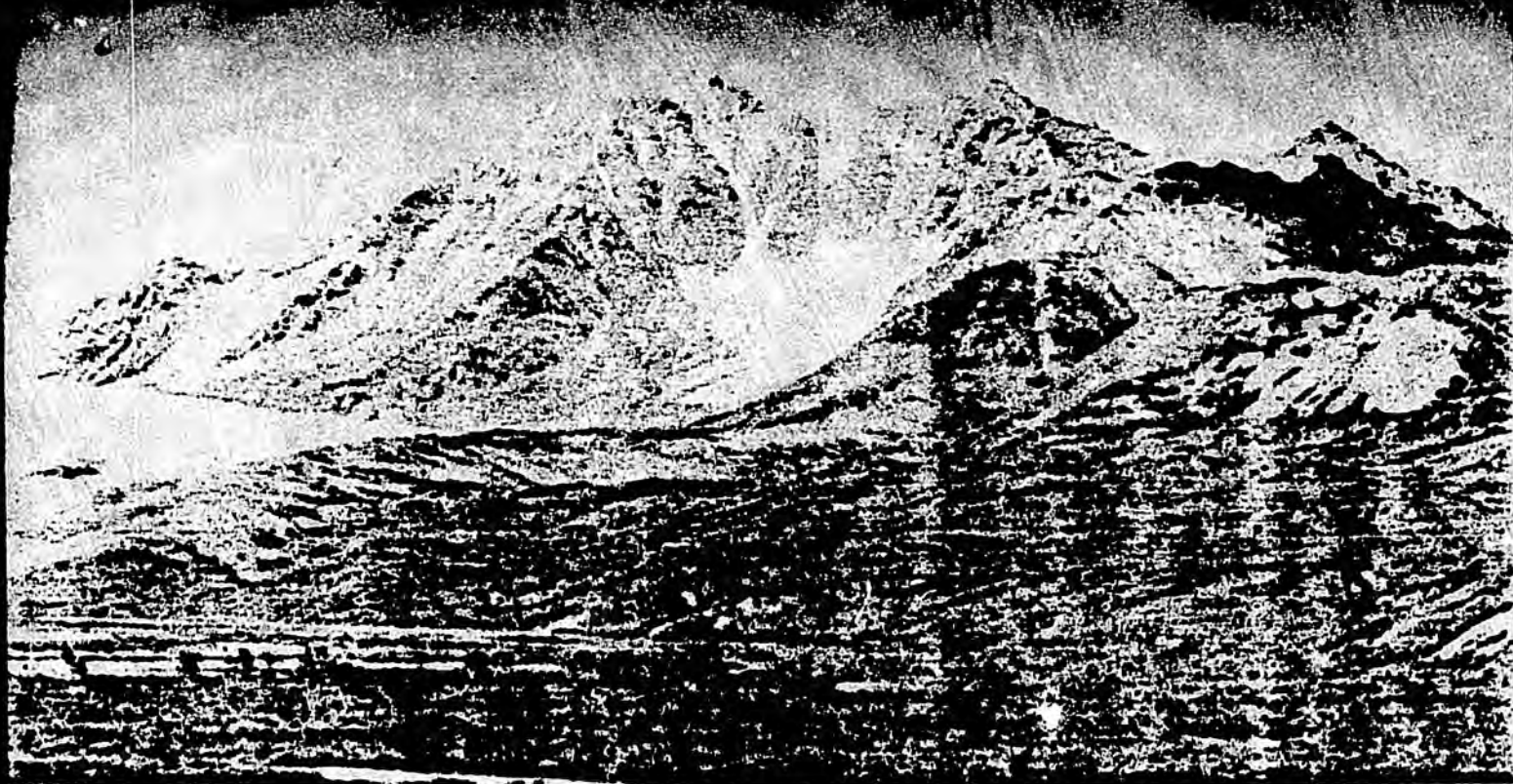
1971 — Native claims bills pass both houses and are routed to a conference committee. A compromise bill is passed by Congress. President Nixon signs Alaska Native Claims Settlement Act on Dec. 18, authorizing transfer of 44 million acres and awarding \$962.5 million compensation, to be handled by native corporations.

1972 — Gov. Egan and Interior Secretary Morton jointly announce an out-of-court settlement on 80 million acres selected by the state but challenged by the federal government. The state gives up 42 million acres of its selections; Egan declares it a victory in obtaining more desired lands and paving the way to negotiations. Leaves Congress until Dec. 17, 1978 to act.

1976 — Congress passes Federal Land-Use Policy Management Act (FLPMA) giving the Bureau of Land Management authority to manage federal lands, including power to establish land-use regulations.

1978 — Governor of Alaska signs

THE AMERICAN HUNTER



## *"We're Not Looking For Special Treatment; We're Looking For Equal Treatment."*

J. S. Hammond Governor, STATE OF ALASKA

Municipal Land Selections Act, allowing 11 borough units to select about 860,000 acres.

1978 — Congressional "Ad Hoc" compromise bill on d-2 fails. Senate adjourns in October without action on Alaska lands bill.

1978 — Secretary of Interior withdraws 110 million acres for three years under "FLPMA" in November.

1978 — President Carter imposes 1906 Antiquities Act on December 1, designating 56 million acres as national monuments and ordering immediate study of an additional 39 million acres for possible withdrawal under FLPMA into the national wildlife refuge system.

1979 — In January, Senator Jackson (D-Wa) introduces S.9, which is pending action in the Senate Energy and Natural Resources Committee.

1979 — In May, House passes Udall-Anderson Version of HR. 39 which designates 127.5 million acres of park, preserve, refuge and forest.

Using the Antiquities Act of 1906, President Carter on December 1, 1978 created 17 national monuments in Alaska, totalling a little more than 56 million acres. The entire state contains 375 million acres of land, of which about one-third is considered good game habitat. Almost 93 percent of all U.S. national monument acreage is now in the State of Alaska. There is now more national monument land in Alaska, as the result of a sweep of the Presidential pen, than in 40 of the lower 48 states.

### **Locked-Up Land**

Carter's action was taken after Sen. Mike Gravel, (D-Ak), prevented action on a measure in the waning hours of the 95th Congress that would have extended the Dec. 18, 1978 date specified in the Alaska Native Claims Settlement Act of 1971 as the deadline for passage of lands legislation until Congress could consider the bill again this year. Administration Officials said the action was necessary to prevent

the land from lapsing into unclassified status. However, the national monuments are permanent. Only congressional action can change them now.

Thirteen of the monuments are managed by the National Park Service, two by the U.S. Fish and Wildlife Service and two by the U.S. Forest Service. The National Park Service (NPS) and the United States Fish and Wildlife Service (USFWS), both divisions of the Interior Department, have issued interim regulations governing use of the new monuments and are currently writing permanent regulations. As a rule, NPS permits fishing, but prohibits sport hunting and trapping on 13 of the monuments. This action by the President has closed 41 million acres to hunting in Alaska that were open last year. The use of firearms is also prohibited in the monuments except for defense of life or as authorized for emergency use. Subsistence hunting, fishing, trapping and other consumptive uses are allowed

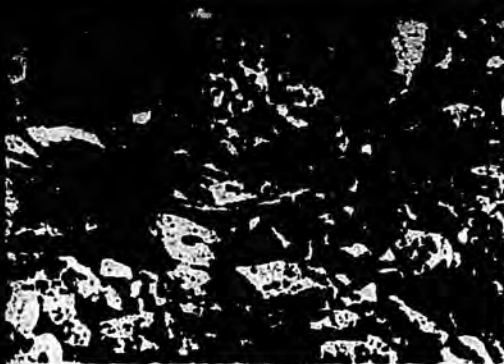


Photo by Leonard Lee Bush III

Carter's closures damaged the quality of hunting in Alaska. Example: 30% of the best caribou hunting areas were closed.



This rack of salmon reflects the dependence of Alaskan Natives on wildlife, making subsistence hunting a major issue.

by "local rural residents" in all but one of the 13 NPS monuments, subject to state regulations. Subsistence uses are defined as "traditional uses of renewable resources for personal or family consumption as food, shelter, fuel, clothing, tools or transportation." Airplanes are not allowed in connection with subsistence uses. No new mining or timber development will be allowed on the monuments, and regulations also restrict the construction of roads.

How did things get into such a mess? Basically it is the result of "Foggy-Bottom" mentality attempting to cope with Mt. McKinley reality.

The Statehood Act entitled Alaska to select, within 25 years, 104 million acres for state ownership. The Alaska Native Claims Settlement Act (ANCSA) of 1971 promised 44 million acres and

...of Alaska lands into game and refuges, including 27 million acres closed to hunting. In addition, it altered the traditional state management of fish and game on these lands with subsistence hunting provisions and placed nine million acres of state-selected lands under Federal control to be managed under slightly modified provisions of the 1984 Wilderness Act.

As of November 30, 1978, the state had received clear title to 22 million acres, tentative approval to 15 million acres and had selected 114 million acres. The natives, other than the Arctic Slope Regional Corp. had received title to less than 200,000 acres.

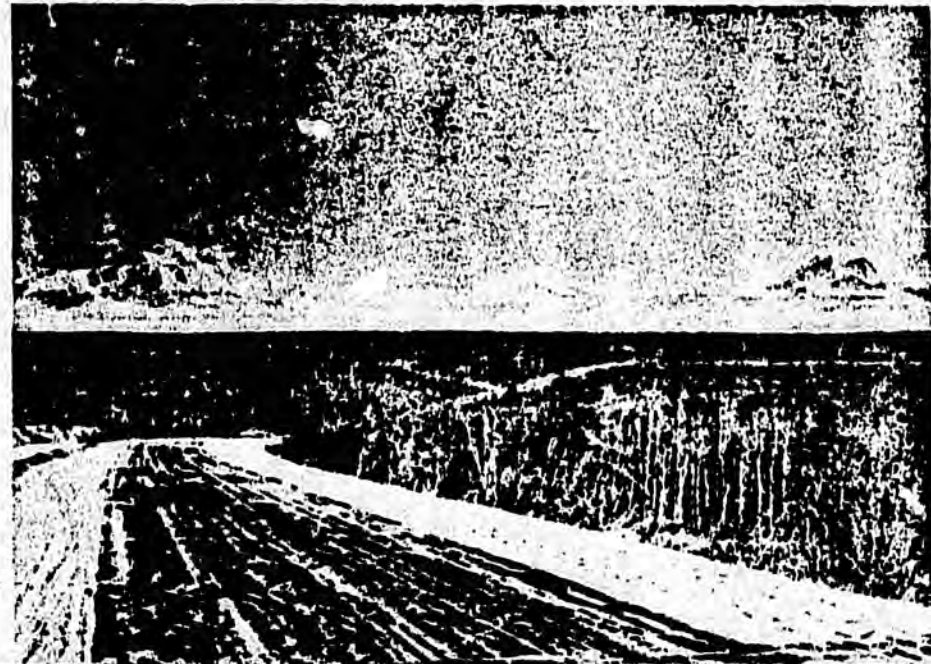
### NRA Shifts Support

It is important to notice the relationship of the Alaska oil pipeline to all these goings on. As a practical matter what the d-2 legislation did was buy from the natives an agreement not to bring suit based on aboriginal land rights against the pipeline's right-of-way. At the same time, the preservationists saw a chance to gouge and jumped the 10 million acres they had been lobbying for preserves and refuges to 80 million acres. However, the Udall version of HR. 39, which was the version passed by the U.S. House of Representatives last spring and the version which heeded the anti-hunting, preservationist voices within the Carter

Administration, was a major legislative battle over the Udall bill, with NRA supporting efforts to substitute either of two other versions which came closer to the Alaskan d-2 Lands resolution passed by the NRA Board of Directors in early 1978. By one vote, Udall's own committee substituted the Huckaby Version, which was the same as the "Ad Hoc Compromise" which almost passed last year. Then NRA shifted its support to the Breau-Dingell version, which was introduced later by ardent conservationists John Breau and John Dingell. Their bill was better from the NRA standpoint primarily because it placed control of more Federal Alaskan lands in the game refuges managed by the pro-hunting Fish and Wildlife Service rather than by the Park Service.

"Frankly, we were not in love with all the provisions of either of the substitutes, but we considered them to be superior to the Udall-Anderson bill," said Neal Knox,

The exploitation of our desperately needed natural resources — oil, minerals and timber — demands certain changes in wildlife habitat such as road-building. Hunter/conservationists are concerned that such changes have minimal impact on the environment.



... were 300-page bills and extremely complex. Some claimed that we were supporting the wrong bill, but we were opposing the Udall bill and anti-hunter Cleveland Amory was supporting it. If Cleveland Amory had come down on our side of the controversy, we would have been concerned that our critics were correct; instead, he was on the same side as most of our critics."

In January, 1979, Senator Henry Jackson (D-Wa) introduced the Senate Energy and Natural Resources Committee bill, S.9. The scope and thrust of this bill is nearly as wide and far reaching as the Udall bill which passed the House. It affects 96.5 million acres in Alaska. The bill closes 20 million acres to hunting on lands designated as National Parks. Wildlife is considered a major resource but in a conservation manner rather than from a preservationist viewpoint.

### Important Subsistence Problems

The issue of subsistence hunting is of prime importance to sportsmen because it will set a precedent in federal law. Ken Fanning, Executive Director of the REAL Alaska Coalition which represents over 40 Alaskan sportsman's groups, has said, "Alaska's right to manage its fishery and wildlife resources must be guaranteed. In any d-2 legislation, subsistence sections or other sections in the legislation must not infringe on any of the state's rights to manage its fish and game resources. Subsistence should likewise be a management prerogative of the state rather than the federal government. Any language which would nullify critical provisions of our statehood act or jeopardize all states' rights to manage their fish and game resources must be avoided."

Under the Marine Mammal Protection Act of 1972, the management responsibilities for 10 marine mammals native to Alaska were removed from the Alaska Department of Fish & Game and placed partially under the Department of Interior and partially under the Department of Commerce. Neither

... nine of the 10 mammals were banned from sport hunting and were placed under a moratorium period of no management. During this time, subsistence hunting was permitted without regard to former state laws affecting limits and seasons. Wasteful harvest practices grew and resulted in a larger kill than under state control, including a high percentage of sow and cub polar bears.

The broad implications of the Alaska National Interest Lands go far beyond the hunting issue. States rights versus federal control, energy versus the environment and executive action versus congressional authority, all enter into this complex legislation.

Results of three public opinion surveys suggest the general public is considerably more sophisticated in its view of the federal wilderness lands issue than had been recognized. The findings of the Cambridge Report 17 Survey, the Opinion Research Corporation Survey and the Yankelovich, Skelly & White Survey, all taken in late 1978, show that the public appears to understand in a general way that the wilderness lands issue is by no means an either/or proposition. The public shows little support of either total preservation of wilderness areas or full exploitation of natural resources. Similarly, hunters are justifiably concerned about exploitation of natural resources in a manner which would destroy game habitat, and ultimately the game itself, for that is the concern of every conservationist. But we hunters are also concerned that we would be locked out of millions of acres in the name of conservation.

The Alaska Oil Pipeline caused much concern during its construction regarding environmental degradation and possible disruption of wildlife. Atlantic Richfield Company (ARCO) convinced the noted naturalist Angus Gavin to come out of retirement and be its on-site wildlife and environmental consultant at Prudhoe Bay. After eight years of continuous study of the North Slope wildlife, Gavin has concluded that the wildlife, whether year-round residents or summer

... These are the findings of scientific research and personal observations conducted by a man who doesn't need a job and who has devoted his life to the study and betterment of wildlife.

### Minority Wins — Majority Loses

It is obvious and goes without saying that the developers have their own profit-motivated ax to grind — a grinding carried-on among laws aplenty to keep them on the straight and narrow. In fact, a friend of mine who is an Alaskan guide, said he was annoyed by all the restrictions on mineral development with which the companies have agreed to comply in order to protect the environment.

To the sport hunter, whether resident or nonresident of Alaska, the bottom line to any Alaska lands legislation is the conservation "wise-use" of Alaska's resources. This management includes consumptive usage of wildlife resources as well as of oil, minerals and timber. All must be managed in such a way as to impact minimally on the environment. The answer is not a bill that provides for 27 million acres of prime hunting country to be locked-up with access and legitimate and traditional use denied to you and me and left to the very loosely restrained caprices of the (yet to be specifically defined) subsistence hunters.

Alaska Natives are pledged to nothing less than d-2 legislation which guarantees priority status to subsistence hunting not only on the

*continued on p. 75*

Considering the limited range of Dall's sheep, hunters can't afford to give up 80% of Alaska's best sheep hunting areas.



Photo by Tom Walker

44 million acres of land conveyed to them by the Alaska Native Claims Settlement Act but on all federal land in Alaska.

Although state fish and game management policy places subsistence at the top of the list of priorities for use of the resources, rural residents believe practice has favored urban and sport users. Because of what they see as a hostile attitude toward subsistence users on the part of the state, natives will use d-2 to reinforce preferential subsistence rights by federal oversight. A spokesman for several sportsman's groups said in Anchorage that this will give priority use of fish and game to a selected few:

"With complete control on the 44 million acres plus priority use on all federal lands, leaving only small pockets of state land, the effect will be that the majority of Alaskans will be denied the use of our fish and game."

In response to a native leader's political attack on state wildlife management, Jim Rearden, outdoor writer and member of the Alaska Board of Game, replied that subsistence would not be a real issue in small villages without the work of "special interest groups in Barrow, Bethel and other places" and because of the Rural Community Action Program. He added that

Alaska has vast amounts of land, but the game concentrates in small pockets, many of which will be closed to sport hunters.



once is not an issue in their area.

"The people testifying for special subsistence privileges are almost all full-time, paid employees of special interest groups," Rearden said. "If you go to little villages and talk to the people instead of to their leaders, they think it's a bunch of baloney."

So what does all this mean? Without changes in current and proposed legislation, it means: 60% of Alaska's Dall's sheep range closed to sport hunting; 28% of Alaska's moose range closed to sport hunting; 31% of Alaska's brown bear range closed to sport hunting; 34% of Alaska's caribou range closed to sport hunting; 15% of Alaska's black bear range closed to sport hunting; 20% of Alaska's mountain goat range closed to sport hunting.

It means: loss of at least 133 active guide operations with displacement or loss of livelihood to over 4,000 guides, employees and family members; loss of revenues from guiding enterprises put out of business — estimated to be five to six million dollars annually; eventual loss of income from license revenues to the state reaching \$600,000 annually by 1981; loss of supplemental meat value to residents of over \$1,000,000; loss of revenues from users of air taxi, lodges, retail stores and other business who depend on the sport hunter's dollars.

It means: deterioration in the quality of hunting on remaining lands due to increased hunting pressures shifted from 'closed areas'; negation of the Statehood Act provision giving the state the right to manage resident fish and wildlife statewide; giving the Secretary of Interior the ultimate authority to regulate fish and wildlife uses on all federal lands; requiring the State to establish regional administrative and regulatory structure in fish and game management (unprecedented for any state); allowing an annual budget of \$5,000,000.

It means: requiring the state to finance complex and expensive subsistence programs even if federal monies are not available; giving overlapping jurisdiction to

creating chaos in subsistence research and management; taking away a significant portion of traditional state control of access on navigable waters and water appropriations; closing a good portion of state to trapping; defining subsistence to exclude commercial trapping. And finally, it means fifty million acres (1/7th of state) will be managed by the National Park Service.

### Act Now!

As if the list is not frightening enough, take a look at some of the organizations which are actively supporting the Alaska lock-up: Animal Protection Institute; Defenders of Wildlife; Friends Of The Earth; Fund For Animals; National Audubon Society; Sierra Club; and the Wilderness Society, among others.

Whether or not circumstances ever allow you the wonderful experience of hunting in Alaska, it is important for you to be concerned about what is happening there. The precedents set in Alaska are the foundation on which your state, or the states in which you hunt, can be gobbled-up in Big Brother's insatiable appetite for federal authority.

Let your representative know that any Alaska lands legislation must assure the following:

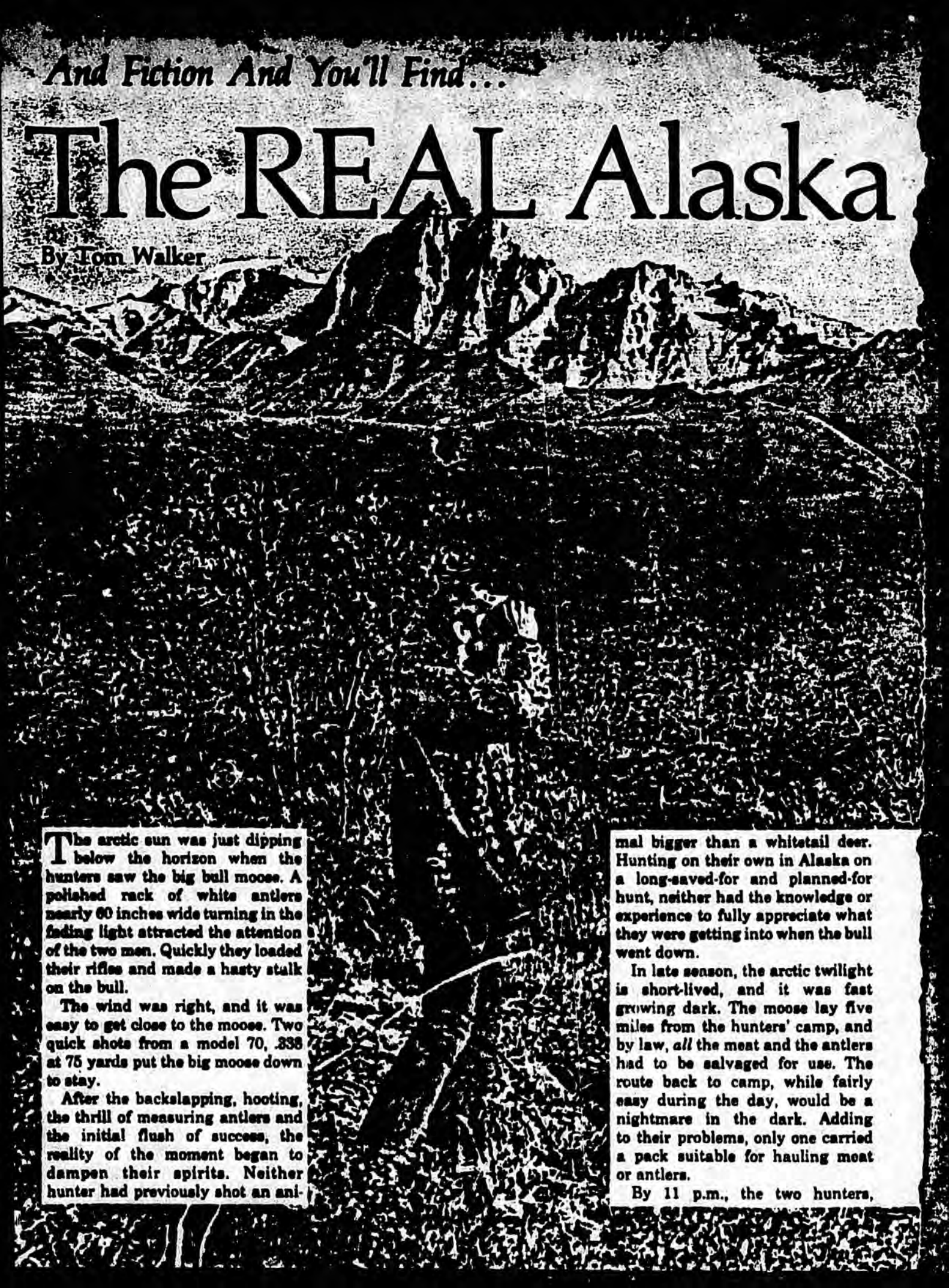
1. A guarantee of reasonable access and allowed-use of all public lands and waters in Alaska for traditional uses, especially hunting.
2. Alaska's right to manage its fishery and wildlife resources must be guaranteed in any d-2 legislation. Subsistence sections must not infringe on the state's right to manage fish and game. Subsistence should be managed by the state, not the federal government.
3. Acreage closed to hunting, trapping and fishing for sport and commercial purposes should be minimal. Management must allow continued use by sportsmen and other recreationists for access and use in these areas.

Remember, the Alaska hunting you save could be your own! ■

And Fiction And You'll Find...

# The REAL Alaska

By Tom Walker



The arctic sun was just dipping below the horizon when the hunters saw the big bull moose. A polished rack of white antlers nearly 60 inches wide turning in the fading light attracted the attention of the two men. Quickly they loaded their rifles and made a hasty stalk on the bull.

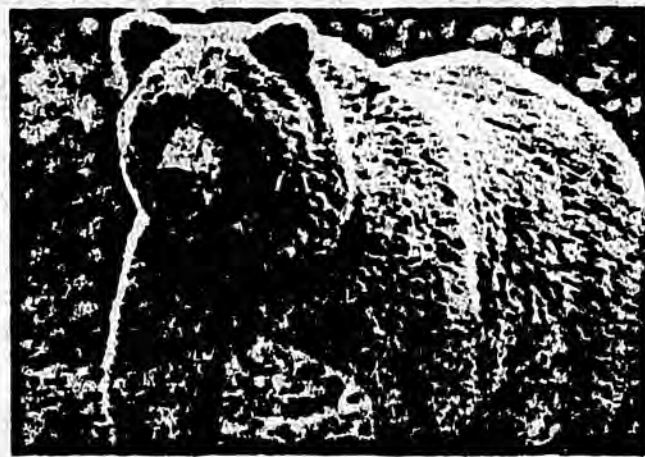
The wind was right, and it was easy to get close to the moose. Two quick shots from a model 70, .338 at 75 yards put the big moose down to stay.

After the backslapping, hooting, the thrill of measuring antlers and the initial flush of success, the reality of the moment began to dampen their spirits. Neither hunter had previously shot an ani-

mal bigger than a whitetail deer. Hunting on their own in Alaska on a long-saved-for and planned-for hunt, neither had the knowledge or experience to fully appreciate what they were getting into when the bull went down.

In late season, the arctic twilight is short-lived, and it was fast growing dark. The moose lay five miles from the hunters' camp, and by law, *all* the meat and the antlers had to be salvaged for use. The route back to camp, while fairly easy during the day, would be a nightmare in the dark. Adding to their problems, only one carried a pack suitable for hauling meat or antlers.

By 11 p.m., the two hunters,



sweat-soaked and covered with blood, had the moose butchered and spread out to cool. Without an ax or saw, it had been a struggle to get the animal gutted and quartered. Having only their knives to work with, they had been unable to remove the antlers from the skull or split the brisket.

Tired and much wiser, the two struggled back to camp, sharing the one load of meat. They arrived at camp about 2 a.m.

Late the next morning, the pair finished breakfast and set out in a light rain to begin the toil of packing the meat. It was apparent to them that each would have to make at least four or five trips across tundra and muskeg to bring

in the meat and horns. The chore would involve 40 or 50 miles of hiking, half of which would be under the burden of heavy packs.

"No wonder," one hunter commented, "the pilot said 'With moose hunting, the work begins when you pull the trigger.'"

Two days later, the men had managed to pack out most of the meat and the antlers but were forced to abandon the remainder when a grizzly sow and cub took possession of the kill.


Time had run out on the hunt, but as one hunter said later, "One moose was enough."

The shame of it all was, besides losing some of the meat to a bear, that on the first day of packing

meat they encountered two good bulls not half a mile from their camp. With a little patience, each could have scored without half the trouble. Other first-time hunters in Alaska, both resident and non-resident, do the same kinds of things. They are getting themselves needlessly into unpleasant and, at times, dangerous situations.

Those moose hunters were the unwitting victims of inexperience, and their hardships could have been avoided. Two factors were working against them — the country and the lack of experience in dealing with an animal the size of a moose.

For many hunters, Alaska is Shangri-La — the land of really big



Many hunters believe that all they have to do to have a successful hunt in Alaska is to hire a bush pilot to take them into remote areas. But most places that are easily accessible by air have been hunted hard. Good areas are jealously guarded secrets.

game — popularized and glamorized in hunting and adventure stories until it has become larger than life. Alaska! The land where a hunter with little experience can be overrun with herds of game, or so the tales go. But what is Alaskan hunting really like?

The scraping away of all the misconceptions and false impressions created and prompted over the years by scores of writers and tellers-of-tales can't be done in one magazine article. However, there are some common misconceptions shared by hunters visiting the 49th state for the first time that can be cleared up. Most suggestions are aimed at those residents and non-residents who seek Alaskan game on their own without the services of a guide. Guides are required for nonresidents seeking Dall's sheep and brown/grizzly bears. But nothing stops an out-of-stater from hunting deer, caribou, elk, bison, black bear, moose, mountain goat, walrus, wolf or wolverine on his own, and many do. A good guide will tell his clients before they arrive what to expect, but many of the points covered here may be of value to a guided hunter as well.

Alaska is real wilderness country, and there is no way around the fact that it's tough country to get around in. More than anything else, this one fact of Alaskan hunting life is most discounted or overlooked by hunters. Most hunting in Alaska takes place on the open tundra or in the mountains. The heavily timbered areas of the state go almost unhunted because of the difficulty in finding the game. Therefore, the actual hunting country is limited to



Photos by author

Alaskan hunters have to be prepared for rapid and severe weather changes. One day can be shirt-sleeve warm, the next bitter cold.

the more open areas. By the very nature of the topography of the hunting areas — tundra being semi-swamp and the mountains rugged and steep — it takes well-conditioned hunters to be mobile in that terrain. Being in shape to hunt in Alaska means being in top physical condition.

Alaskan law requires that all meat be brought out. Few first-time, nonresident hunters realize how difficult a task this can be when an animal like a moose — which can amount to nearly 800 pounds of meat — must be dressed, skinned, quartered and packed out.



...to pack out the meat with proper feet which creates a dishegan effect. Drainage is poor, and there's lots of standing water which promotes swampy and brushy conditions. Heavy brush thickets of willow and alder are common, and what from a distance looks like flat, open country in reality is high brush. The mountains, although steep, have relatively poor drainage, creating swampy conditions on some slopes. Don't underestimate the difficulty of the terrain.

Those moose hunters grossly underestimated the work involved in packing out an animal the size of an Alaskan moose. Even on good terrain, five miles is too far to pack a moose. In parts of Canada, the law doesn't require a hunter to bring out any meat, but in Alaska, the law requires a hunter to bring out *all* the meat. Most moose weigh around 1200-1400 pounds as adults. Any moose is a big animal, and until a hunter has helped backpack out a moose, it's hard to appreciate the labor involved. Studies have shown that as much as 55 percent of a big game animal's total body weight is useable meat. For a 1400-pound bull, that amounts to 770 pounds of meat. Added to that are the antlers and cape.

Alaska is a big state. In fact, it covers 586,400 square miles. That's equal to one-fifth the size of the continental U.S. That's larger than the combined areas of the states of Washington, Oregon, California, Idaho, Utah and Nevada. Any way you size it, Alaska is BIG.

Yet, as big as it is, Alaska is really *not* good game-producing

tion numbering more total animals than all Alaska's big game species put together.

Game species in Alaska are found in pockets of concentration. Most first-time hunters to Alaska are disappointed at the numbers of animals encountered. Don't expect to see large herds of game like those common on the African veldt. Scenes of huge numbers of caribou migrating by are rapidly becoming a thing of the past in modern Alaska.

Even in good game country, a hunter has to hunt hard for a good trophy animal. Some novice hunters think all they have to do is get to Alaska, and they'll automatically bag their trophies. Don't believe it. Nothing in hunting is automatic. Experience, knowledge and luck play as much a part in hunting in Alaska as anywhere else, perhaps even more so when considering the size of the state.

Finding a good place to hunt is the single most important factor involved in a successful hunt. For most first-timers hunting on their own, it's next to impossible to find a good hunting spot without some good preliminary study, advice, scouting and a good contact. Many hunters believe that all they have to do is fly into the bush, and they'll be in good game country. Again, nothing is guaranteed in hunting, and flying into a remote area doesn't guarantee success.

Hiring a bush pilot to fly you into remote territory does give you a better chance than hunting from the road. You can at least get away from the majority of the other hunters. However, most places readily accessible by air have been hunted and hunted hard. Charter pilots can drop hunters into good areas, but really good game-producing areas are jealously guarded secret locations. Don't rely solely on the pilot to take you to a good location. It's better to get an idea beforehand where you could have a good hunt.

Be wary of charter firms that offer "good cabins in good game country" as part of a package. Although there are exceptions, such cabins are filled with hunters from

better to sleep in a small tent in good game country than to stay in a cabin far from the nearest trophy.

Some air taxi firms limit the number of hunters they fly in to a particular location, and such outfits do have good camps in good country. Other large-volume operations couldn't care less about the numbers of hunters they handle or the effect they have on the game. When contacting a charter outfit, a hunter should closely question the firm on this point. In Alaska, like everywhere else, a hunter has to be in good game country to have a successful hunt. Flying in doesn't guarantee that's what he'll get.

Many hunters have read or heard tall tales about sportsmen taking moose, caribou, grizzly and sheep all on the same hunt. True, these hunts are possible, but they are the exception to the rule. Most 15-day hunts produce one, sometimes two, good trophies but seldom more. In fact, today, in this era of shortened seasons and lower bag limits, a four-species hunt is next to impossible except on 21 or 30-day excursions. Guided or unguided, on a week's hunt, depending on location, one good trophy is a good expectation. Plan a week's hunt for each trophy sought. Remember, weather could alter that, too.

Is Alaskan hunting really dangerous? The answer is an emphatic YES. Alaskan hunting, especially for the greenhorn is *very dangerous*, but not for the reasons many believe. Many hunters believe that going to Alaska means defying death by sharing the country with rut-crazed bull moose, packs of wolves and enraged grizzlies. In reality, danger from wildlife is the very least of a hunter's worries.

Bears can be dangerous, but most would rather be left alone and usually leave people alone. Even a wounded bear more often than not attempts to flee from a hunter rather than attack.

Alaskan hunting is dangerous, not because of ferocious wild beasts, but because of the country itself. Glaciers, swift rivers, quicksand, steep cliffs and mountains, heavy timber, bug, the flying and boating involved and the most unpredict-

able weather. "If you don't like the weather, wait five minutes, and it'll change."

And it's true. One moment, or so it seems, it can be 70 degrees and the next it's zero and snowing. A snowfall on August 10, the opening day of hunting season, isn't rare, so be prepared. Hypothermia — exposure — is the number-one killer of outdoorsmen. Every hunter should recognize the symptoms and know what to do to avoid it.

To be safe, carry a pack with the following items in it: wooden matches in a waterproof container, a warm jacket (no matter what the weather when you start out, rain gear (take it even if there isn't a cloud in the sky). If it doesn't rain, the outfit can be used to cut the wind), a knife, extra rations and, if you wear them, extra eyeglasses. Wear or carry a hat or cap. These few simple items could save your life. The bush is terribly unforgiving of weakness, ineptitude and unpreparedness.

Alaska has some great hunting for some truly great game animals. But, like hunting anywhere, a hunter gets out of it what is put into it. Scrape away the myths and fiction, and the real Alaska emerges — an immense wilderness land of primitive beauty supporting widely scattered pockets of game. Alaskan hunting demands that hunters exert great effort to succeed. But in the end, the trophies taken make the hardship worthwhile. If a hunter comes prepared physically and is realistic in his expectations and desires, he won't go home disappointed. ■

Although tiring, wearing hip boots may be necessary in Alaska because some steep slopes are swampy because of poor drainage.



Kodiak Island Chain

# OUTSIDE CARTER'S COUNTRY

*Despite The President's Antiquities Act  
Lock Up, Determined Hunters Can  
Still Find Some Good Alaskan Hunting.*

By Faith Smith





Look up mountains of snow-capped  
 hunting lands, there are still a few  
 good public hunting grounds left.  
 The island group of Kodiak, Afog-  
 nak and Shuyak in southcentral  
 Alaska is one of them. Here the  
 hunter will find deer, brown bear,  
 elk and mountain goat in good  
 numbers. Also two species of ptar-  
 migan, lots of snowshoe hare and  
 great duck hunting can be found.  
 These three islands are only about a  
 45-minute commercial airline flight  
 from Alaska's largest city, Anchorage,  
 and Wien Air flies into the  
 town of Kodiak, 249 miles south-  
 west of Anchorage, every day. The  
 hunter then takes a light plane from  
 a private charter such as Kodiak  
 Western to the hunting area. Access  
 by boat is also an excellent way to  
 hunt since the brushy, mountain-  
 ous terrain is hard walking.

To hunt in Alaska, a nonresident  
 must purchase a \$60.00 hunting  
 license and specific, metal, locking  
 tags for each big game animal  
 wanted. Tag fees for these island  
 acres would be \$250.00 for brown  
 bear; \$35.00 each for deer; \$125  
 each for goat and elk. These tags  
 are attached to the animal as soon  
 as it is taken. Harvest reports  
 and tickets are also issued, to be  
 filled out within 15 days of the  
 taking of the game, which helps  
 the Department of Fish and Game  
 manage the animals. All this may  
 be obtained from local sporting  
 goods stores or by mail from the  
 Licensing Section, Alaska Dept.  
 of Revenue, 240 S. Franklin, Juneau,  
 Ak. 99801.

A guide is not necessary, but is  
 certainly helpful, on these islands  
 for deer. The Sitka blacktails that  
 inhabit virtually every area are  
 masters of disguise in the mostly  
 dense alder brush terrain. The hot  
 spots for deer are the western side  
 of Kodiak: Uganik Bay, Spiridon  
 Bay and Uyak Bay. We had very  
 good luck in Terror Bay last fall,  
 bagging our limits of four deer  
 each in less than a week. We saw  
 deer every day.

Right: Water routes often offer the  
 easiest access to remote camps, but  
 special attention should be paid to  
 the tides.

Left: Elk can be hunted on both  
 Raspberry Island and Afognak Island,  
 with the season running through  
 the month of October.





Perhaps the best place in the world to hunt brown bear — one of the largest land carnivores — is Kodiak Island. A special permit, issued by random drawing, is required to hunt them. Both residents and nonresidents must buy a \$250 tag before they hunt.

and were able to use a varmint call to lure them close.

During our stay, we saw boats and planes go by but never another hunter. The chance for a trophy buck is excellent. Deer season is open usually from August 1 to January 15, and either sex may be taken after September 15. Four deer is the limit in all areas. There is a small road system on Kodiak, and only one deer is allowed in this area.

Kodiak is not known for its good weather, and during our hunt, we experienced rain, snow, hail, fog, sun and more rain. Keeping dry wood cut for the fire was a problem, and keeping our scopes from fogging up was, too.

To fly the meat back home, we boned it all. Wien Air will allow meat onboard if it is wrapped watertight and boxed. Antlers were packed in our packs; hides were boxed.

Deer hunting is also good on Shuyak and Afognak. The terrain is more open on Shuyak, making it less strenuous climbing and more just packing. If a skiff is available, hunting the beaches from the water is a good way to go. Fox and otter are likely candidates to be seen on the beaches, too. The season on fox is early September, through mid-February, and two is the limit. Otter may not be shot.

#### **Tags For Brown Bear**

Kodiak is known for its big brown bears and excellent brown bear

hunting. Nonresidents must have a guide and purchase a tag. Residents, too, are required to buy a tag, and it expires on December 31 of the year purchased, so we usually buy one in the early spring to use for both spring and fall seasons. They run from about April 1 to May 31 and October 1 to November 30. One bear every four regulatory years is allowed by drawing or registration permit only. Either of these may be obtained from Roger Smith, game biologist, Dept. of Fish and Game, P.O. Box 686, Kodiak, Alaska, 99615. Registration hunts mean you merely go to the local office of Fish and Game and tell them where you will be hunting and then check back in after your hunt. The drawings are random drawing of names sent in for certain areas, and the recipients are notified at least a month or two in advance. This hunting is more of a wilderness experience because the hunter is usually alone in his area, with the game all to himself.

Applications for Kodiak brown bear hunts and others may be obtained from the Dept. of Fish & Game, 333 Raspberry Rd., Anchorage, Ak. 99502. The deadline to apply was July 31, 1979, for the fall season, and is January 24, 1980, for the spring hunt. The number of permits issued for spring hunting will be 209. The hunters drawn must appear in person at the Department of Fish and Game in Kodiak before going afield and then

hunt to lower after the completion of their hunt. A choice of areas is available this year, so if one is filled, another may be open. Hunting may be done with either rifle, bow or muzzle-loader.

There is a backbone ridge of mountains running about north and south on Kodiak Island, and it's here that mountain goat hunting is good. The areas open for this permit-only hunting are upper Uganik River, Upper Terror River, west of Ugak Bay, north of Ugak Bay to Center Mountain and Kizhuyak River. Participation in these hunts is limited to every other year. Permittees must notify Fish & Game at least 24 hours prior to entering the field, and access to the hunting areas is by float plane or boat.

This season's dates for goat are Sept. 1 to Oct. 30, but the season will be closed by field announcement when 15 goats have been taken. Application deadline is mid-June and the permit drawing date is mid-July. For this season, 31 permits were drawn. A guide or hunting companion is recommended, but of course it's up to the individual.

#### **Trapped By Tide**

Elk are hunted on Raspberry Island, just north of Kodiak Island between Kodiak and Afognak. Afognak is also known for its elk hunting. These two areas are open from about Oct. 1 to 31 by permit drawing only, but the number of permits drawn is large: 150 on Afognak and 50 on Raspberry this year. Application is made the same as for brown bear and deadlines for both areas are usually the last of July. Access to both places is by small plane or boat, although there is a logging road on Afognak now to Portage on the north end. Elk are certainly a trophy worth going after in Alaska.

Shuyak Island is the little one off the north end of Afognak. Besides its excellent deer hunting, it also has brown bear, and no permit is needed. Often the hunter will run across a bear trail through the tall coastal grass or see one high up on a mountainside from a light plane. While hunting deer, we crossed a well-travelled, wide trail and followed it up the steep hillside to a

two deer that day, and it was late evening and getting quite dark before we were packed up and headed back to the tent. The only trail down that we knew for sure would lead to the right stretch of beach was that bear's. As we packed past his den, I had terrible visions of him smelling that delicious fresh deer dinner passing by his front door and coming charging out to claim it — and maybe me, too!

Hiking and packing on the coastal islands is quite a feat. One of the problems is that there are big changes in tide levels twice a day. A hunter may leave his camp at low tide and walk along miles of rocky beach to a spot that looks climbable before heading up where the game can be seen by spotting scope. But if he plans to return by the same route six hours later, when the tide has come in and covered up all of that large beach, he is going to be surprised. Several times this has happened to us when we've gotten carried away with the hunt and forgotten Mother Nature's tide table. It usually means staying on the mountain until the tide goes out enough to allow travel again. Otherwise, you might have to laboriously trek through dense willow growth, up and down ravines and steep little creeks, slide across grassy meadows slippery with rain or snow and try to figure out from one thousand feet elevation whether that lagoon was where the pilot let you off or whether that knoll is the one behind the tent!

### A Close Call

One night, on a spring bear hunt, we left our cabin and walked about a mile on the beach to a grass flat, sat down near some dead spruce trees and proceeded to await the hoped-for arrival of a large bear we'd seen previously. They like to eat the new green grass shoots coming up in the early spring on these flats, usually found at the head of every little bay and lagoon. We sat silently for awhile, observed a family of otters bounding through the thick grass and an eagle silently circling by a close cliff. Soon it got too dark to see to shoot even if a bear did appear, so we headed back. We didn't have to go far to realize



If a hunter is fortunate enough to draw a mountain goat permit for Kodiak Island, he has two full months to fill his tag.

the water was now lapping at the base of the cliffs between us and the cabin. Cursing our luck, we built a fire and sat down to wait. The water level kept getting closer and closer to our little blaze until it was within a foot of us. We were backed right up against a rock cliff and had nowhere to go should this happen to be an extremely high tide. But within six inches of that yellow firelight, the water stopped, stayed level for awhile and then began to recede slowly, as if to say, "Aha! Almost got you that time!" It was several more hours before we could make our wet way home.

Another consideration about



There is excellent ptarmigan, snowshoe hare and waterfowl hunting available on all three islands of the Kodiak chain.

Each excursion must be carefully planned, with tide book in hand, so that the skiff doesn't go high and dry when the water disappears and hunting turns into boat-hauling.

There are old cabins on the islands that hunters may use, some of them with permission from the owners. These are usually very nice and comfortable. Somehow we always end up living in a wall tent, though, which isn't bad at all. Rigged with an adequate little wood stove, and provided it doesn't rain constantly making dry wood impossible to find, a canvas wall tent with a good rain fly makes an excellent base camp. We even do it this way in late November for deer hunting when one morning we might wake up to see the roof sagging precariously under a night-long load of wet snow. And another consideration concerning precipitation is to make sure you're prepared to stay past your designated departure date. Oftentimes the weather socks in, making flying or boating impossible for days at a time. Island weather is constantly changing.

For the small game hunter, these islands offer excellent snowshoe hare, ptarmigan and waterfowl hunting. The season for hare is open all year around, and there's no bag limit. Hunting them with a .22 handgun or rifle in the willows in winter when their black eyes stand out against the snow is usually profitable. Ptarmigan generally prefer higher elevations, and the season runs from early August to late April with a limit of 20 per day. Spring hunting for these fast birds, when they are in flocks, is good shotgunning. As for waterfowl, sea ducks are abundant, of course. The eider, scoter, harlequin and even emperor geese are popular, and the season is early September to early October and then opens again early November to mid-January. The limit on ducks is 20 per day; on geese it's six.

Almost every hunter can find what he or she wants on these southcentral Alaskan islands. The diversity of game, the low hunter density, the different types of weather and terrain, make this an excellent choice for your next hunt in our 'Last Frontier' state. ■



By Jack Douglas Mitchell

Somehow the term "State of Alaska" seems to connote a neat, properly defined segment of land that's far away, up in the northwest corner of the map. We probably all know that it's our largest state and that Texas had to give up first place when Alaska gained statehood in 1959. (My Texan friend now claims to live in the largest "frost-free" state in the Union.)

But do you know what it would look like if you superimposed Alaska over the rest of the United States? Attu Island, out on the tip of the American Aleutians, would touch Los Angeles, California, and the southeastern strip of Alaska would stretch clear across the map to Savannah, Georgia, on the Atlantic Ocean. The northernmost point in Alaska is Point Barrow. It would end up near Duluth, Minnesota. This is a fitting juxtaposition since Mark Twain once said that the coldest winter he ever spent was one summer in Duluth.

Just how big is this gigantic and magnificent chunk of America? Over half a million square miles — 586,000 to be exact — Alaska is equivalent in area to more than 20 percent of the entire continental United States. Truly, it matches the Aleut word "Alaska" which means "the great land."

Hardly crowded, in spite of the oil strikes, pipelines and a booming economy, the total population is 382,000. That works out to a population density of about six-tenths of a person per square mile. Theoretically, you'd have to cover two square miles to find enough "person" (1.2) to talk to. So, if you want to be alone for a while, far from the pressures of this modern world, Alaska is the place for you. But you can never be too much alone because even if you don't "love thy neighbor," in Alaska you'd better be, at least, good friends. When you live in the "bush" and your closest neighbor is about 10 miles away, there is a necessary and mutual dependence on each other in case of emergencies. You really get to *know* thy neighbor. That's a far cry from not even bothering to nod to the people next door in a big city apartment.

First-time visitors to Alaska who drive the Alcan

spinning wheel and grove on a frozen mountain slope the road who seems to be in trouble. You stop and try to help. Too bad it takes a frontier society to set an example for most of the rest of the world.

The immensity of Alaska is matched only by its beauty. A cautious acquaintance of mine told me on his return from this last frontier that "Alaska was very scenic." He would, no doubt, describe Paradise as being "very comfortable." Even when you are standing on the busy streets of Anchorage up to your chin in pizza huts, neon bars and the press of people, you have only to lift your eyes beyond the skyscrapers to see the silent, eternal and majestic snowcapped mountains.

It is said that "Anchorage is only 10 minutes from Alaska!" And it's true. Just beyond the city limits you are likely to see a moose feeding quietly in a meadow or a timber wolf high up on the side of a hill.

If you've read this far in *The American Hunter* this month, you've found out a lot about hunting in Alaska. Whether you're hunting with a shotgun or a rifle, there's a lot of territory to be covered. And it doesn't always take an expensive trip to do it either. A friend of mine had the greatest duck and goose hunting he ever experienced only a few miles outside Juneau. There is shotgun shooting galore along the coast during the fall waterfowl migration and ptarmigan and grouse in the interior. But the biggest attraction of all still seems to be Alaska's big game.

Truly "big," the Alaskan brown bears have to be seen to be believed. If you've been a once-in-a-while bear hunter and know a black bear track when you see one, you've got a real treat in store when you see your first big Alaskan brown bear track. One of the largest meat-eating animals in the world, this gigantic carnivore makes a track like the butt end of a telephone pole. The size and depth of the mark is guaranteed to make the hair stand up on the back of your neck.

As a friend of mine once said, "Looks like Godzilla just walked by!"

Since we seem to be dealing in large Alaskan dimensions, another *big* game species that must be listed is the Alaskan moose. Standing seven feet high — that's well over your head unless you are Wilt Chamberlain — these huge animals weigh more than three-fourths of a ton. The wide, flat antlers develop spreads of six feet or more. If you're a rabbit hunter, as I am, you should be impressed with the fact that it often takes two strong men to load the antlers, skull and cape on a pack-horse. Makes my sacroiliac ache just to think of it. But what a trophy! I wonder how one would go with my stuffed pheasant?

I met my first genuine parka-clad Eskimo on my one and only trip to the Arctic Circle several years ago. It was on a remote island fishing camp far out in the Amundsen Gulf, and I was so impressed with meeting this aboriginal native there in the Arctic Ocean that I was, believe it or not, at a loss for words. But the smiling Eskimo handled it well by pointing to a big red and white plastic button on his parka. It said, "Hello, my name is Nick from Great Bear Lodge."

Civilization had beaten me to it. So better plan on going to Alaska before it changes much more. ■



# OUTDOORS . . .

By BUD LEAVITT

**PRUDHOE BAY, Alaska** — Only yesterday, or maybe the day before, it seems, the main issue of the Alaska day centered around the 800-mile pipeline project and the expected environmental damage predicted for the hard countryside.

Practically under the base of this traveling typewriter, smack on the edge of the ice-choked Arctic Ocean is the Prudhoe Bay oil field, the largest ever discovered in North America.

If I walked 75 or so yards from this word mill, I could touch the pipeline, a 48-inch shoot tunneling 1.4 million gallons each 24-hour day to Valdez, Alaska, 800 miles south where it is piped aboard tankers and sent off to where only God knows.

No longer is the pipeline Alaska's foremost conversation nor conservation issue, only a part of ALI's enormously-complex matter discreetly called the Alaska Lands Issue.

**THE USE** of the 1906 Antiquities Act by President Jimmy Carter and Secretary of Interior Cecil Andrus has Alaskans furious.

In an atmosphere reminiscent of the days before the American Revolution, more than 2,500 Cartwell, Alaskans recently demonstrated against Carter's setting aside 56 million acres for national monuments.

The 2,500 Alaskans converged on the edge of Mount McKinley National Park in a civil disobedience protest, purposely breaking certain regulations, such as the rule dogs be on leashes, and daring rangers to arrest

them. An estimated 1,500 men, women and children, many dressed in parkas and mukluks, pressed through soft, knee-deep snow two miles into the monument, a trek that took an hour and a half. At the rendezvous point they built a bonfire and held a rally, chanting and shouting their disapproval of the Carter Administration.

**AT BETTLES**, no fewer than six residents declared they do not want the National Park Service to establish a headquarters in their community, claiming the presence of park service employees would "represent the loss of our freedoms."

Bettles is 20 miles southwest of the southern border of the Gats of the Arctic National Monument, one of the 17 national monuments in Alaska created by nearly a year ago by President Carter.

Forty-eight residents signed a letter mailed to the Park Service listing reasons they oppose establishing a headquarters at Bettles. The reasons cited: 1. "an unjust lockup of our land;" 2. "constitutional and human rights to use these lands are being taken away;" 3. park employees would represent the loss of freedoms on the lands and would not be welcomed or fit into the community; 4. miners, trappers, guides and hunters will not tolerate park service employees in Bettles "making their living by preventing us from making our;" 5. residents "lack faith in the integrity of the Park Service;" and 6. Bettles residents petitioned they don't want Park Service employees competing on "our limited local

lands for their own recreation, hunting, trapping, fishing, gold prospecting when we are in turn banned from these activities on national monument lands."

**ALASKANS**, much like old-line State of Mainers, delight in welcoming you into their homes.

I was extended this courtesy, along with Jim Schneider of Evansville, Ind., and Gun Week magazine, and we visited with Bettles residents Andy Greenblatt, Mr. and Mrs. Ron Costello and the couple's two-year old son, Justin.

Greenblatt and Costello are pilots, guides and long-time residents of Bettles.

"I left San Francisco when I finished high school and 17 years old," said Greenblatt. "I didn't wait around long enough to attend my own graduation. I headed for Alaska. They mailed my high school diploma and it was air-dropped to me from the mail plane. That was ten years ago."

Ron Costello, before moving to Alaska, lived in Butte, Montana. He entered the University of Montana with political science intentions.

"That wasn't for me, I soon learned. I got out of there fast and moved to Bettles. Now 'they' want to take it from me."

**COSTELLO** and his part-Eskimo wife, Naomi, feel their lifestyle is being snuffed-out by the Lower Forty Eight.

"The people in Washington are making rules and laws that threaten to cut the legs out from under us. If the land all-around us is forever locked-up, I no longer can subsistence hunt, guide or make a living. My associates, Steve Alleman and Rudy Gray, we're Alaskans and by working our tails off, have managed to earn a living by outfitting dog sled trips, backpacking, canoe and aft trips, photographic hunts, mountain, andra, Arctic coast birding forays. Actually, I'm being asked to forsake all this and accept food stamps. It'll be a cold day in

hell before I'll bend to those demands being imposed on me in Washington, D.C."

You hear much of subsistence hunting.

**RESIDENTS** of Bettles explain subsistence hunting—living off the land—through a visit to their earthen cellars.

"For winter, we have our food. I killed a moose, a caribou and a Dall sheep. We only hunt and kill for the table," asserts Costello.

Greenblatt said Alaskans are not asking for wide open use of federal lands.

"I am quite aware of the misuse of the lands which has occurred in the United States and world-wide. We are willing to accept controlled use and are in favor of a reasonable expansion of the federal Park, Refuge and Forest system. But we also treasure a lifestyle that involves wise use of our lands. As a suggestion, smaller core parks surrounded by less restrictive conservation units would allow for continuation of the unique Alaska lifestyle without endangering our wilderness legacy."

**ON THIS** pitch, having seen Alaska in the first days of winter, we leave Prudhoe Bay and head toward Seattle.

A resident navigator says we have viewed more of Alaska in a single week than has been his fortune in 28 years, determining the mileage at 5,362 miles, Seattle to Seattle.

The time has come to complete our memory book, i.e., flying across the brow of Mt. McKinley, gasping in awe as we scaled the mountaintops of Mt. Elias, Alaska and Brooks ranges, goose-pimpling excitement on the fishing waters, the caribou migrations, oh, ever so many happenings that make this abundantly-rich state a natural resources and raw beauty what it is, simply Alaska.

It's time to go home, L'll Alaska, the blot on the map way up in the corner of northwest America. Maine does and will always look good, but promise yourself, see mighty Alaska before winter comes down hard, and takes charge.

Promise yourself this one lifetime experience.

## ALASKA -



# THE IMPOSSIBLE DREAM

(Editor's Note: The following article was written by Robert Soldwedel, a fisheries biologist with the New Jersey Division of Fish & Game after we learned of his recent visits to Alaska and approached him to tell our readers about his fishing adventures there).

I'll come right to the point: If you want to spend a week in Alaska to enjoy some great fishing, figure it will cost you in the neighborhood of \$2,500. Seven hundred of this will be for roundtrip airfare from Newark to Anchorage. A good lodge will run you another \$1,700 and the balance should be enough for a good night on the town in Anchorage. You could probably find some cheaper lodges, but cheaper prices mean less quality and since this should be something you will always want to remember, you might just as well go first class.

The first step in planning an Alaska fishing adventure is to select a reputable lodge with which to entrust your vacation. The lump sum you fork over to the lodge should cover everything except your fishing license, tackle and booze. I've found a "home" at Ray Loesche's Rainbow King Lodge on Iliamna Lake. The \$1,600 feet covers rooms, comparable to those found in better motels, daily fly-in fishing from the lodge, and the finest meals that you could find anywhere.

For example, the breakfast menu includes everything from corn flakes to Eggs Benedict while the hors d'oeuvres set out for dinner included devil eggs, king crab meat, Swedish meatballs, etc.

The area fished covers a wide variety of fishing. Ray flies over the streams to see where fish concentrations are before he takes you out to be sure you have good fishing. To give you some idea of the quality experience you can enjoy on a trip such as mine, I've written in detail some of the most memorable ones I've been on.

My first exposure to salmon fishing in Alaska was also my most memorable one. Now, four years later, the vision of the Amakdedori is as clear to my mind's eye as if I had been there only last weekend. The Amakdedori is about the size of the South Branch of the Raritan above Ken Lockwood Gorge. It runs into Cook Inlet during the month of August and hosts a fine run of humpback and coho salmon.

Flying over the stream it was easy to see it was full of fish. The question in my mind was where the heck were we going to land the plane. This particular aircraft was a wheeled variety and I was still wondering about this when we hit the beach with the incoming tide two feet to the left of us and a huge pile of driftwood on the right side of the plane. I then began to wonder how he would be able to land at high tide and was to find the answer to this later ... you just don't land at high tide. We bailed out of the plane in last order so he could get out of there before his landing strip went under water. The stream was on the opposite side of the first dune.

We were into fishing immediately, the riffles were well to wait with humpbacks and it was physically impossible to draw a lure through this area without snagging a fish. No one goes to Alaska to snag salmon so I moved upstream to a long, deep pool. It was like fishing in a hatchery raceway except instead of 9 to 12 inch trout, this pool was full of 9 to 12 pound salmon. At first, I was eager to catch anything, but as the morning wore on I started to become selective, fishing for the less numerous but larger and gamier silver (coho) salmon. It got to the point where we would yank the spinner out of the water so a humpback wouldn't get it.

The tide went out and our plane came in again. Ray had scouted the rest of the creek and found a large concentration of fish about a mile upstream. A doctor from Oklahoma and I decided to fly up there and give it a try.

When we reached the spot, we found the water black with Arctic Char which were feeding behind spawning salmon. Again it was a fish on every cast situation. We became so engrossed with fishing that we hardly noticed the fog coming in. When we got back to our pickup location however, you couldn't help but notice it for it had settled in within ten feet of the ground.

How were we going to get out of here. The beach was only a mile away but the path we would have to cover was virtually impassable and was inhabited by hungry brown bear. We heard Ray buzz our location twice failing to find an opening but on his third try he found an opening in the fog bank and slipped in to pick us up. We scurried aboard to get out of the area before the fog could close back in on us and flew back to the beach strip.

At the beach, we faced still another problem. We had one pilot, five fishermen, two guides and one girl (on leave from household duty back at the lodge), one small airplane with time for only one trip out because the tide was coming in.

Ray took out the two oldest anglers and the rest of us were left marooned for the night. Fortunately, Ray had set up a small tent as an outpost camp and we had enough sleeping bags for the lot of us. Lacking anything else to do, we went back to fishing. With all the salmon about, supper was no problem.

It was then we noticed the bear. We all had cameras so it was picture time. The bear was rooting around for salmon and was not making much of a subject for photography. Someone had the bright idea to shout at him to attract his attention. We hooted and hollared and we certainly did get his attention. He reared right up and charged across the stream. I was the oldest in the group and wearing chasthigh waders, but I was the first to break away and could have broken the record for the 100 yard dash even with waders on. Our female companion was knocked over by one of the guides (her brother) and trampled by her boyfriend as he passed by. The situation was so absurd, we were laughing our tails off all the time. Here I was a 20th century man from New Jersey about to be eaten by an Alaskan brown bear? Fortunately for all concerned, the bear did not follow up, having been satisfied with running us off his fishing hole. He went back to chewing on salmon. Dinner that night was baked salmon eaten under the stars. We slept in our wet clothes in nice damp sleeping bags with an entire layer of canvas between us and the bear. When we awoke, we found his tracks all around our tent.

Back at the lodge the next day, the girl told anyone who would listen about our heroics. Well, women wanted to be treated as equals, didn't they? The happy ending came later when we found the cook had saved us the previous nights serving of king crab legs and served them up with steak. These two days may not have been the most productive fishing I've ever encountered but the memories of it will certainly last a lifetime.

I got a chance to fish the Koktuli River on the last day of my third trip to Alaska. Groups fishing here earlier in the week had been taking up to one hundred rainbows (averaging 12 lbs each) per angler strip.



A young brown bear, my friend from the McNeil River.



Our guide with a "small" king salmon.

so I packed up my king salmon gear and broke out my rainbow trout tackle (6-lb test line and No. 2 Mepps spinners.)

The weather had been ridiculously beautiful all week with temperatures reaching in the 80's but it didn't hold out and the day dawned cold and wet. There was an advantage to this as the mosquitos wouldn't get airborne on such a day. My partner decided he would rather fish for kings so I had the canoe and guide all to myself. However, it quickly became obvious the weather was holding down, not only the bugs but the rainbows as well.

The guide described my first rainbow as the smallest he had ever seen taken in the river. Some distinction! After the first hour I began to wonder if the runt rainbow, a couple of pike and a few grayling to my credit would be all I would get for the day for it certainly appeared I would not maintain the 110-trout a day camp average.

Then all hell broke loose. At about 9

a.m. I hit what must have been one of Alaska's largest rainbow trout. At 9:30, I finally landed that fish and it turned out to be a 25 pound king salmon. Suddenly it seemed like every pool we came to would produce king salmon. They had moved into the river to spawn the night before and I was in the right place at the right time; but with the wrong gear. King

salmon in the 10 to 25 pound class I could handle but I repeatedly tied into something upwards to 30 pounds and six pound test line doesn't cut it with this size fish in a fast flowing river full of snags. The hooks on a No 2 Mepps weren't meant to hold a fish of this size either and I straightened out at least a half a dozen.

Pure frustration followed: hook a monster, fight him on foot, jump in the canoe and follow him to the next pool, fight him some more, back in the canoe and so on. The more it happened, the more intoxicating it became and I found myself pulling the spinner away from 3 to 4 pound rainbows so that they wouldn't waste my time. I actually beached a 40 pound king twice only to have him turn around and go back into the current and snag his way to freedom. I never did land a really big king but what a day for memories.

At the lower end of the Kaktuli where it meets with the Mulchatna, I met a party of twelve anglers who were marooned on an island. Their pick-up plane couldn't get through the Aleutian Mountain Range because of the weather. Weather dictates all movement in Alaska, fortunately this time I was on the right side of the mountains and our plane was able to pick us up. Lord only knows when the "dirty dozen" got out.

Any picture you've ever seen of an Alaskan brown bear most likely was taken at McNeil River. This place is a wildlife photographer's dream. It has the largest concentration of brown bear in the world and the scenic beauty is really great with the river rapids and leaping salmon making a perfect setting for taking pictures.

Page 3 of 3  
"Alaska--The Impossible Dream"  
by R. Soldwedel

I had the distinct privilege to fish the McNeil River on three occasions during my second trip to Alaska in September 1977. Although fishing was excellent on all three occasions, the third day of my visit there was also the most memorable. I got out on an early light out of camp and was dropped off at their McNeil camp where I checked in with our two guides. Since by now I was a McNeil River veteran, I told them I would talk to the fishing area myself. Rounding a bend to the first pool where I had taken silver salmon on my two previous visits, I came eyeball to eyeball with a young, but very large, brown bear. Having spent the first two days here in close proximity with brown bear, this encounter didn't shake me up the way it would have on my earlier visits.

I first made sure the bear I knew I was there. Bear hate to be surprised. I then started to fish a respectable distance from him. The bear acknowledged my presence and swam across the river. Young bear are very respectful. They're at the bottom of the bear's peckin order and move out of your way out of habit. So, the bear went to fishing on one side of the river while I fished the other. Both of us would look at the other once in a while to see how the other was doing. As far as the bear was concerned, I was just another fisherman just like himself.

Alone on the river with just a bear and salmon in the middle of Alaska, you cannot help but feel yourself a part of the environment and in perfect harmony with the land. This is where the gulf in understanding exists between the anti-hunters, protectionists, et. al. and the hunters, trappers and fishermen. In our pursuit of game we become a part of the ecosystem, not merely observers. It's the same difference between watching a football game and actually playing the game.

The serenity of the scene was broken by the sound of an outboard motor



bringing the rest of my party. I had taken five silvers in the pool, all of which ran about twelve pounds each, in about an hour and was ready for a change of scenery so I jumped aboard as they moved upstream.

Having fished here two days earlier, I knew right where to stand. It was ridiculously simple; cast across the rapids, let the current carry the spinner in a sweeping arc and set the hook. Fish hit at every cast, actually knocking each other off on occasion. If you could get past the 3 and 4 pound Arctic Char, you could almost always tie into a 12 to 15 pound silver salmon. During the day, I took at least 20 silvers and lost an equal number. I also caught at least fifty good size char.

Meanwhile the bear were all around us and putting on a real good show. Many fish were lost while the angler was pre-occupied watching the antics of the bear. Bear would pass within 10 or 15 feet of us but the only time things got sticky was when a sow came down with her cub. The first thing she did was to chase off the other bear. The problem was she chased him directly at me. Fortunately the other bear decided to face her down and they both stood there on their hind legs sizing each other up and bluffing. After several minutes of this they both backed down and calm

downed by the rapids. The bear then came into the river and goes sailing down the rapids screaming its head off. Momma goes crazy and comes running down the bank after her cub scattering fishermen in her wake. No harm comes of it as the cub reaches calmer water and swims ashore.

The rapids started to become rather crowded as our plane brought in a pair of "newly" weds. We decide to split up into two groups, one staying at the rapids while the other moves on to new waters. Who do I draw as a fishing partner but the female half of the newly weds: nubby wants to stay behind to photograph bear. By now I'm content to play coach and show how adept I am at catching fish so we pass a very pleasant afternoon. However, here he comes, my old friend the bear from the morning. Obviously he just wants to see how I'm doing. It's now "hero" time as I interject myself between the girl and the bear and "chase" him off. We've certainly come a long way since my "scared rabbit" performance at the Amakdedon.

On my third trip to Alaska, I was very sorry to learn that our trip to the McNeil was probably one of the last legal fishing trips that will ever be made there. The government has closed down the river and no longer allows fishing here, leaving the river to the exclusive use of the bear and photographers. I was fortunate to have had the experiences I had at the McNeil. Had I put off the trip, I would have saved money, but would have also been much poorer for it.

The McNeil closure is symptomatic of whats happening in Alaska. Its true wilderness is being preserved, but for who? Obviously, not for those who wish to become a part of it because we are barred from it. This is one of many reasons why you should make up your mind to go to Alaska now while there still is some relative degree of freedom.

It seems our options grow fewer with every day and it would seem a shame to contend ourselves with looking at pictures of the land. This amounts to falling in love with Playboy's centerfold. Alaska is the last great wilderness show left in town, don't miss it! Make your impossible dream come true, or at least keep the options open for it.



Guests were catching up to 100 rainbow trout per day, some going up to ten or twelve pounds.



Boat load of male silver salmon, averaging about 12 pounds, taken on the McNeil River.



# OUTDOORS

By BUD LEAVITT

**BETTLES, Alaska** — One cannot leave Kulik Lodge and its attendant lake and river without first telling of a one lasting memory. Never mind how many rainbow trout arched their backs to take the fly in ice-cold water. The count would only tend to make you angry, quite possibly annoyed that you were not standing in the stream next to us.

On the flight from Bettles to King Salmon, where our flying machine was in dire need of a drink, I continued my probing of Jim Repine's knowledge of Alaska fishing and hunting.

"The fish we took at Kulik are what I call 'Lower Forty Eight' rainbows," he said without moving an eyelid. "The big 'bows have gone upstream. But I have stood in the same spot where you were earlier in the year and landed a half dozen 'bows weighing 15 to 20 pounds. There were a bunch of fish in the river yesterday, but

honest, the heavy 'bows have moved on upstream."

**DURING** the flight from King Salmon, Alaska, a tiny community that advertises itself on ramschackied building of aerial junction stop (King Salmon, Inc., world wide distributor of moose poop, Alaska's natural resource, sheet form, pellets, bulk. No order too big, too small. Government in spected), I got to day-dreaming of a single rainbow's stream performance.

Thirty-five yards of fly line and 50 yards of backing were gone in a flash. Then this ballerina of a 'bow made three gorgeously choreographed leaps of superb elevation and the next time I saw her she was 40 yards downstream and I followed her along the brown bear path that conveniently gave us a trail to regain line. I will long remember this particular fish. I thought I

might have to revive her, but once I cupped my hands under her belly and nosed her out into the water, she took off the moment she sensed swimming depth.

**THE FLIGHT** from King Salmon to Bettles offered another mountaintop look at the incredible country below.

You no doubt have read Alaska statistics until your earmuffs refuse another. All the same, each time I hear them recited, I find the numbers staggering. Overwhelming.

While we're pushing this iron-winged bird through a nasty snowstorm to the next stop, Bettles, I made some marks in my handy, dandy notebook.

Alaska's area measures 586,412 square miles; the largest city, Juneau, spreads to 3,108 square miles; Mt. McKinley at 29,320 feet, rates as North America's tallest point; the largest lake, Iliamna, 1,000 square miles; tidal shoreline, 33,904 miles; breadth, east to west, 2,400 miles, north-south, 1,420 miles; largest glacier, Malaspina, 2,937 square miles; Tongass National Forest, 16 million acres, the nation's largest; and this land beneath my airplane seat has over three million larger than one acre ponds and lakes.

**THAT LAST** one, three-million lakes over one acre, blows the mind, as funny-pipe

smokers are wont to blurt, particularly when our good State o' Maine flexes its ample muscles over having 2,693 within its boundaries. So much for state-by-state comparisons.

We have landed in Bettles, a community of some 60 residents, residents who meet you in an ugly, angry mood. Bettles people tell you in no uncertain language their life and lifestyle has been endangered through Washington's direction that means: 1. Federal land lockups; 2. 44 million acres going into private native lands; 3. preferential subsistence priority on the remaining lands.

You may have heard that the Alaska D-2 land legislation died in the Senate last year, but at this moment, it remains as the most controversial legislation in Alaska's history, even the acceptance of statehood back in 1958. The D-2 legislation has caused bitterness and divided Alaskans and nothing Washington bureaucrats can do, short of washing its hands of the entire matter, will extinguish the ever-raging verbal fire.

**RON COSTELLO**, a young bush pilot, guide, trapper and outdoorsman, has invited me to a cup of tea.

Costello has been an Alaskan the last 12 years of his life. Costello married a lovely

part Eskimo, part Caucasian, and her name is Naomi. The couple have a dynamite son, two-year old, Justin.

The Costellos and their friend and neighbor, Andy Greenblatt, who came to Bettles from San Francisco ten years ago at the age of 17, want someone from the Lower Forty Eight to listen.

The Costellos' home is a snug, lovely log cabin. It sits on a knoll facing the great range of mountains to the west. The house is neat and clean and warm and on the wall, a giant hide from a 400-pound grizzly bear that mistakenly entered the couple's dooryard while Ron was digging a foundation for his cabin.

"I hated to kill the bear for the sake of killing," apologized Costello, "but I thought it would be best not to have a grizzly getting too friendly where I was going to build our house."

We sat around the round table, beneath a stairway leading to the sleeping loft, and alternately, Ron Costello and his friend, Andy Greenblatt, told what it means to suddenly have government interference crowding and pushing at their adopted lifestyle.

Tomorrow, I shall give you their thoughts and views, dissecting notes from a crammed notepad on a flight through a driving snowstorm to Prudhoe Bay.



**KULIK RIVER, Alaska** — The map puts several thousand air miles between Alaskans and Mainers, but really, we're close neighbors.

It's nearly impossible to take on a case of homesickness. Alaskans light up when they're told you live in the State of Maine. I guess probably it is the tin brought on by the retching deeds of fishers and lovers.

The flight from Boston-to-Seattle was like a ferry trip from Lincolnville to Islesboro. One found himself among neighbors.

A Freport traveler came by and said he was going west to hunt waterfowl.

"Get to find some birds somehow," he said. "Merrymeeting Bay has been terrible. I saw where your colleague, Gene Letaureau, claimed duck hunting was the worst he'd experienced in 40 years."

**ABOARD** and riding through the friendly skies aboard United's Flight 379 to Seattle were Southwest Harbor acquaintances, Lewis and Mrs. Moore, Jarvis and Mrs. Newman. They're boatmakers and they were headed to a boat show in Seattle.

"Before I go home though," winked Jarvis Newman. "I intend to be cutting across your tracks with a visit to Alaska. The gunnin' up there right now ought to be pretty fair."

The first hand I shook in Juneau before flying southwest to the Kulik River, belonged to Jim Rearden of Homer, Alaska, the outdoors editor of Alaska Magazine, Outdoor Life's resident genius and a member of the Alaska Board of Game.

It marked the first time I'd laid eyes on Rearden since leaving the University of Maine, way back in the dark ages of 1960.

**REARDEN** moved to Alaska through the help of Dr. Howard Mendell, the retired and much-respected University of Maine waterfowl authority.

"Howard got me introduced at the University of Alaska. I got my start teaching wildlife biology. I taught a couple of years and decided to resign and take up free-lance writing. I've been free-lancing the last 28 years, so you might say, I've more or less settled into that art form."

After a pleasant evening in Rearden's company, including a dinner of moose, Dall sheep, Alaskan crab, sourdough bread and buffalo, the next stop was lunch with Gov. Jay Hammond at the governor's mansion.

"You're from Maine, huh?" inquired this nice-looking young bureaucrat in unusual Alaskan dress, a three-piece suit.

"Would you happen to know Rand Stowell Jr.?" he asked.

**THE YOUNG** man seated across from me at lunch was one Robert E. LeResche, Alaska's commissioner, Department of Natural Resources.

LeResche and Stowell, a prominent Dixfield lumbering and land-investor, attended Dartmouth College together and were roommates.

"I've skied Sugarloaf with Randy," said LeResche. "so I'm quite familiar with Maine and know a few people from there."

That same day, after flying from Juneau to Anchorage, there was a lovely wild game dinner at the elegant home of Jan and Bert Bomhoff. Munching on smoked silver

salmon, caribou and moose sausage, plus the occasional six-inch long slice of Alaskan crab. I met up with Anchorage Times Outdoor Editor Bill Blessington.

"My neighbor, a bush pilot, Edgar Lamb, came from Bangor," reported Blessington.

**BLESSINGTON**, who stands about the height of a 6-10 steep, married a Massachusetts girl and several years ago spent honeymoon time waterfowl hunting off Lubec and Eastport.

"I'm going back to Maine one of these days. I really loved my hunting experience on sea birds off Lubec and Eastport."

The next day's flight to the Kulik River was alongside one of Alaska's living legends, Jim Repine.

I doubt that there is an Alaskan alive who does not claim kinship or a long-distance relationship with Repine. In this world, and let no one tell you that in early winter Alaska is not a world in itself, Repine comes close as man and wife to being a genuine folk hero.

**REPINE**, if you're among the still uninitiated, is a professional guide, network television personality, newspaper columnist and has working offices in Alaska and Japan. Twice each year, at least, Jim flies to Japan and spends a working period familiarizing angling-made Japanese with the latest fish-catching methods.

Skimming the mountaintops and riding through the valleys with frightening peaks seemingly touching the wingtips on both sides of the airplane, in Repine's company is like having a talking encyclopedia seated at your side. He softly fills our mental vacuums with expert, on-the-scene knowledge of incidents, anecdotes, local color and history.

**JIM REPINE** says he longs to again visit Maine.

"I have met some wonderful Maine folk. The late Euclid Ouellette of Van Buren was a wonderful friend. I traveled to Van Buren from Anchorage one summer and visited him," said Repine.

Repine said he'd known other Maine folk. I might possibly know.

"The Crooks of Orrington, Josephine and Jack. Would you know either one?" he asked.

"Yes," I laughed. "I know Jack Crook and his wife, Josephine. She works with me at the Bangor Daily News."

"Small world when you think about it, isn't it?" responded Repine, the quiet, terribly-efficient-Alaskan wilderness Rembrandt.

Like I said, the map puts 4,900 miles between Bangor and Alaska's Kulik Lodge, yet the cross-country ties are remarkably close.

If you don't mind, though outside it is blowing a gale and one's nose is certain to be colder than wine on ice, I shall join Repine and fetch a rainbow trout. It's long-john underwear inside L.L. Bean wool trousers or freeze your bottom.

Why is it scientists can tell you the minute when something is going to happen 17 miles away, but none of them has ever been smart enough to tell you what day to put on your heavy underwear?



DUFFIE BRYANT

### Local man chosen to study Alaska

Duffie Bryant of Batesville, veteran sportsman and big game hunter who has conducted the KBTA Hunting and Fishing Club of the Air for 26 years, has been chosen as one of 26 sports writers, fishermen, hunters and wildlife authorities in the lower 48 states to study the Alaskan wilderness.

Bryant will leave by plane early Sunday from Memphis for Seattle, and will fly from Seattle at 1:30 p.m. for Juneau, Alaska.

The group of sportsmen has been invited to Alaska by the Atlantic Richfield Co. for firsthand observation of wilderness areas and to meet residents of Alaska to get their opinions on conservation and development.

Bryant said he was informed by the company that not much time was expected to be spent in examination of the oil industry's position on development, although visits have been scheduled to petroleum facilities at Prudhoe Bay and Valdez.

"Atlantic Richfield's position, which is probably characteristic of the industry, is that the public will be badly served by either total development or total preservation," he said.

"We want to make a close study of the places and people involved, including both developed and virgin lands," he continued.

The party will be guests of Gov. Jay Hammond for lunch Monday and will fly to Anchorage, Fairbanks, Ketchikan, Prudhoe Bay and Valdez as bases for visits to remote mountainous areas,

as weather permits. The tour is expected to be completed Oct. 28.

"I have been interested in wildlife, wildlife habitat and game preservation for years," he said, "and I welcome this opportunity to go to Alaska."

Bryant, general manager of the Bryant Lumber Co., has been a member of the Outdoor Writers Association of America for 26 years, and as a former vice president of the Arkansas Wildlife Association cooperating with the Arkansas Game and Fish Commission, he has promoted conservation and restoration of wildlife and improvements in hunting and fishing in Arkansas.

In the 1960s, he wrote an outdoor column regularly for the Arkansas Democrat.

Since 1946 he has made annual trips to Wyoming, Montana and Colorado to hunt moose, bear, elk, deer and antelope.

Bryant is a past president of the Arkansas Lumber Dealers Association, past president of the Batesville Shrine Club, a past president of the Batesville Kiwanis Club and past district governor for the Mo-Ark District of Kiwanis International. He is one of three lifetime members of the Batesville club.

His 30-minute Hunting and Fishing Club of the Air, which includes hunting and fishing news, reports of record fish, discussions of hunting and fishing laws, game problems and community news and announcements, has been heard daily except Sunday since 1964.

## Local man describes Alaska trip

Environmentalists and developers have squared off for a fight over using the natural resources of Alaska and powerful forces are on each side, Duffie Bryant, who returned Monday from a week in the state, reported to the Batesville Lions Club Tuesday.

Bryant and 19 other sportsmen, outdoor writers and editors, mostly from the East, were guests of the Atlantic Richfield Co. on a 7-day tour to see development and wilderness areas.

The background of the controversy is pending legislation in Congress which would lock much of Alaska's 375 million acres into national parks and monuments and close the door for development of oil, timber, mineral, hunting and fishing resources.

The legislation has passed the U.S. House of Representatives, Bryant said, and action by the Senate is pending.

"I found that 96 percent of the

people in Alaska, excluding the Indians and Eskimos, are opposed to the national park bill," Bryant said. "If it is passed, it will cause a lot of business to shut down and will prevent development of a newly discovered oil field."

"When Alaska was created as a state, the 26,000 natives — Indians and Eskimos — got 44 million acres of land," he said, "and their rights to hunt and fish for subsistence purposes are guaranteed, but other people won't be allowed to hunt or fish, and this has really got the people stirred up."

President Carter closed the Alaskan wilderness to developers while the legislation is pending, and his action is very unpopular, Bryant stated.

The people of Alaska are also less than enthusiastic about Sen. Kennedy because he favors gun control, he said.

Bryant's trip took him to the oil fields of Prudhoe Bay and a flight over the 800 miles of the

Alaskan pipeline to Valdez.

"The oil fields are clean," Bryant emphasized. "Environmentalists are there to tell the oil companies how to protect wildlife and its habitat, and the companies have built safeguards into every phase of their operation."

"From what I saw, the oil companies have proved they can conduct their business without destruction of the environment," he said. "The pipeline has had little or no effect on the animal life."

"I have been a hunter and fisherman all my life," he continued, "and I have promoted conservation of game and fish and will continue to do so, but I think some of the ecologists have gone too far in pushing for total preservation."

"If you don't hunt the animals, they overpopulate and died of starvation and disease," he said.

"We need oil and other resources of Alaska, and I don't think it is wise to lock up the whole state in a national park," he stated. "I think it is to the country's best interest to develop some areas and preserve some others."

—Clyde McGinnis

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## A Walk In The Wild

By JAY S. WARBURTON



Arctic grayling — now there, my friends, is an exciting fish to do battle with — and — to do so within sight of the Arctic Ocean adds that much more flavor to the adventure. As most of you know, I had the grand opportunity to visit our largest state and to explore its vast grandeur in a first class style. Even though, as a guest of Atlantic Richfield Company, the trip was suppose to be directed toward researching the Federal land grab situation, I did manage to find time to dangle a line in the clear waters.

The entire trip left a constant impression on my mind's eye — but — I have to say the excursion to Prudhoe Bay was a mind stopper. The trip was a constant buzz of activity but when we landed at Deadhorse, five miles out of Prudhoe, I knew I would have to take some time of my own to get a true feel for this land. That evening our group was scheduled for some Arctic Char fishing. I was planning on going but just before we were to leave I overheard some local fellas talking about how poor the char fishing was — in that same evesdropping conversation one of the fellas stated that he had found a special honey hole for Arctic grayling some eight miles out of camp — I spent too much time getting ready and missed the char trip — darn! Now, I had to do my best into talking one of those two fellas into taking me to their special grayling hole.

Before I go on let me explain more on the situation. This was truly the land of the midnight sun and I was going to do everything I could to find a place to fish all night long — it was already 10:30 that night so I had a good start.

At any rate, by eleven I was on my way to an Arctic grayling fishing experience of a lifetime. I talked one of the fellas into taking me and we headed out of camp on the Haul Road (the Haul Road is the only road out of Prudhoe Bay and the North Slope oil fields and it follows the Alaskan Pipeline all the way to Valdez).

We went about eight miles before stopping along the banks of the Sag river which flows into the Arctic back at Prudhoe. The river's water was perfectly clear only it seemed clouded because of its gray color from the glacier water that flows down it.

In this country they have what they call \$100 holes. The way it works up there is, you po; who ever you are fishing with \$100 if you DON'T catch a fish on your first cast — and they mean it. Well sir, not many folks have had to pay that fee — lunker grayling fell for my silver number 2 Mepps with EVERY cast. I don't know how many grayling I caught for sure but you wouldn't believe the number if I'd kept tabs anyway. All I will say is you would have to have been there before you would have believed it.

Almost more exciting than the grayling fishing was a special surprise that came completely unexpectedly. To help set the scene I should explain that the entire light night was socked in by a knife cutting fog. While we fished the banks of the Sag I just happened to catch a movement to my right. 100 yards away stood three of the largest double-shovel caribu you could ever imagine. With the Arctic Ocean 250 yards behind us and the Sag in front we had the majestic animals more-or-less trapped. As they kept coming I took a slug of pictures with the camera that always accompanies me. Now for the real shocker — those three bulls were just leading a herd of over 3,000 animals that eventually passed by and forged across the Sag right in front of my eyes — a sight more beautiful than I could ever truly describe.

With the passing of the caribu my time faded also — I arrived back at the base camp at 4:30 the next morning with a memory of the Arctic I will never forget.

THINGS YOU MAY NOT KNOW: The American Sportsman is an endangered species.

# Alaska Lockout Curbs Recreation, Resources

By BEN CALLAWAY

It is, indeed, more than 4,000 miles away from most of us. But considering the gas station lines we endured and the precedent-setting lockout of such an enormous expanse, the Alaska Lands issue strikes home for all mobile outdoors enthusiasts.

Passage in the House of H.R. 39, the Udall bill, then President Carter's use of the Antiquities Act to declare new national monuments after the Senate balked at the legislation, has led to withdrawal of some 120 million acres.

This has been declared by some a "conservation" victory. Since "conservation" is, really, defined as "wise use," it more rightly should be called a triumph for "preservationists."

The issue for most Alaskans and the multitude of outdoor participants — recreation vehicle users, fishermen, hunters, boaters, backpackers, etc. — concerns access.

What good are these new national monuments, some of them millions of acres large, if they can't be enjoyed — whether consumptive (oil, minerals, timber, fish and game) or otherwise (camping, hiking, even photographing or merely observing)? And why should we be captive to OPEC whims, declaring a kind of national bankruptcy, when we have such wealth in our pockets (in our own American ground)?

The REAL Alaska Coalition, Citizens for Alaskaland and many



The controversial Alaska Lands issue affects RVers. The legislature lockout removes a source of easing fuel supplies and puts much of a major camping destination off limits for recreation.

other organizations are fighting the Washington bureaucracy on several issues — their own states rights and for the economic hardships being thrust upon the suffering nation as a whole.

The interests of RV enthusiasts and all in the outdoor participant community — many millions of us — are receiving low priority. But isn't a lifestyle with healthful recreation more than a mere luxury? And isn't

the livelihood derived by everyone from those who build RVs to those who pump gas essential, too, in reality a nitty-gritty consideration of subsistence?

Ken Fanning, REAL Alaska Coalition director, is one of many who has pushed hard for the alternative Breaux-Dingell bill, which would have created 54 million acres of instant wilderness. No one who hunts, traps or is pro-fish and wildlife is for the

Udall bill," says Fanning.

Dan Poole, Wildlife Management Institute chief, adds "They have given Americans more parks, but have removed them from use."

Alaska, which has single glaciers larger than the entire state of Rhode-Island, is the ultimate destination for the mobile sportsman and outdoor-loving tourist.

With fuel limitations, getting there has become a headache which exceeds Excedrin proportions. And once you get there, denial of access to so many millions of acres for viewing or more consumptive enjoyment because of this gigantic lockout would be a dead-end for such a dream trip anyway.

In a recent trip to Alaska, I was treated to sportfishing for halibut at Homer, salmon near Valdez and grayling up near the Arctic Ocean. At the latter location, I inspected the upper end of the Alyeska pipeline which daily sends more than 12 million barrels of oil south. This gigantic facility, a tribute to American energy and ingenuity, is a unique example of progress in harmony with nature.

The pipeline's 800 miles from Prudhoe Bay on the North Slope to Port Valdez transports oil from the recoverable reserves of some 96 billion barrels in the Prudhoe field.

It follows a route which crosses plains, three rugged mountain ranges

Please turn to page 22

# Distant Alaska Lands Issue Strikes Close to Home

Continued from page 21  
and several large rivers through the most demanding terrain. Much of it is elevated so as not to interfere with migrations of wildlife — bear, caribou, moose and others.

The net result will be nearly 10 billion barrels to help fuel America at \$15 billion cost in construction, maintenance and human wages before the field is closed.

Dick Swainbank, a geologist at

Fairbanks, told me. "What we have here is vital to the U.S. Eighty-three percent of Alaska's minerals are locked up in the withdrawal. It is an awful cost (to the nation) to have \$215 billion in minerals locked up in the ground."

As we flew over the wondrous Wrangell Mountains, guide Bill Ellis asked me, "How are people possibly gonna enjoy — even see — all of this?"

The \$1.5 billion pipeline terminus has been a boon to beautiful Valdez, where mountains and glaciers meet the sea at an ice-free, deep port.

"Every Alaskan is an environmentalist," said Valdez Mayor Mac MacDonald. "We are enjoying our best pink salmon fishing ever. And these fish were spawned during construction and pipeline industry. Oil can blend with fishing."

He had harsh words for the bureaucrats in Washington: "This is absentee management — by others who have never stepped foot on our land."

In Juneau, Alaska's Governor Jay Hammond said, "We only ask for equal, not special treatment."

Hammond said Alaskans, and all Americans, must not be deprived either of the recreational enjoyment or the essential riches which abound in our largest state.

Bud Boddy, former mayor of Juneau and now president of the Territorial Sportsmen, said "Oil development is good and must continue. Back in 1947, we studied the problem and decided we could have both fish and oil. Now, more than 30 years later, oil still flows and fish still run."

Is the U.S. killing its last frontier? Can we afford the loss of such rich resources? It is agreed that alternate energy sources must eventually be developed. But in the one, two or more decades during such a transition, how can we lock up oil in the ground — and lock out traveling Americans from their ultimate destination?

This is America's biggest single conservation issue — past, present and future. And, for all the miles, it is one which strikes all of us close to home.

SPORTSMEN'S NEWS

# ALASKA -

OCTOBER, 1979

# THE IMPOSSIBLE DREAM

Last month we told you about our recent visit to Alaska and of Federal attempts being made to close off millions of acres of Alaska lands as "instant" wilderness areas. The moves were being pushed by some national environmental and preservation groups under the guise of wanting to preserve the land for future generations.

We know how hard it is to become interested in something happening far from home, so remote from the problems close at hand that you cannot get overly excited about it. You probably feel

your chances of ever getting to enjoy a hunting or fishing adventure in Alaska are so slim that we should not waste our time talking about it and should direct our energies to more pressing subjects such as gas shortages, loss of job opportunities and the ever increasing rise in the high cost of living, all of which have a great impact on our recreational activities closer to home.

Gas shortages, loss of job opportunities, high costs of living and many of the problems confronting us today are all tied in together in some way and the

situation in Alaska will play a very important role in our future recreational activities as well as in the well-being of our Nation.

It is probably true your chances of ever getting to hunt or fish in Alaska is nothing more than an impossible dream today. However, dreams have a way of coming true. We can remember when most New Jersey hunters were content to dream about getting a chance to hunt in far off Pennsylvania or try the pleasures of fishing and hunting in the pristine areas of upper New York State. We were avid readers and devoured any story on hunting and fishing in exotic places. Our impossible dream was to get to Maine and we never dared imagine getting a chance at hunting or fishing in Canada. Laugh if you want but those were the days of hard times; money wasn't easy to come by if you had one good gun you were extremely lucky and long distance travel was an almost impossible chore.

Hunting and fishing trips to Pennsylvania, New York, New Hampshire, Maine and even to Canada are commonplace among New Jersey sportsmen today. Michigan, Minnesota and the far west are popular with our traveling outdoorsmen. Even as I write this article some friends are on their way to bow hunt deer in Georgia. Times, a changing economy and improved travel conditions made many of our impossible dreams come true and today, New Jersey has gained the rather dubious distinction of being ranked among the leaders having the greatest numbers of

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by Steve Tczap

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traveling sportsmen in the country.

We hope you see your impossible dream of reaching Alaska might someday come true. However, if the extremist groups are successful in closing off America's last frontier, your chances





of ever getting there will not exist at all.

In efforts to stop hunting, some extremist elements have resorted to painting the outdoor hunter in the vilest of terms, using as examples abuses of wildlife resources done during the early development stages of our Nation to get at us. Today they are trying to use the same brush to discredit industry by citing abuses of natural resources done during the same development period of America as reasons for closing up some of the most valuable natural resource areas of Alaska.

I do not want to appear that I am a lackey for industry but all of us depend on industry and their technology to provide for us in one way or another. Our salaries pay for the food on the table, clothes on our backs, schools for our children and for most, the necessities of life. We cannot turn off the economic pattern of our Nation by closing off areas where the natural resources we need exist without having a major impact on our welfare and way of life.

We suspect the intentions of the extremist elements who are supporting the move in Alaska to preserve the land for future generations. Its no secret that many of them are outstanding advocates against hunting. There is a method to their madness, so to speak. They are tired of losing court cases and battles to stop hunting in areas where local and state officials are more responsive to the sportsmen than they are to preservationists. The move to Washington is a very calculated one. The know sportsmen will not get off their

butts unless someone steps on their toes and are hoping the remoteness of the issue will keep its importance clouded until it is too late for the sportsmen to react to the problem. It also takes the issue out of the local area and places the problem of solving it on the heads of legislators who do not have to answer to the people who are affected by their decisions.

So while we sit back and discuss our local problems, delighted at having won some little battles against the extremist elements, they are off in Washington

putting on a show of strength which could win the war.

We believe existing laws and regulations can provide for the wise use and proper management of our natural resources. You can help protect your interests by writing to your Senator and Congressman. Tell them you want to see Alaska stay free. Free to produce the material needed for national independence and economic security as well as to provide recreational opportunity for the people of our Nation.





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Photo Credit to: Fairbanks Daily News- Miner

# SOUND OFF!

WON reserves the right to edit material published in "Sound Off". Every effort will be made to preserve the meaning and content of letters. All letters reflect the views of the author, and not those of Western Outdoors Publishing or its staff. Submissions should not exceed 250 words in length.

## DFG COMMENTS

Editor:

A couple of comments on items in your issues of August 24 and 31:

1. In your excellent editorial on August 24 regarding new regulations on the Klamath and Trinity Rivers you ended by urging anyone witnessing the illegal take or sale of fish from these rivers to report it to Larry Wills of the U.S. Fish and Wildlife Service in Portland, Oregon. This is good advice, but your readers should know that the information may also be reported to the nearest office of the California Department of Fish and Game. There are state laws regulating the fishery on the Klamath and Trinity Rivers, and enforcement is a state as well as federal responsibility. Over the years the DFG has a record of many arrests and successful prosecutions in that area. So violations may be reported to either the DFG or FWS with the assurance that the information will be acted on promptly.

2. In the Sound Off section of your August 31 issue, a reader inquired, "How do I get to hear Cheryl's voice?" He referred to his recent futile efforts to get trout plant information by dialing (213) 435-2200 for a recording taped weekly by Inland Fisheries secretary Cheryl (Sherry) Avants. Unfortunately, this system is temporarily out of service until the equipment is repaired. Meanwhile, we recommend that people check their favorite newspaper for the weekly trout plant listings. They are usually printed on Thursdays and Fridays.

Simon Nathenson  
DFG Information Officer

## ALASKA

Editor:

Are you, or are you not for conservation? There is an article in your August 31, 1979, Western Outdoor News, where you appear to be against the conservation of our Alaska wilderness. You cannot stand for both at the same time.

I am for the preservation of our Alaskan wilderness. Man has to let nature alone once in a while.

Gary C. Boesch  
Turlock

EDITOR'S NOTE—WON contacted Ray Lightbody, and he responded in this manner:

citizens of Alaska, it is obvious that they are in favor of conservation, but conservation in a sense that is both reasonable. The current land-grab scheme will make the situation intolerable. Over 70,000 square miles are already closed off to you and me forever. Another hundred million acres are about to be lost as well. True conservation is not accomplished by locking people out. It is accomplished by proper management of the land and resources. This year's game counts show that Caribou management has succeeded in substantially raising the number of animals, while Valdez has reported the biggest salmon run in over 7 years. Again, management was the key to preservation and propagation. Conservation, yes! But a poorly planned, politically-contrived lockup, no!"

## THANKS FOR SUPPORT

Editor:

On behalf of all the members of SCMA and the boating industry in general, thank you for your outstanding editorial "In Defense of Boating".

The image of the large motor yacht and as you put it, the "mar-

tinototing stock broker" is one that is most difficult to change so when we see an editorial such as this one you had in your September 7th issue it is very helpful.

Again, many thanks from all of us in SCMA.

Southern California  
Marine Association  
E.P. Nichols  
General Manager

## 'FISHERMANS DREAM'

Editor:

I have been fishing this Calif. coast and sportfishing landings up and down the coast for 35 years.

On the 26th and the 27th of August 1979, I partook in a two day fishing trip aboard the Californian, out of Queen's Wharf, Long Beach, Calif., I have never been on a better fishing trip.

I have not seen better chow on any boat. Joyce and Jeri the gally crew, out did themselves. The deck hands, Lerry, Pete, and Kenney were always there when they were needed, and very courteous. And last but not least, Jim the skipper and Bud the second ticket aboard the Californian, they got us fish, and a lot of fish.

Dick Vernon  
Azusa

Handwritten note: 2nd article Sep 7, 1979

## A Walk In The Wild

By JAY S. WARBURTON



Alaska — the last frontier? — the land of enchantment? — the land of opportunity? — the dreamland for the outdoorsman? Well sir, it is every one of these plus much more for than can ever be expressed in words or photographs. Alaska has to be experienced to be believed and I truly mean that! For one solid round-robin week I sincerely experienced Alaska. I was able to actually feel like I became, in a very small way, an Alaskan. And, let me tell you, that is a very unique, beautiful at times, a sad feeling. The unique and beautiful are the parts I will speak to you about today — the sad. I will discuss in the near future for it is the most important aspect of my trip that I was able to bring back to you — and — one that I truly hope you will take to heart and act upon.

Alaska! The last Frontier? That term needs capitalization here for it is very proper in its place. As a quest I, along with eighteen of my fellow outdoor journalists, journeyed close to 3800 miles insided the unbelievably huge state with out ever once leaving its boundaries! The vastness of Alaska has to be personally experienced to be realized — there is no way to describe it. For example, you could take the entire Rocky Mountain range that lies within the boundaries of Colorado and lose them by dropping them in just the Brooks Range of Alaska, alone. I overheard the statement that 70% of Alaska has never had a man's foot placed on it and after my flight, I believe that!

Since I returned from this land of the midnight sun I have been asked what impressed me the most about Alaska. A tough question and one that I have a hard time answering. As I think about it I guess it isn't as difficult as I thought — the people. Yes sir, the folks of Alaska are a wonder to behold. Our largest state with the least population. But, numbers do not represent the love and devotion they hold in their hearts for their Alaska. I only feel sorry that their style of devotion to the land isn't in the hearts of more Coloradoans — if it were, our state would be far healthier than it is now. Alaskans wouldn't allow a 'brown cloud' hovering over their capitol like we have. This is not to say Alaskans are not a progressive sort — not true — the difference lies in their love for their environment. If the Alaskans are only allowed their Constitutional rights I sincerely feel that this last Frontier would be in very competent hands. Alaskans are truly concerned about their 'rights' and rightly so — in my opinion, no United States citizens have been more unconstitutionally abused by the Federal government than our Alaskan neighbors to the north. And, if we, as compassionate fellow citizens need to take a stand against Uncle it is our obligation to do so now and support the Alaskans in their fight to withdraw the Federal stranglehold that is and has been placed upon them. Right now, they need your help in defeating the D-2 Federal land blunder that is presently being pushed through Congress. If you believe in state's rights and that our land should be governed by the people NOT THE GOVERNMENT it is in your best interest to write your Senators and Representatives requesting the defeat of the Alaskan D-2 land proposals. (A note to the President wouldn't hurt either) If the D-2 proposal passes as it is now structured I truly feel sorry, not only for the Alaskan citizens but for our society as a whole for allowing OUR Federal bureaucracy to control the future of one of our states so strongly. I believe in our country and for what it stands for — for the people and by the people... — D-2 reads — ...for the Government, by the Government — and that, my friends, is not a Democracy! If you look the term up in the dictionary that describes that phrase, it should scare hell out of you. If it doesn't, you, my friend, scare hell out of me! Write your representatives now and let them know how you feel — and — don't ask them to vote against D-2 — tell them!

**THINGS YOU MAY NOT KNOW:** The American Sportsman is losing the battle with anti-hunters and unless he takes a firm stand now he will be but a memory.

# Monuments or Tombstones for Alaska?

By JAMES A.O. CROWE  
News Staff Writer

Like many Alaskans, Joe Rytchetnik, a former state policeman, is growing impatient with the struggle against President Carter's tying up of nearly one-sixth of the state in national monuments.



Crowe

"I'd like to go down to Washington and show them what I think of them . . . like I used to show the Russians," he said.

He then told of when he was the only policeman along the Seward Peninsula. His winter patrols by dogsled on the ice of the Bering Strait took him right to the Russian border. To show his contempt, he would run his sled just over the border, relieve himself, then scoot back over the border as Russian Arctic troops sped after him.

If you spend any time at all in Alaska, you will quickly learn that almost all Alaskans are consumed with plans — some of which are extreme — to overturn, or at least modify, the designation of 54 million acres in the state as untouchable reserves under the jurisdiction of the National Park Service. You would also gradually come to realize that we, sitting comfortably here in Michigan, have a vital stake in this controversy.

**THE EXTREMISTS ARE** talking about secession from the Union, doing a lot of rabble rousing, and distributing literature that is frequently intemperate, including some obscene bumper stickers.

"I think most of us are more restrained than that," said Dick Bishop, a wildlife biologist of the Alaska department of game and fish.

"The best monument is no monument," his T-shirt read.

Vernon R. Wiggins, executive director of Citizens for Management of Alaska Lands (CMAL), said his broad-based organization is campaigning for the "multiple use" principle under which all Alaska lands would be used for the greatest good of the most people, and not be locked away as in a museum.

Wiggins, now of Anchorage, but formerly a resident of Waterford Township west of Pontiac, laughed when I went slightly berserk on seeing trout rising in streams right alongside the road between community of Valdez and the tanker-loading complex which is the terminal point of the famed Alaska pipeline.

"Holy smoke!" I pleaded. "Let me out!"

"Can't do it. Got a schedule to keep," Wiggins said, "but I think this is the only place in the world where there is danger of trout being run over by cars and trucks."

At Valdez, I wound up a flight covering the length of the 800-mile pipeline and was impressed by a statement from Mayor "Mac" MacDonald of Valdez:

"Every Alaskan is an environmentalist. We have managed our environment well. We don't need the Washington bureaucracy 7,000 miles away to tell us what to do."

The elaborate environmental protection measures imposed by Alaska at Valdez to prevent oil spills, even in the event of an earthquake, appear to bear him out.

The entire length of the pipeline, more than half of which is elevated to avoid damage to the

permafrost, slips like a tlay thread through hundreds of thousands of acres of mountains, forests, and muskeg, all without a visible sign of environmental degradation.

**WHILE FLYING** to Prudhoe Bay, site of the huge oil field from which 1.29 million barrels of crude oil are pumped daily into the pipeline, it quickly became apparent I was a greenhorn in Alaska, land of the midnight sun.

"It's getting late," I said at about 7:30 p.m. "Can we land safely? What time does it get dark at Prudhoe Bay?"

"Oh, in about a month," said Tom Brennan of Anchorage who was along to show us around the great installation.

This huge operation, on the marsh shore of the Arctic Ocean, is impressively clean. Despite oil wellheads, roads, pumping stations, living quarters, and all the other installations at a major oil field, I saw caribou feeding peacefully among the pipes, I saw an Arctic fox sunning itself beside its den in the shadow of some storage buildings, and I never saw less litter, clutter, or debris around an industrial site.

Rigid state environmental protection laws, and, presumably, the glare of public concern about damage to the Arctic can be credited with the cleanliness of all the oil installations observed in Alaska.

The Alaskans insist they can be trusted to impose the same rigid protections on their lands if the federal government would just give them the opportunity.

It is not that Alaskans don't want any national parks at all. It is that Alaskans don't want such vast areas as the proposed monuments taken out of circulation, subject not even to explorations for oil, strategic metals or coal, and even closed to most recreational purposes. The Gates of the Arctic Monument, encompassing a big chunk of the

hypnotically beautiful and game-and-mineral rich Brooks Range, is, for example, four times the size of Yellowstone.

Some of the extreme opponents and others who are not so extreme say they are planning to organize massive trespasses by walking, idling, and flying over and though the monuments this fall. If they are arrested, this could bring a court test of the President's authority to create the monuments.

**ANOTHER TEST** is coming from the Anaconda Copper Co., which has discovered a major vein of rich copper ore that seems to extend well into the Gates of the Arctic Monument. Creation of the monument has not only stopped plans to explore farther into the mountains but has also cut off the company's access to claims it has already staked outside the monument. Anaconda has also filed suit challenging the President's authority.

Gov. Jay Hammond, sitting in his state capitol office in Juneau, is at the epicenter of all this turmoil. On one hand he is under attack from some Alaskans who charge him with not fighting hard enough against Washington. On the other hand, the Washington officials, backed strongly by preservationist forces, charge that he is being an obstructionist in his effort to modify the scope and restrictiveness of the monuments.



NEWS MAP/MORRIS LEROW

The governor was in Denver when some of us who are interested in this great debate visited Juneau. By telephone he told us that what he really wants is a cooperative planning program set up between the federal government and the state. Under his plan, the land would be evaluated, acre by acre. Wherever lies the "greatest good for the greatest number of people," the governor said, would be the place to preserve a sensitive environment as a wilderness area.

Where an area would best serve the nation and development of Alaska's economy by extracting oil, copper, coal, and timber, or where the greatest value would be hunting, fishing, hiking, and like recreation, then those activities would be permitted.

"Both the extremist conservationists and extremist developers shoot at this plan," he said. "We have to work toward a resolution of this issue, but we're not going to satisfy the extremists."

"WE ARE OPPOSED to any encroachment on the state's right to manage fish and game," he added.

And that's where we in Michigan should be sitting up and taking notice. Traditionally, the states have been very protective of their prerogatives which give them control over fish and game regulations, even on federal land within their boundaries. And we have not been shy in letting Congress know that.

If the federal government can take that prerogative away in Alaska, how long can Michigan insist that we can continue to govern the harvest of deer, bear, salmon, trout, and all the rest of the bounty of the vast federal lands within our borders?



Mt. McKinley National Park in Alaska

# ALASKA - The "Lost" Frontier...??

Page 1 of 2

by Steve Tczap

When someone mentions Alaska, it usually brings visions of frontier towns, prospecting for gold, hunting and fishing paradises. The last chance for Americans looking for a new frontier or new horizons. The desire to be free, live off the land, away from the hustle and bustle of city life. Alaska has held the heartbeat and dreams of adventurous people - people searching for independence, fame, fortune or just a new way of life in what could be their last frontier.

I recently had an opportunity to visit Alaska along with a small group of outdoor writers. Our task was to get a view of the land, talk to the people and witness the effect Federal land grabs has had upon the State. We talked to Governor Hammond, former Governor William Egan, Alaska legislators, town mayors and city councilmen, Alaskan environmentalists, hunters, fishermen, trappers, guides, native representatives and citizens from all sectors of various communities. I cannot profess to have become an expert on Alaska during my short visit but I would like to pass on some of my observations to you.

Alaska is a fascinating place with its picture postcard settings, from lush rain forests in the southern panhandle to the great polar desert above the Arctic Circle with many fertile valleys and massive mountain ranges in between. Alaska is so vast it staggers the imagination and boggles the mind with its greatness. Its size is approximately 367 million acres, about one third the size of the continental United States. It can best be described by a sign in a Fairbanks saloon which states: "If you explore a thousand acres each day, it would take over a thousand years to see all of Alaska, so take your time." We didn't have all that time, so we spent most of our short visit flying throughout the State.

It appears the trouble with the lands issue started shortly after Statehood. Several interest groups seeking a slice of the Alaska land pie focused their attention on a Native land claims settlement. Natives wanted protection of land rights. The State of Alaska wanted lands it was entitled to under the Statehood Act. Business and mining interests wanted more land conveyed into private ownership while oil interests wanted a share for exploration, drilling and a pipeline.

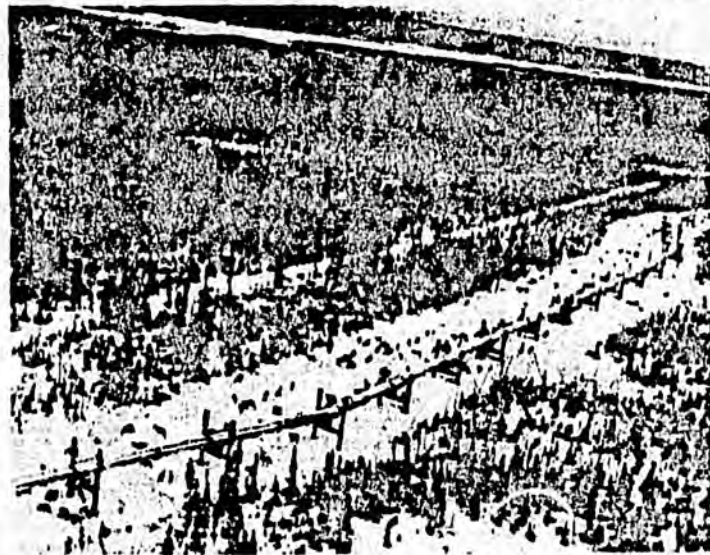
When it became apparent that the land was up for grabs, a group of Alaskan conservationists joined in the free-for-all and began to push to include in any land claims settlement, a provision that would preserve vast acreages of land "in the national interest." Passage of the Alaska Native Claims Settlement Act of 1971 set the stage for this movement, by promising 44 million acres and over \$900 million in cash to natives and native organizations. It also gave the Federal government, under section 17(d)-2, preemptive rights in selection of 80 million acres of national interest lands which would be considered for national parks, wildlife refuges, national forests and national reserve lands.

Emotions ran sky high in Alaska. It was felt the Act was being used to promote legislation which would lock-up over 100 million acres of public land as "instant" wilderness areas. Can you imagine closing up land equal to more than the



Up to 50% of Dall Sheep habitat in the United States is being placed into restricted access categories. Wildlife viewing and photography could be curtailed. Hunting will be eliminated in most of these areas, under Park Service control.

(photo by - Leonard Lee Rue III)



Among the many animals found along the trans Alaska pipeline route are the Caribou. (photo by - Alyeska Pipeline Service Co.)

combined acreage which makes up the States of New Jersey, New York and Pennsylvania.

People who supported the "instant" wilderness status spoke to us of the need to "reserve the land for future generations" and how it was time "to strive more for spiritual riches — riches that come from harmony with our fellow man and with our environment." To this, some

opposing Alaskans quipped "Out of work and hungry? Eat an environmentalist."

Most Alaskans we spoke to, whether it was at dinners, meetings, on the streets, in the wilderness or wherever we chanced to meet them, spoke harshly against President Carter for recently placing 56 million acres of Alaska lands into National Monuments through the use of the 1906 Antiquities Act. Of these 56 million acres, 41 million are managed by the National Park Service and are now closed to sport hunting, mineral and oil exploration, timber harvesting and an array of other activities.

The strong armed use of the Antiquities Act has infuriated Alaskans creating a hostile attitude toward the lower "48" States. Many feel the lands use issue has become a very phony, very cheap "environmental" vote. It gives members of Congress an excellent

opportunity to prove what great environmentalist they are by voting to turn someone else's state into a checker-board of wilderness areas, national parks and wildlife refuges. Many Alaska residents we met expressed the feeling bureaucrats in Washington not only removed from "use" the very finest and potentially productive parts of their land but they have also reduced the freedom of access to the point where it no longer exists.

In speaking to people who service the hunting and fishing sportsmen: the guides, plane operators and outfitters were adamantly against d-2 legislation which they felt would prevent access to areas, depriving them of their livelihood by denying non-resident sportsmen the privilege to hunt on the questioned public lands.

The Real Alaska Coalition, which represents most of the sportsmen and sportsmen organizations in the State, stress three major points must be covered in any Alaska land legislation to protect sportsman interests.

1. A guarantee of reasonable access to all public lands and waters in Alaska for traditional use, yet to be recognized uses, wilderness use, and resource management must be assured.

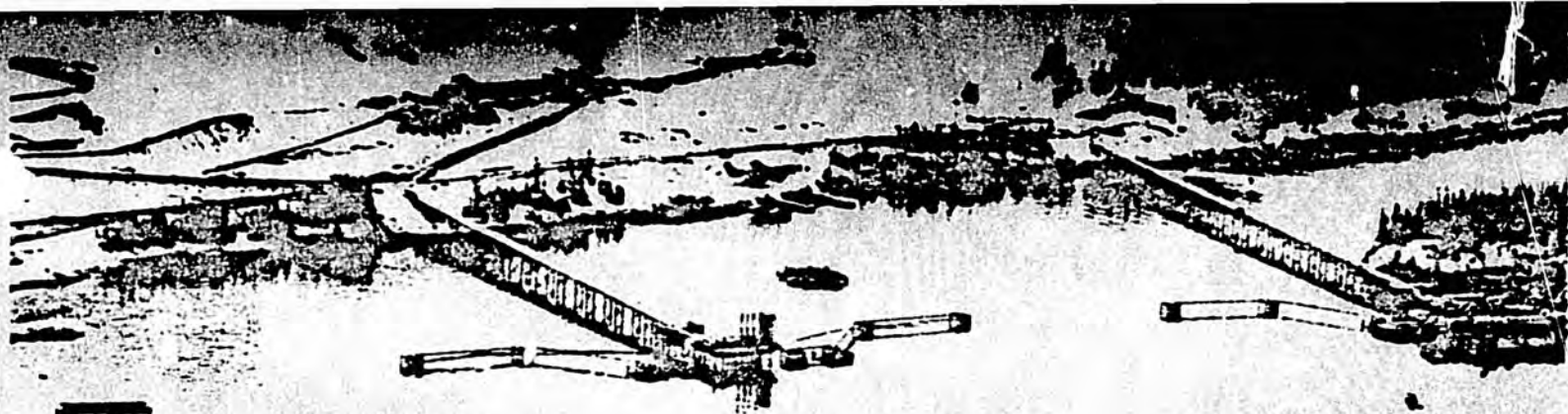
2. Alaska's right to manage its fishery and wildlife resources must be guaranteed. In any d-2 legislation, subsistence sections or other sections in the legislation must not infringe on any of the State's right to manage its fish and game resources. Subsistence should be a management prerogative of the State rather than the federal government. Any language which would nullify critical provisions of their statehood act or jeopardize all states' rights to manage their fish and game resources must be avoided.

3. Proposed acreage closed to hunting, trapping, fishing and other recreational pursuits have been unreasonable, excessive and must be reduced. Continued use by hunters, trappers, fishermen, sportsmen and other recreational users must be assured.

The Real Alaska Coalition is looking to America's sportsmen to support their stand. They point to anti-hunting groups such as: Defenders of Wildlife, Friends of Earth, the Animal Protection Institute and Cleveland Amory's Fund for Animals are leading the charge to lock-up Alaska. Groups supporting the sportsmen include the National Rifle Association, the Safari Club International, the Alaska Board of Fisheries & Game, and the Alaska Wildlife Federation & Sports Council.

The loss of recreational hunting and fishing is only the tip of the iceberg. The lockup of valuable gas, oil and mineral resources will not only have a great impact on Alaskan economy but on the rest of the Nation as well. A statement from a book "Living With Our Environment" put out by the Department of the Interior seems to make an excellent point for the "anti's" by saying: "A mature Nation like the United States, so dependent upon its natural resources, cannot turn off its economic pattern of development without a major impact upon its welfare and way of life."

Alaskans, we met, are not asking for wide-open use of Federal lands. They are well aware of abuses which occurred during early development of the Nation. They feel we have come a long way since those early days and the lessons learned provide the experience for proper economic growth, recreational activity and for reasonable environmental protection without bowing to extremist elements. Many Alaskans fear if exploration and development are locked-up until a crisis strikes, the national emergency could very well over-ride even the highest environmental standards and their frontier would truly be "LOST"



An oil tanker approaches Valdez terminal of the trans-Alaska pipeline, which handles more than 1.2 million barrels per day. Alaskans have found that oil and fish do mix.

Photo by B. Callaway

by BEN CALLAWAY

"Keep Out! No fishing!"

An all too familiar sign of the times, isn't it?

As Pennsylvania sportsmen ponder such problems close to home, they should be aware of the biggest land grab ever perpetrated — and perhaps the least understood.

Our 49th state, Alaska, is by far the largest — twice the size of the next biggest, Texas. It represents the ultimate destination for the fisherman, the things of which back-country, big-fish dreams are made. It conjures up thoughts of rugged individualism, of the American seeking solitude and perhaps finding fortune through the riches of soil and

water.

Legislation in Washington, hailed as a "victory for environmentalists," is viewed by multiple-use conservationists and sportsmen as, instead, the biggest "lock-out" of all time, anywhere. H.R. 39, Congressman Morris Udall's bill which has passed the House and now awaits further action in the Senate, has caused a terrible furor in Alaska, among all segments.

Ken Fanning, sportsman, guide and part-time trapper, is a director of the REAL Alaska Coalition. I spent a week with Fanning recently in Alaska as he and other concerned citizens of that glorious state showed me much of Alaska's mountains, lakes, streams and tidal waters.

"H.R. 39 indeed does 'lock out' industry and development," says Fanning. It also 'locks out' you and I, hunters, fishermen, trappers,

canoeists, backpackers and mountain climbers, from extremely vast areas of Alaska's glorious wilderness.

With legislation still pending, the Carter administration withdrew 180 acres of Alaska land under the 1906 Antiquities Act. The administration's action is being challenged in the courts.

But this is not just an Alaskan concern. What will it mean to all of us Americans? The lock-out goes beyond the grim mathematics of all those millions of acres. It concerns access, too, going from one open parcel of land to another.

It doesn't just concern the fisherman, dreaming some day of a drive-to, or fly-in angling adventure of a lifetime. It concerns all of us who have seated out lines at the gasoline pumps, because this lock-out also involves oil and other mineral riches.

A transplanted Pennsylvanian is Al

Reyerson, who now calls Juneau his home. Reyerson lived in Philadelphia's Germantown section where he first worked for Food Fair and later for Sun Oil out of Marcus Hook. Now in construction, he says "Here in Alaska we live with the environment, and protect it. These are OUR game and fish. We do not delve in theories." He said of exploitation in Alaska: "This is a vast land, and the scars are insignificant." His wife, Joan, is from Irvington, N.J., and finds the northland life a big change. "We know it's getting spring when the temperature gets above zero. We have such short seasons on our salmon and moose. The only thing up here that is long is our winter."

Bill Egan, three-time Governor of Alaska, asks that sportsmen in the Lower 48 "digest fact, not fiction." He says we have been fed too much emotional untruth, stereotyping the Alaskans who truly love their land as having "bulldozers and pick-axes at the ready." Opposing the Federal legislation which would lock all of us out from so much of Alaska, Egan insists "there already are plenty of national laws to safeguard the environment."

Fanning, whose Coalition joined other sportsmen's groups in supporting the alternative Breau-Dingell bill, said that would have provided "54 million acres of instant wilderness." Fanning laments that "there is a wounded grizzly running around in Congress and finding a lot of support among politicians."

At Prudhoe Bay on the Arctic Ocean, where the 800-mile pipe line to Valdez begins, we found grayling everywhere, arctic char abundant later in the summer, and caribou roaming free around the installation. This vast northern slope expanse of tundra had just one air strip 10 years ago. Today, it supplies more than 1.2 million barrels of oil per day with even greater potential. One wonders why operations up there are being curtailed by government legislation, while the nation becomes captive of OPEC oil import escalation. It is like declaring bankruptcy and at the same time refusing to dig into bulging pockets.

But it isn't just the oil, mining and timber interests which are so alarmed. If you think the non-consumptive element favors the Udall lock-out, guess again.

Doug Buchanan, of the Alaskan Alpine Club at Fairbanks, told me, "we had (past tense) the last free mountains in the world. I'm from Washington state, where we had two or three of what we have thousands of here. There is no reason for these new government regulations."



Setting of Juneau, the capital city, shows a little of what Alaska has so much of — productive waters and majestic mountains.

Bill Waugaman came to Alaska from Dubois, Pa. 25 years ago. He's been guiding big-game hunting parties ever since. It's a different life style, indeed, from working the refineries at Pt. Breeze, 28th and Passyunk, in Philadelphia. He charges that access impossibilities will destroy opportunities for sportsmen and the livelihood of those who guide them.

In Fairbanks, I talked with another sportsman, Lloyd Hoppner. "What they (the federal government) want to do with us (Alaskans) is criminal. It seems those outside don't give a damn. We have a very dear lifestyle here and we are about to lose it."

Dick Swainbank, a geologist, said "We can not do without minerals. Eighty-three percent of Alaska's minerals are locked up in this withdrawal. It's an awful cost to have \$215 billion in minerals locked up in the ground."

Flying from Fairbanks to Valdez, the lower terminus for the pipeline, we viewed the Wrangell Mountains, prime terrain for hunting and mountain climbing. Nine million acres of this would be inaccessible to sportsmen. Guide Bill Ellis asked me, "How are people gonna see all of this?"

Valdez Mayor Mac MacDonald, an ardent angler, said "Every Alaskan is an environmentalist. This year, we had our best pink salmon fishing ever. They were spawned during construction and pipeline industry times. I think it proves oil can blend with fishing. And without the taxes we enjoy from the oil people, our salmon rearing station would never have been." MacDonald has unkind words

and thoughts for the Washington (D.C.) politicians and their "absentee management. Few of them have ever stepped on our land."

Governor Jay Hammond, a career trapper before taking the reins at Juneau, knows of subsistence. "None can define the word, perhaps, but we know it when we see it. It is that which sustains body and soul." He feels that "If we can amend H.R. 39 (Senate 9), we might have a bill we can live with. We just are asking for equal, not special, treatment."

Bud Boddy, former mayor of Juneau, is president of the Territorial Sportsmen. He said, "Alaska was really 'discovered' in World War II. In 1947, at Kenai, we had to decide, fish or oil? The decision was that we could have both. Oil still flows and fish still run."

Ron Skoog, Commissioner of Alaska's Dept. of Fish and Game, said "Alaska is unique, it attracts a unique individual, one who loves adventure and the outdoors. This land issue is of great importance to all of us. In no other state do people have such a direct relationship to resources. Our most stable basis is our fish and wildlife, and now (with the legislative changes) we are not going to have that freedom."

If the Alaska land lock-out is finalized, all of us Americans will lose freedom and sorely-need resources. Not just oil to shorten the lines at the gas pumps and minerals to revive a sagging economy, but the outdoor recreation which, to many of us, is as essential to life as food and shelter. It is too much of a good thing to surrender.

I would say Aug 31, 1979

# The Great Alaska Land Grab

By RAY LIGHTBODY  
Special Report to Western Outdoor News

Our 49th State is now finding that many of the great promises made to it are promises and nothing more. If Secretary of the Interior Andrus and President Carter have their way they will never be delivered.

When Alaska voted to become a state in 1959 it was told it would be allowed to choose 103 million acres as State Lands after the Native's Settlement Act gave 44 million acres and nearly a billion dollars to the Natives, and Substance Hunting Rights throughout most of Alaska. Twenty years later, neither of the promises have been lived up to; only 35 million acres have been given to Alaska by the federal government.

When H.R. 39 bill was being considered in Congress it had so many limitations added to it that it didn't live up to the original promises, and in spite of a lot of arm-bending by a number of so-called conservationists, it didn't pass in the 1978 Congress. Secretary Andrus became worried that it might never pass without some reasonable modifications, so he recommended to President Carter that he use his executive power to achieve, by himself, what the Congress had refused to do. He imposed what is called the Antiquities Act, The Wild Rivers Act, The National Monument and Wild Life Refuge Act, etc. If he could have dreamed it up, we might have had a Save the Peanut Act, too.

What this all accomplished was to be The Straw That Has Almost Broken Alaska's Back, as it has taken all of the areas that have been identified as containing vast amounts of minerals, oils, lumber, wild game, and fish and made them unavailable for use by the Alaska People and the rest of our country. It's hard to believe that Alaska, which has to import 80% of its food, even had large areas of land locked up so it can't farm them, and they call that conservation. No roads may be built, motor driven boats to be allowed into it, or airplanes, to fly over certain areas, and no exploration allowed for oil or minerals.

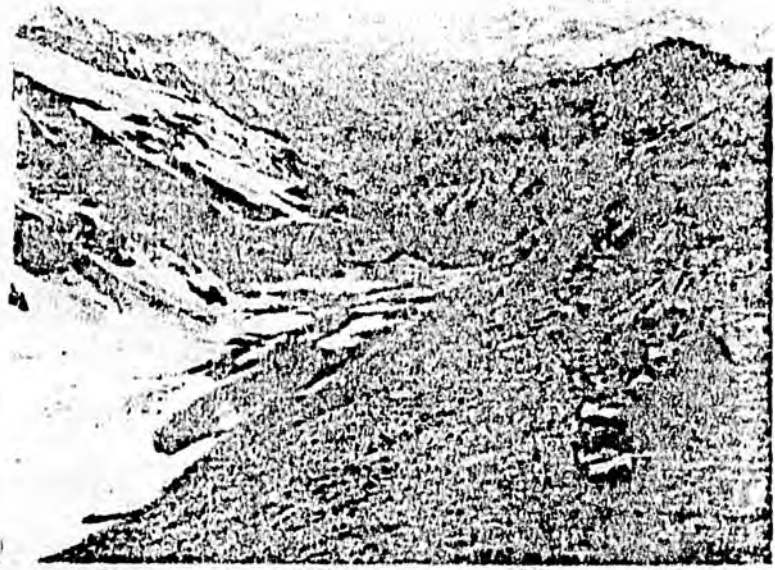
Many of the Alaskans are people who earn much of their living by

acting as guides and providing equipment, as well as other services, to people from the lower 49 states. They also supplement their income during the extreme winter time by hunting and fishing for game, to feed their families, and also many are very dependent upon fur trapping, even though it isn't a very profitable venture for the majority of those who work at it. Under these new restrictions many of these people will lose most of their employment opportunities. Some of the better organized guides who built up their homes and businesses for a period of 30 years will be totally blocked out of their normal work areas.

This Lock-Up of existing hunting and fishing areas will force many people who used to be allowed into huge areas to concentrate in small

areas that don't have the potential to support that many users, so in all probability, it will soon deplete the animal life that is there at this time.

97% of all National Park Monuments are now designated in Alaska. When you stop to think that over 70,000 square miles are already locked up and they are trying to lock up another hundred million acres it should make us all afraid that Individual States Rights are rapidly disappearing. It is happening in many other states but little publicity is being given to it for some reason. Now is the time to sit down with your 15c letter and let your Senators know what you think of The Alaskan Land Grab. They are now trying to pass H.R. 39-D-2 to make Carter's action into law.



**SPORTSMEN STAND TO LOSE** millions of acres of recreation land that sports excellent hunting and fishing in Alaska. President Carter's Antiquities Act will lock this land up and away from use forever!

# New Jersey State Federation of Sportsmen's Clubs

STATE AFFILIATE NATIONAL WILDLIFE FEDERATION



## SUBSIDIARIES

New Jersey Wildlife Council  
Junior Sportsmen of America

STEVEN P. TCZAP  
528 Clifton Avenue  
Clifton, New Jersey 07011

August 26, 1979

Dear Editor

I'll bet that you, just as I, have been deluged with material from the sportsmen of Alaska and from the National Wildlife Federation concerning their difference of opinion about setting wilderness areas in that state.

To be truthful with you, I didn't have the time to digest all the material sent to me and because of the volume of it, I sort of just let it slide. However, our State Federation did go on record of supporting the Alaskan sportsmen but we did so primarily because they were brother sportsmen and not because we understood the problem they were having.

I recently had an opportunity to visit Alaska where I met with Ken Fanning of the Real Alaska Coalition; Mr. Thomas Scarborough, Executive Director of the Alaska Wildlife Federation & Sportsmen's Council; and a host of sportsmen, outdoor writers and Alaska citizens. I did not become an expert on Alaska during my short visit but I did prepare an article for the N. J. Federated Sportsmen News and have enclosed a copy for your review.

If you would like to use the article in your publication, please feel free to do so with my permission. I am sure the sportsmen of Alaska would appreciate any help you could give them to prevent the loss of our last and largest frontier to our nation's sportsmen.

Yours in Conservation

Steven Tczap, Editor  
N. J. Federated Sportsmen News

ps: If you use the article, please send me a copy of your publication

## ASSOCIATE MEMBER CLUBS

N. J. State Field Archers Assoc. - N. J. Gun Dealers Assoc. - N. J. Game Breeders Assoc. - N. J. Federation of Camping Assoc.  
N. J. Citizens Committee for Firearms Legislation - N. J. Trapper's Assoc.

MARTINS OUTDOOR CENTER

THURSDAY MORNING

SEPTEMBER 27th, 1979

HAMILTON FIRST NATIONAL BANK

FRIDAY AFTERNOON

SEPTEMBER 28th, 1979

....ALASKAN LAND-GRAB.....

THERE IS A BIG HASSLE IN WASHINGTON, D. C. OVER THE PROPERTY RIGHTS IN THE STATE OF ALASKA -- HOW MUCH OF IT WILL BE ADMINISTERED BY THE STATE GOVERNMENT AND HOW MUCH WILL BE UNDER THE JURISDICTION OF THE FEDERAL BUREAUCRATS...AND THE FEDS ARE WINNING!

WHEN WE THINK OF ALASKA, WE PICTURE IT AS A VAST FROZEN, SNOW-COVERED AREA WITH LOTS OF HIGH MOUNTAINS, SWIFT RIVERS, AND ENDLESS MILES OF EMPTY SPACE. WE THINK OF ESKIMOS, INDIANS, GOLD RUSH DAYS, STEAMBOATS RUNNING SWIFT RAPIDS, PRIMITIVE LOG CABINS, BUSH PILOTS, AND A LOT OF WILDLIFE LIKE CARIBOU, REINDEER, MOUNTAIN SHEEP, BEARS AND WOLVES. WE'VE HEARD THE GROUND IS FROZEN ALMOST ALL YEAR 'ROUND BUT THAT DURING THE SUMMER, ALASKANS CAN GROW FANTASTICALLY LARGE VEGETABLES BECAUSE THE SUN SHINES ALMOST 24-HOURS A DAY.

ALL OF THIS IS CORRECT, BUT IT'S LIKE AN ESKIMO FLYING INTO NASHVILLE, ATTENDING THE GRAND OL' OPREY, FLYING BACK TO FAIRBANKS AND TELLING EVERYONE ALL ABOUT THE STATE OF TENNESSEE AND THE PEOPLE WHO LIVE THERE. FRANKLY, WE ARE BEING TOLD JUST EXACTLY WHAT THE POLITICIANS WANT US TO KNOW! WHY? BECAUSE THE PRESERVATIONISTS WANT TO KEEP VAST AREAS OF ALASKA JUST EXACTLY AS IT IS BY PUTTING EVERYTHING POSSIBLE UNDER THE JURISDICTION OF THE NATIONAL PARK SERVICE, A DIVISION OF THE DEPARTMENT OF THE INTERIOR. THIS STOPS ALL USE OF THE LAND, TIMBER, MINERALS, OIL, NATURAL RESOURCES,.....E. EVERYTHING.... FOR EVERYBODY....ALMOST! INTERIOR WANTS TO PUT OVER 80,000 SQUARE MILES OF ALASKA INTO NATIONAL PARKS -- COMPARED TO ABOUT 20,000 SQUARE MILES DOWN HERE IN "THE LOWER 48 STATES".

AT A TIME WHEN OUR NATION IS FRANTICALLY TRYING TO FIND NEW SOURCES OF ENERGY, THE ENVIRONMENTALISTS ARE USING EVERY LOBBYING FORCE AVAILABLE TO PUT ALASKA IN A "DEEP FREEZER" AND KEEP IT EXACTLY AS IT IS. WHILE PEOPLE SIMPLY CANNOT AFFORD TO BUY MATERIAL TO BUILD A DECENT HOUSE, BILLIONS OF FEET OF MATURE TIMBER IS FALLING TO THE GROUND AND GOING TO WASTE ON GOVERNMENT LAND.

WE WERE TOLD THE ALASKAN PIPELINE FROM PRUDHOE BAY TO THE GULF OF ALASKA WOULD DESTROY THE MIGRATION ROUTE OF THE CARIBOU FROM SUMMER TO WINTER PASTURES. NOT SO!.... THE FACT IS, THE CARIBOU LIKE THE PIPELINE AND GONGREGATE AROUND IT, THEY STAND IN ITS SHADE WHEN THE SUN BOTHERS THEM....YES, IT DOES GET HOT IN ALASKA DURING THE SUMMER.

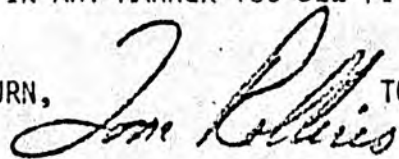
MY COLLEAGUE, V. H. "DOC" JERNIGAN, RECENTLY VISITED THE OIL FIELDS AT PRUDHOE BAY AND WAS SURPRISED TO SEE VERY FEW WELLS. HE LEARNED THAT A LARGE NUMBER OF SHAFTS ARE DRILLED FROM THE SAME WELLHEAD AND FANNED OUT TO UNDERGROUND DEPOSITS AS MUCH AS TWO MILES AWAY. IT'S NOTHING LIKE THE PICTURES WE SEE OF OIL DERRICKS IN OKLAHOMA IN THE GOOD DAYS!

THE MORE I LEARN ABOUT ALASKA TODAY, ABOUT THE "ENERGY PROBLEM", ABOUT NUCLEAR ENERGY USE, AND ABOUT GETTING ENERGY FROM COAL, AND WOOD, ETC....AND ABOUT POLITICAL HANKY-PANKY .....THE MORE I REALIZE WE ORDINARY PEOPLE ARE GETTING ONE OF THE WORST "SNOW-JOBS" FROM WASHINGTON SINCE "THE WINNING OF THE WEST!"

# # # # #

DOC, THIS SCRIPT WAS BROADCAST TWICE OVER WYSH RADIO AM/FM STEREO, CLINTON, TN. 37716 JAMES F. STAIR, STATION MANAGER. IT WAS MY REGULARLY SCHEDULED BROADCAST WITH MUCH OF THE INFORMATION PICKED UP FROM OUR CONVERSATIONS AND MAP-SCANNING WHEN I VISITED YOU FOLKS ABOUT A MONTH AGO. YOU ARE FREE TO USE THIS SCRIPT, MY NAME, AND ANYTHING ELSE YOU SEE FIT PERTAINING TO MY BROADCASTS IN ANY MANNER YOU SEE FIT.

YOURN,



TOM ROLLINS

# Outdoors

By V. M. (Doc) JERNIGAN

Alaskans are seriously perturbed that residents of the lower 48 states are not pitching it to help them control some bit of their land and future. They are worried about the mad rush from the "masters" in Washington 4000 miles away, to control and restrict the use of the land in their state.

"Subsistence hunting definition should be a state decision," stated Gov. Jay Hammond of Alaska. "The habitat should be controlled by the state — a state prerogative instead of the federal government imposing its will on the state."

This is generally recognized in the lower 48 states and there would be a great outcry from these states if they suddenly found the Feds trying to run their wildlife programs. However, this does happen to some extent, especially on migratory wildlife. On this score we must agree with the governor that Alaska is being treated rather shabbily.

"Some think if we threaten the government the D-2 bill will just go away," the governor continued. "Some want no federal intervention. Others want the entire state locked up, but you can be sure of one thing there will be a D-2 bill. We can only try to lessen the impact of the present withdrawals. President Carter abused his powers in designating 17 instant National Monuments containing 56 million acres.

"Until a solution is decided on and a bill passed by Congress that we can live with, we will have high unemployment, restricted income, restricted usage of our lands. Guides will ignore the regulations and continue to use as they have historically. Hunters will continue to hunt on the Monuments."

The governor's plan, which has gained considerable backing, is a cooperative deal substituting some planning in an effort to satisfy most of the residents. This would replace the numerous parks, state, private and native lands, refuges, Monuments, wilderness areas that now riddle the state. This does not do everything for either side, consequently they refuse to agree on anything. The governor did support the Breaux-Dingell bill in Congress. It was also supported by the International Game & Fish association.

Although the issue is not settled and there is some possibility it won't be this year, some interesting proposals are already being made. On the Misty Fjords National Monument, near Ketchikan, the U. S. Forest Service has recommended a resort be built on a bay there. It is presently earmarked for management by the Forest Service and will permit hunting, fishing, trapping, subsistence use, along with airplanes, motorboats, snowmobiles and recreational cabins. Firewood could be cut, but no commercial sales of timber and no mining.

Under the bill passed recently by the House of Representatives Misty Fjords would be a wilderness area and none of the above would be permitted in the 2.2 million acres. It also contains the largest known molybdenum deposit in the world.

The U. S. Fish and Wildlife Service is scheduled to manage the Yukon Flats National Monument. They have proposed a ban on taking motion pictures in the 10 million-acre Monument which is larger than the entire two states of Vermont and Connecticut. The Sierra Club which has fought for preserving the lands is fond of the philosophy "take only pictures, leave only footprints."

It is a fact that few footprints will ever be left in such a wild, inaccessible land, but "no pictures" poor Sierra Club, it seems they have lobbied themselves right out of the picture.

\* \* \*

A hurry-up piece of legislation through both houses of Congress can put the state in a situation of no return. Once the massive patchwork design is made law there is no return except through expensive and time-consuming legislative repeal action. Our country needs those natural resources the preservationists want to preserve. Alaska needs the economic benefits. They want the issues settled.

Now for one more solution. Alaska wants, and should get, the opportunity to select those 104 million acres of state lands promised when they became a state. They should have control the state's game and fish. The Eskimos, Indians and Aleuts have already received most of their allotted 44 million acres plus portions of the 1 billion dollars cash agreed on.

They should be permitted to complete their selections, with certain oversight on both by the federal government to retain those important natural features such as Mt. McKinley, portions of the Wrangell mountains, glaciers and wild streams. It would be a safe bet none of these would be chosen anyway since there would be little possibility of development there under any ownership.

The next move would be for the federal government to allocate reasonable amounts of land in unique places for parks, monuments, wildlife refuges and wilderness on the 225 million acres remaining under its ownership and control. This piece of real estate, larger than Texas, Tennessee and Kentucky combined, could be left open to include the hot issue of subsistence hunting and fishing for the natives. The entire 80,000 of them would hardly be noticed in that great mass of upheaved mountains, snow covered peaks and sub-surface frozen tundra scrub.

The solution is really quite simple, but everyone concerned is afraid the other side will get an advantage. There is little faith or trust among the opposing groups, every move is suspect and possibly justified. This includes the federal and state governments, the citizens, the natives, the preservationists, the conservationists and the industrialists.

# THE STATE OF ALASKA IS SO BIG, IT Boggles the mind!

[This is the first of a series of articles on Alaska on related problems of hunting, exploring and lifestyles.]

The state of Alaska is so big that it boggles the mind when one attempts a comparison. In my mind, it is unique.

Maybe, and this is a small concession, some of our lower 48 states were like Alaska when first traversed by the pioneers. But today, Alaska stands alone when one talks of a frontier. And to some people, Alaska is the last frontier.

I recently spent a busy week looking at the beautifully rugged countryside of Alaska. My view came from some 30,000 feet high in the sky right down to ground and sea level. I was part of a group of writers and broadcasters who received an invite to visit Alaska in an effort to better understand some of the issues that are now confronting Alaskans in particular, and Americans in general. And although the tour was arranged by one of the prominent oil companies—there was a pleasant mix of environmentalists, fishing and hunting guides, agency officials and

## Outlaw Notes

by Steve Henry

native Americans with which to "sound out" the issues.

Let me proceed with an oversight and some emotional thoughts. Alaska is big. If you take the state of Alaska and overlay it on a map of the lower 48, you'll have an idea of its immense size. It blots out the states of Minnesota, Wisconsin, the Dakotas, Iowa, Illinois and even more area with ease. As a comparison, Alaska is like combining California, Montana and Texas. And you know, Texans don't ever like to be outdone.

The beauty, whether in the air or on the ground, is magnificent. It is rugged. There is no other word that best describes the terrain or countryside. But unlike what I thought, Alaska is not all snow and glaciers. The valleys are green, in some cases, with vegetation. At a stop in Fairbanks, I saw some of the biggest and greenest vegetables raised only a short distance away. The quality rivalled the blue ribbon award winners found at many of the county and state fairs here in the midwest.

Now let me set one thing straight right now. When you talk about distances in Alaska, forty-five minutes away compares to what we often term as being "just down the block." Distances are great. You travel through two time zones in the big state. And the greatest means of travel is by plane. I heard that one of every eighteen persons has a pilot's license. Float planes are numerous. There's an entire lake in Anchorage that is ringed with float planes on shore. No cabins; just planes.

Alaska's population is something over 400,000. Native Ameri-

cans include the Eskimos, Aleuts and Indians. The rest of the populace is comprised basically of people from the lower 48 states. You can hardly go through a day without bumping into someone from your home state. Everyone seems to be from somewhere.

I referred to some issues at the beginning of this article. The issues are numerous and quite complicated. They involve millions of acres of land and the lives of its citizens. And to a minor degree, the issues in Alaska involve you and me. I use the word "minor" because I came away from Alaska firmly convinced that the Alaskans can handle the issues successfully PROVIDED Uncle Sam is willing to give them that opportunity.

But such is not the case. And so, those minor issues, are quite major. The issues revolve around a lifestyle—a lifestyle the Alaskans have generated through homesteading, fishing, hunting and a first hand experience with Mother Nature and the environment.

That could all change if the federal government and Congress passes on a bill that locks up much of the Alaskan countryside. President Carter declared some seventeen monuments last year.

That move alone will place more than 50 million acres of land under the National Park system and thus eliminate hunting, exploration and logging.

The management of wildlife will be severely tested by such action—and I have a strong feeling that state and federal game officials may end up on opposite sides. This would more than likely be detrimental to that so-called "wildlife quality" that Alaska is known for.

Some persons believe the issues boil down to neat packages of preservation versus development. It is not that simple. The issues are complex, and when you consider a whole lifestyle may be affected...the issues are as

numerous as individuals.

I'll tell about some of the personal comments that I heard while talking with many Alaskans the next time around.



Steve Henry on Cook. R. picks with a "Sun Flk" se'pl'g 4-7 from Lake I about on n: p'overlur, am'ness 10s on Dave. 'hieldo]

# Outdoors

By V. M. (Doc) JERNIGAN

After flying several thousand miles back and forth across Alaska, it felt good to hop on a pontoon-equipped plane in Ketchikan and fly some 50 miles inland to Yes Bay Lodge for some real down-to-earth fishing. The Lodge is located on a point at the mouth of a small river on a salt water inlet. A mecca in the heart of some of Alaska's wilderness country.

The river runs out of a lake up in the mountains behind the lodge and is a salmon-spawning stream with hundreds of big salmon swimming, surging and jumping upstream against a strong current when the tide is out. I stood beside the stream several hours, casting lures in the swift waters, slightly provoked that none of those giant, leaping salmon would even condescend to investigate my offerings. Salmon on spawning runs seldom feed and supposedly strike lures from anger or irritation.

Yes, some of the smaller fish and even a few trout did take the lure, but I was after bigger stuff. For most of three days some of our group were guests of Art and Marlys Hack, owners of Yes Bay Lodge and Jim Repine, publisher of Alaska Outdoors. Tyee Air Service carried us in and out. There are no roads to the lodge and the nearest other lodge or building of any kind that I saw must have been at least 10 miles away. They have no use for an automobile, but a float plane and boats are a necessity.

Taking off from the back door of the Lodge is a small path, rambling up through the mountain alongside the river. There is fine fishing along the tumbling stream and one of our group of writers caught an eight-pound salmon in that rough and turbulent water on a four-pound test leader. The lake in the mountain is about two miles back and up and few pilgrims ever reach it. I did find big, juicy, ripe wild blueberries growing in profusion alongside the trail.

The Hacks were quick to advise us not to travel the trail alone and preferably with one of their employes carrying a big gun. The migrating salmon in the stream attracts hungry bear and those Alaskan bear are big, like the state. A big brown bear with cubs takes a dim view of anything getting too close to the youngsters.

I looked up at an eye-opening mounted specimen in Fairbanks and the monstrous size left me a bit awe-stricken though I have seen many bear. Its head, alone, would have been difficult to encircle with both arms and it towered several feet above me. It left me with no desire to meet one in the wilderness, unarmed.

We fished the Bay for the big king salmon, but I only caught one around 20 inches in length where the size limit is 23 inches. Lots of bald eagles were seen flying or loafing along the multitude of inlets and islands. They, too, like a feast of salmon. In fact, the poor fish falls prey to every predator, including man.

It spends its life in danger, from the freshly hatched fry working back down the stream, into the ocean where it matures and then struggles against all odds to return from the salt water up the stream of its birth to spawn. Here the cycle starts all over again, but the poor salmon has spent its last strength to return there to lay its eggs. Beaten, bruised shattered and torn it expires after spawning and starting the new cycle.

This coastal area of Alaska is rain country. It rained portions of every day we were there, but to natives and visitors that is a way of life. They go fishing or do whatever they have planned regardless of the rain, fog, and drizzles. Yes Bay Lodge handles that problem by maintaining a big rack of various sizes of rain gear, waders and rubber boots for customers to use.

Costs to visit the busy lodge are expensive when compared to our local standards and costs for similar services. But the services are deluxe for a wilderness spot and staying a few days at such a place is a lifetime exhilarating experience.

the rest of that state. It seems everyone has strong convictions on the issues, with most Alaskan residents wanting states rights, letting manage their own resources. The native Alaskans, estimated around 30,000 or one-fifth of the population, are fairly happy with their settlement but would like more. They were allotted 44 million acres of land plus almost \$1 billion and given the right of subsistence hunting.

The state was promised, at statehood, 104 million acres by 1985, but so far have received only about 30 million acres and some of the lands they selected are included in the federal proclamations and withdrawals, estimated at about seven million.

Suddenly the whole state is in turmoil after the passage of the Udall bill, HR-39 over the less restricting Breaulx-Jingle bill in the House of Representatives. The issue is yet to be decided in the Senate, but is expected to come up this year. Apparently the Udall bill withdraws entirely too much land from possible commercial or industrial use and places it in wilderness, and parks.

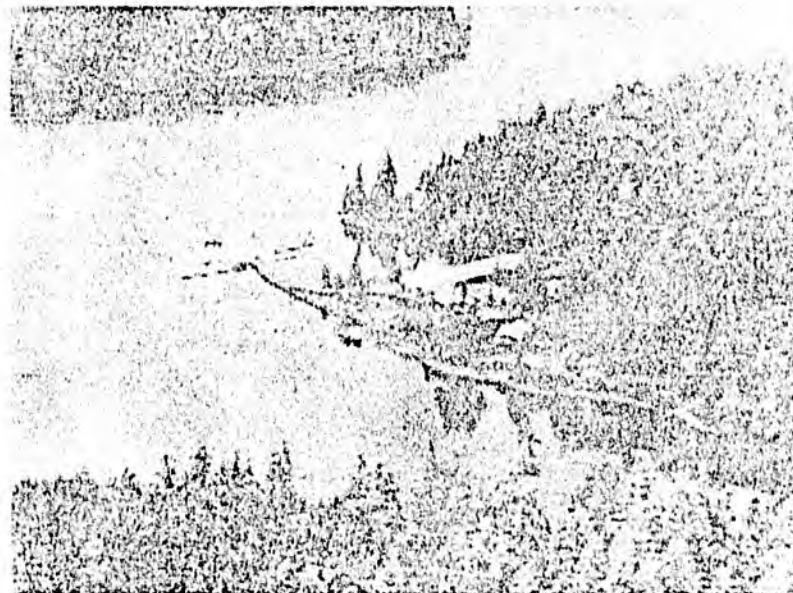
Now wilderness and parks are nice to have, but in that country, which is practically all wilderness, the people need such vast areas like a hole in the head. They can't get to them. They can't fly into them and flying is a way of travel there. They just sit back and see their state cut up into giant parcels and portions or upended mountains or boggy, barren flatlands accessible to only a very limited number of United States citizens.

There is still hope, with the Senate bill S-9, less restrictive than HR-39, if it passes then the whole thing will return to a compromise meeting of committees of both Houses. In the meantime the Presidential proclamation of 56 million acres of National Monuments will stand until the Congress acts, hopefully together with a better and more logical and acceptable settlement for the most benefit of all U. S. citizens, including the 49th state.

Last week I asked Congressman Gore why he had voted for the Udall bill. He replied "They (environmentalist organizations) showed us such beautiful pictures of the state that we felt we just had to protect it."

After a few more questions and explanations, unexpectedly backed by a one-time Alaskan citizen in the audience, Congressman Gore stated, "I'm afraid you fellows know more about the situation than I do."

Right, you are Congressman. And may we suggest you learn more about the situation before casting another vote on the basis of pretty pictures.



ALASKAN LODGE — Yes Bay Lodge, on a point between a river lower right, and salt water bay, about 50 miles from Ketchikan, can be reached only by air or water. Bear are plentiful in country at rear of the lodge; hordes of salmon migrate up the river to spawn.

-- Photo by V. H. (Doc) Jernigan



Last week I touched some of the highlights of a recent tour of Alaska which required some 8000 air miles to get there and return. Add another 5000 miles hopping from border to border of that vast state, which really kept me up in the air for seven days.

To add some dimension to the size of Alaska, if we superimposed a same scale map of Alaska on the lower 48 states it would reach from the northern tip of Maine to the south of Key West and extend in the East to West direction from Eastern North Carolina into New Mexico.

Of course these distances included the narrow strip of Alaska, along the coast West of British Columbia, containing Juneau, Sitka and Ketchikan. It also includes the Alaskan Peninsula and the Aleutian Islands. The state does contain 365 million land acres and some 10 million inland water areas.

The President and House of Representatives have restricted use of 140 million Alaskan acres by declaring them National Monuments, National Parks, wildlife preserves and wilderness areas. Hunting will be permitted in wilderness areas and wildlife preserves. Subsistence hunting will be permitted by "local rural residents" on a non-racial basis on the parks and monuments.

Definition of local rural residents is definitely a misunderstood term. Who falls within subsistence hunting and this category? What about a resident making his living by guiding? Anyone living outside the major Alaskan cities could legally hunt these areas, but not for sport.

Ken Fanning, of the Real Alaskan Coalition, representing more than 4000 Alaskan Sportsmen, says Alaskans resent efforts of the lower 48 states to regulate and control their state. But that is exactly what is happening. Other states have control and management of game and fish, but the federal government is regulating this activity in Alaska.

The state will be allowed to manage its wildlife only after a one-year trial period, with secretary of the interior oversight. If the state won't or doesn't handle to the secretary's satisfaction then the U. S. steps in and closes areas to all hunting except for subsistence which is guaranteed over the President's signature.

Subsistence hunting permits rural local residents to hunt anywhere they have hunted historically. This is to put food on the table and would also help lower welfare payments. It means natives may take nesting waterfowl in the spring, reducing the numbers reaching the "outside." They may use snowmobiles, vehicles, motorboats or most any other means of transportation possible.

Many Alaskan residents, including guides, plan to continue penetration of the new boundaries and hunt the areas as they have in the past. They feel not many U. S. enforcement personnel will be patrolling the areas — in fact will be unable to get to most of them without guides.

Actually Alaska is not a hunter's Utopia. Game is plentiful only because of the limits of man's endurance imposed by natural barriers and difficulty of travel into the enormous back country. Only the very hardy will brave the interior's heavy snows and harsh environment. However to the natives and residents this is a way of life.

One resident suggested the best way to solve their problems is to raise funds to send meddling environmentalists of the "outside" into the heart of these wilderness areas and leave them there. They would never find their way out. Residents travel the wilderness areas only with a powerful gun at hand for protection against chance encounters with a grizzly bear with cubs.

Our group rode the Alora charter boat out of Homer into the Cook Inlet where we spent an afternoon fishing for halibut, a prized eating fish. I cranked in the first one from about 200 feet straight down. At least a dozen were caught weighing up to 67 pounds. That night we had dinner with a representative group of local residents and listened to their arguments for states rights.

Next day we had lunch at Shungnak Camp, headquarters for a small group of Anaconda Co. prospectors in the Ambler District, near the Brooks Range of mountains. Two young lady cooks for the camp laid a bounteous variety of food on us, including fried Shee fish roe, wild blueberries, strawberries, and, of all things, watermelon.

At Fairbanks we again met with a large group of local citizens, headed by the mayor of that city. The menu included Caribou, Sitka deer, Dall sheep, moose, king salmon, Shee fish and locally grown vegetables, sourdough bread, wild blueberry crisp, wild cranberry relish and a series of lengthy arguments on the political mishandling of their state's lands.

From Fairbanks we flew to Gulkana where we picked up famed guide Bill Ellis. He talked to us about the serious curtailment of the activities of the many guides operating in the Wrangell Mountains which was declared a national monument by the President. While he talked we were flying a breathtaking route over the vast array of snowcovered mountains which contain almost 40 percent of Alaska's Dall mountain sheep 11 million areas closed to sport hunting.

We arrived in Valdez — the end of the 48-inch 300-mile oil pipeline from Prudhoe Bay. A tanker was loading at our arrival. They are shipping out almost 1.3 million barrels a day. We had lunch with the Valdez Chamber of Commerce, after touring the end of the pipeline complex. The Valdez bureaucracy in Washington was threatening their way of life. They feel most outsiders think the issue is between development or environment, but it isn't so. Alaska has a proven environment record and controlled development.

We boarded the Glacier Queen here and toured the vast Columbia Glacier, threading our way through huge chunks of ice floating away from the glacier after breaking off. A large number of seals were seen riding these icebergs. On the way back to port the captain broke out an endless variety of goodies for us to munch on while we rode. My favorite was the giant boiled prawns (shrimp). Others liked them also. They disappeared in a hurry. We stopped at a spot where silver salmon were running and just about everyone aboard the boat caught or lost at least one.

From Valdez to Anchorage for the night and next day on to Juneau where we met with the lieutenant governor and members of the governor's staff and held an interview by phone with Gov. Jay Hammond who was in Denver at a meeting of Western governors. Gov. Hammond verified what we had been hearing throughout the tour.

That night we met with another group of residents and sportsmen of Juneau who again gave us the same basic story of too much meddling by outside politicians.

Valdez will be treasured in my memory as the home of a youngster timidly approaching and asking for MY autograph.



# James A. O. Crowe

## Fishing habits of Alaskans prove quite difficult to fathom

THE DIFFERENCES in the behavior of salmon and steelhead in the Great Lakes and their ancestors in the Pacific Ocean waters of Alaska are hard to believe and impossible to explain.

For example, on a recent fishing jaunt in Alaska, I found everyone I encountered, from veteran guides to visiting fishermen from the prairies of Kansas, trolling for salmon with cut bait.

As I've already reported, their trolling methods are at least a decade behind ours on the Great Lakes. They use heavy weights tied directly into their trolling lines. They have yet to adopt our downriggers and electronic fish finders.

But more than that, I didn't see a single plug, spoon or streamer fly being trolled in the Alaskan waters. The universal bait I saw was a herring, chopped off at an angle about three quarters of the way up from the tail, gutted and impaled on a big tandem hook.

THE FASHION at the Yes Bay Lodge, near Ketchikan in southeastern Alaska, is to hook the bait on the upper hook, leaving the lower hook to dangle free.

Now we Great Lakes salmon fishermen have known about cut bait since 1967 when the salmon staged their first spawning run off Manistee after their introduction into Lake Michigan. But cut bait has never worked for us.

We quickly found that our salmon appeared to be totally uninterested in an alewife or smelt, cut and rigged as they are in Alaska and on the West Coast of the lower 48 states. So ever since then, we have fished exclusively with artificial lures for the coho and chinook, and we've done very well, thank you.

BUT THE ALASKAN fishermen couldn't believe that their coho and chinook, just by being transplanted to the Great Lakes, could act so differently than in their home waters.

They suggested that perhaps the alewives and smelt we were offering them were not attractive to them.

But that doesn't track. The Great Lakes salmon chase down and eat

alewives and smelt by the millions when they are not impaled on a hook.

And, more than that, Great Lakes alewives, caught in nets and frozen, are being shipped by the ton to the West Coast to be used there as cut bait for salmon.

WHY WON'T THEY work in the Great Lakes?

The Alaskan fishermen were very polite but clearly skeptical of my claims that we Great Lakes trollers routinely and throughout the spring and summer fishing season hook and land steelhead trout in the open waters.

The steelhead, a migratory strain of rainbow trout, are, of course, also natives of the Pacific waters. Both in their home waters and in the Great Lakes, they hatch out from eggs laid in streams. As fingerlings, they migrate, like salmon, to the big water to grow big and scrappy before migrating in the fall back into the streams to spawn. Unlike salmon, however, they don't necessarily die and can repeat the spawning migration several times during their lifetime.

However, on the West Coast, from Alaska all the way down to northern California, they are simply never caught in the open waters of the Pacific.

In fact, once they migrate down out of the streams as fingerlings, they are almost never seen again until they reenter the streams on their spawning runs. It is only then that West Coast fishermen get a crack at them, and, of course, the river fishing in late summer and fall for steelhead is legendary out there.

WHEN I TOLD my new-found Alaskan friends that I didn't know a single Great Lakes troller who hasn't caught dozens of steelhead in the open waters, starting as early as April, they just couldn't really believe me.

Again, why the difference? No one that I have ever talked to can explain these behavioral differences.

They are just a few of the many mysteries that exist about fishing, and I suppose those mysteries are among the reasons that so many of us find fishing so fascinating.

# Everyone Is Right—and Wrong—in Alaska

By Gary D. Warner  
Outdoor Editor

Save Alaska!

For whom? For our children.

From whom? From ourselves.

That is "The Word" we hear about Alaska. I believe, I have subscribed to it for many years. But it is no longer my religion.

Alaska is just too damned big.

"I liked your Alaska series," an acquaintance told me. "But it was confusing. I still don't think I understand what's going on."

Neither do I. I have traveled in Alaska more than most Alaskans and more than all but a tiny fraction of the residents of the lower 48... which makes me an expert. But I have no ironclad answers. Neither does anyone else, but they won't admit it.

Kansas City to Seattle is a 3-hour flight over parts of Kansas, Nebraska, Wyoming, Montana, Idaho and Washington. Seattle to Anchorage is a 3-hour flight, most of it over the Alaskan panhandle—and at Anchorage, most of Alaska is still to come.

While Alaska is overwhelmingly large—and overwhelmingly beautiful, we must not forget—it also is overwhelmingly empty. Where else can you make a night flight from one side of a state—in this case 600 miles—to the other and never see a single light?

I wish I were a member of a narrow-interest group. I'd like to be an environmental zealot, or a hell for leather oilman, or a raving anti hunter. I wish I had only one view, like every player in the Alaska drama seems to have. It would be easy then.

I have no quarrel with any of the areas designated for protection under H.R. 39, the House bill

## The Outdoor Orbit



that would create 127 million acres of parks, refuges, forests and wild and scenic rivers. Each has its own beauty, each is deserving of all we can do for it, even if that, in most cases, is nothing. I do not agree that federal land management as administered in the lower 48 states is the solution for Alaska.

Environmentalists say that Alaskan land withdrawals must be ovaralized because of the fragility of Alaska. Does this not suggest, at the same time, that the nature of Alaska dictates different thinking in its management?

In most cases, I believe firmly, the parks which would be created by H.R. 39 should be open to traditional uses until there is good reason to restrict them. Why? Because those traditional uses, such as hunting, fishing and trapping, constitute the major portion of the traffic most of the proposed national parks will bear for many years.

Gates of the Arctic, Noatak and Kobuk Valley National Parks, thrown together in the wilds of northern Alaska, spread unevenly over an area about 120 miles north to south and 200 miles east to west—of a total of 10 million acres of land for a park.

The three parks lie more than 500 air miles northwest of Anchorage. There are no roads within or to the parks. If you want to see them, you hop Weib Air to Galena or Kotzebue and charter a floatplane whose owner will agree to drop you off at a

lake within the parks, and return for you on a preset day. Then you start walking.

That's fine. We need parks without the slickness of Yosemite, which equals exactly in both beauty and dimension a photograph in National Geographic. Some environmental groups say, "Alaska is not now crowded, but neither was Yellowstone crowded when it first was made a national park. If parks in Alaska follow the pattern of those in the United States, they soon will have a heavy stream of visitors."

Hotwash. Because of the combination of ruggedness, remoteness and cost, visitation to most of the areas H.R. 39 proposes to set aside will be very low for the foreseeable future. Why close them, then, to the Alaskans and the outstater who have set up hunting camps, or use the remote cabins for shelter while running traplines?

I do not want an Alaska stamped with a pattern of roads or burdened with the clutter of earth moving machines, but neither do I want an Alaska I cannot use. What I want, as a matter of fact, is an Alaska exactly as it is today—or was, before a President Carter's national monument withdrawals last year. The best way to ensure that would seem to be the passage of the Udell Anderson bill.

Gov. Jay Hammond of Alaska undoubtedly was correct when he predicted that we will get a #2 bill—at least during this Congress. But H.R. 39 is not quite a good #2 bill. It is a little too high handed. It

restricts Alaskans a little too much. It takes away too many options.

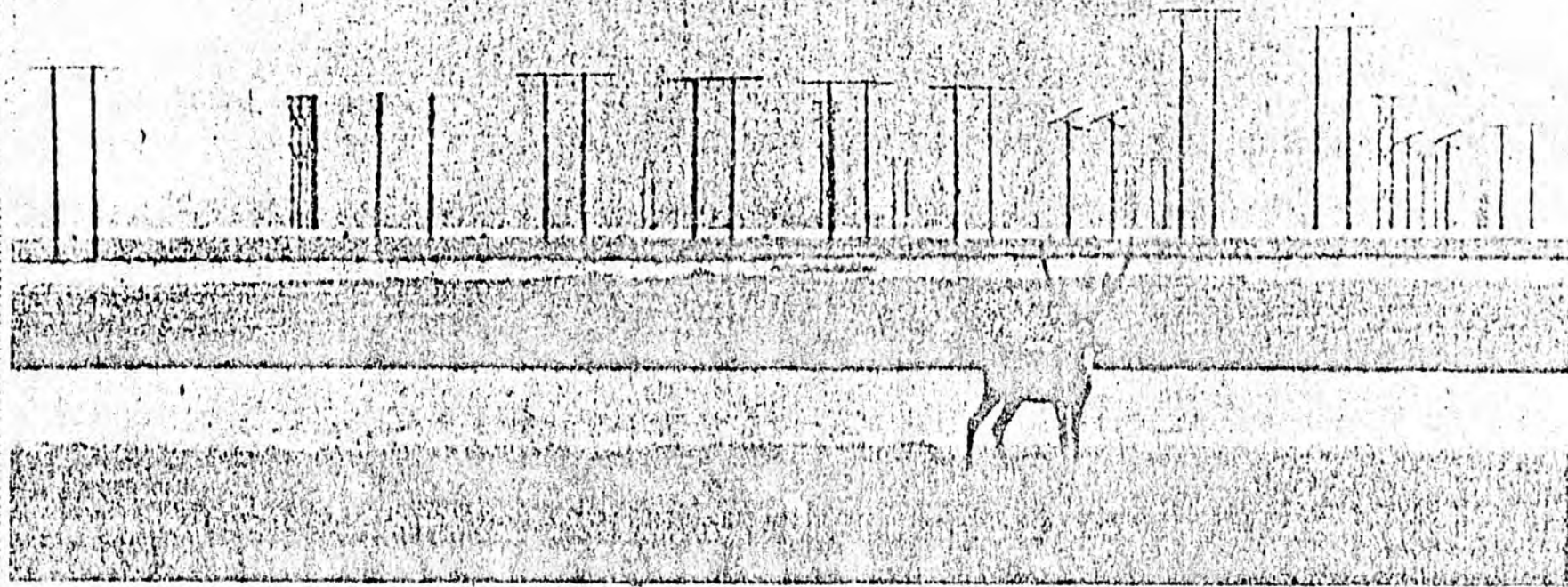
I cannot argue with any of the positive points offered by the Alaska Coalition. Neither do I disbelieve the concerns of Atlantic Richfield and Exxon and Amoco, the Alaska Fish and Game Department, hunters and trappers, the state government, all Alaskans. A reader who returned this week from an Alaskan journey called yesterday; his description of the feeling of Alaskans was this: "Everybody up there is angry."

So am I. I want Alaska's mineral resources to help furnish the material for my car, Alaskan oil to power it and Alaskan gas to keep my house warm—but I want Alaska's incredibly beautiful wild areas to remain exactly as they are, too; I want Alaska to remain Alaska. I want Alaskans who truly live off the land—who use its hunting, fishing and trapping resources to feed their families—to continue their lifestyle forever, but I want my hunting privileges intact, too.

The trouble is that there are two views on Alaska—save it or use it—and no one yet has demonstrated the leadership and willingness to satisfy both needs. One Alaskan woman, in Fairbanks, filled my ear with not exactly complimentary descriptions of "conservationists," then seemed embarrassed when I told her I was a conservationist.

That I am. But I believe that the pro-environment community of which I am a member is, on the Alaskan issue, too rigid, too demanding. The great rising up of environmentalists in the United States probably has reached its peak; the new power of the movement to sway public opinion and political decisions must be tempered by, and give a little ground to, our practical needs. If it does not, environmentalists soon will find themselves denoted to yesterday... to zero frank.

We can both save and use Alaska. If we try.



*A lone caribou bull feeding poses the great question: Can we both save and use Alaska?*

# Tug of War

## Battle of Alaska Being Waged in Washington

By Gary D. Warner  
Outdoor Editor

Part of a series

ANCHORAGE, Alaska—Alaska is the victim of the biggest tug of war in American history.

The game is not being played in our 48th state, however, but in Washington. The ends of the rope are not held by Alaskans but by preservationists and developers, with Congress acting as referee. Alaskans are being left out.

"We're not the largest state in the Union, we're the smallest. Our future doesn't depend on what we think but what people in California and New York and Missouri think,"—Lloyd Hopper, Fairbanks lawyer.

"Every Alaskan in an environmentalist. We want to keep it forever. Alaskans can manage Alaska better than the Sierra Club or Fund for Animals or anyone else,"—Mac McDonald, Valdez mayor.

"The trouble with people in the lower 48 is that they get beaten on the head with perceptions, not real-

ties."—Sally Smith, state representative from Fairbanks.

"The whipping-up of emotions by non-Alaskans is unjust and unfair. We need to convey a true picture of Alaska instead of a picture drawn by demagogic minds."—Bill Egan, native Alaskan and three-time governor of the state.

"We chafe at far-off attempts at making bureaucratic incursions and political points at our expense... and decisions by people who don't share or understand our lifestyle."—Jay Hammond, former guide and bush pilot and now governor of Alaska.

Mary Bishop of Fairbanks presents a perspective on Alaska that clears the air: "All too often the Alaska lands problem has been presented as a black-and-white issue—either we must place a third or more of Alaska within

park or park-like status or it will be subjected to development which will threaten the existence of our last true wilderness. Rarely is a middle-ground rationale presented to the public or to the legislators as a solution to this issue."

Although far more Alaskans apparently oppose the Udall-Anderson solution to the d-2 issue, a sizeable bloc supports it, and with a doctor, too. Or you can believe the sarcastic comment of a Fairbanks citizen: "You've got 40,000 Alaskan residents who are fervently against d-2. You've got 10,000 environmentalists who are for it. The rest of them are like people in Kansas City—as long as they have their beer and the TV works, they don't give a damn."

Still, Alaska can claim that a  
See THE BATTLE  
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# ☆ Alaskans Want to Handle Alaska's Problems, Thank You

Continued From Page 13

greater percentage of its citizens are politically active than in any other state. Alaskans are different, and they are proud of it. They came to Alaska looking for a lifestyle unlike the prodding, drugged existence into which most Americans are born. Their most common quality is independence. They suffer the winters and glory in the remainder of the year. They love the outdoors, the hunting and fishing and trapping like no other Americans.

And both private citizens and the Alaskan state government, in all its forms, use their resistance to a single issue: The federal government wants to govern Alaska from Washington, and that can't be done.

The state of Alaska has dug in behind a seven-point position which it insists must be addressed in any legislation passed by Congress:

- Congress should revoke the land withdrawals made last year by President Carter and Secretary of the Interior Cecil Andrus under the Antiquities Act.

- Congress should give to the state its full entitlement of lands authorized by the Alaskan Statehood Act—thus far the state has only 19 million of 104 million acres—and should give to the natives their full land entitlement of 44 million acres (thus far native corporations have title to only one million acres).

- Congress should provide access to state and private lands across any federal enclaves created.

- The state should manage all fish and game.

- Congress should exempt known mineral deposits and other commodity resources from systems which preclude development.

- Traditional land uses on all lands in Alaska should continue.

- The President, or any other federal official, should be barred from establishing or adding to any

conservation system unit, such as a park or refuge.

That's what Alaska wants. Realistically, it can't get it all. But Alaskans feel they must gain some points on the future they came here to find will go down the drain.

### Big Wildlife Battle

The fish and wildlife argument is a major issue: Alaskans are fishermen, hunters and trappers. Without it, private opposition to a reasonable d-2 settlement would all but disappear. Under the Udall-Anderson bill, though, Alaskans say too much land is designated for management by the National Park Service, which has no experience or proficiency in wildlife management.

Despite statements that hunting would still be allowed on 60 percent of Alaskan lands, the withdrawals would eliminate much of the prime hunting country and would, along with the native lands, block access to even more. The hunting business in Alaska, which employs about 4,000 people—one of every 100 Alaskans—would be severely damaged.

Ken Fanning of the Real Alaska Coalition, an Alaskan group opposed to the d-2 legislation, says the Udall-Anderson bill is blatantly anti-hunting. "There's an anti-hunting grizzly loose in Washington," he says, "and it finds open doors wherever it goes. They have us down as culprits and as enemies of motherhood and wilderness. Yet not one professional fish and wildlife agency supports the bill."

Despite assurances that hunting will be allowed in areas designated as wilderness—69.8 million acres of the total—Fanning stated, "Unless specific exemptions are made, an Interior Department solicitor has concluded, hunting and trapping will not be allowed in wilderness areas."

U.S. Gov. Terry Miller, addressing the same topic, observes, "We're not unmindful of the possibility of

the Park Service allowing Alaskans to continue their traditional lifestyles to get some sort of civil acceptance for this bill, then turning the screws later."

Dick Bishop of the Alaska Fish and Game Department says, "Our concern is the proper and equitable use of our wildlife resources. As proposed in H.R. 20, wildlife management is tipped too heavily toward the federal government."

"Moderation on both sides has gone out the window. There is very little likelihood the issue will be resolved on the basis of what's best for habitat, wildlife or even users. It's in the political arena now, and that's how it will be resolved."

One of the hottest and most complicated words in Alaska these days is "subsistence." Basically, it means the right of Alaskans, both natives and non-natives, to continue the taking of fish and game for personal and consumptive family use. The Udall-Anderson bill provides for a system of regional boards to determine who is qualified for subsistence use, under state management, in all areas of Alaska, even where sport hunting is banned. But it also gives precedence to subsistence hunting over sport hunting and allows federal oversight of the program.

### One More Lockout

What does this mean to the Alaska hunter? That Alaskan natives, who are already authorized total rights to 44 million acres, can complain that non-subsistence hunters are affecting their take on federal lands, appeal to the Interior Department if the state does not satisfy them and force the closing of hunting on more lands.

Most Alaskans agree that subsistence rights should be granted on a non-racial basis, to those people who live in the back country and who do feed themselves or their families with the game they take. But they fear the privilege can run

wild. Overkills by natives are routinely documented. A 1975 survey showed that 54 villages in the western Yukon area took 13 million pounds of fish, game and birds. The killing of hundreds of walrus at a time—for tusks to carve and sell to tourists, not for meat—is not uncommon.

To cap it off, the Alaskan Native Claims Settlement Act reads: "All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy . . . including any aboriginal hunting or fishing rights that might exist, are hereby extinguished."

In other words, Alaskan natives who are receiving \$1 billion plus 44 million acres in exchange for other claims, including hunting and fishing rights, are now coming back to demand not only the return of those rights but the power to deny other Alaskan hunters the use of public lands.

The subsistence debate reaches from the Alaskan wilds to the governor's office. "Subsistence is like pornography," observes Gov. Hammond. "No one can define it but we know it when we see it."

"What we oppose is any language that abrogates the state's rights to manage its fish and wildlife. We don't want someone 5,000 miles away to tell us that an Eskimo must take a bowhead whale or be culturally deprived."

Hammond has been a popular governor, but throughout the state Alaskans who oppose what they call the lock-up of land criticize him for not adopting a stronger stance. "He's got what he wants; we're having to fight this thing without him"—or some variation thereof—is a common view. But Hammond stands his ground.

#### A Bill Will Come

"The people who say that are deluded," Hammond said. They think if they fight hard enough in the courts, threaten the federal bureau-

cracy enough, d-2 will go away.

"A few people in public office in Alaska have pandered toward this issue, and there's a great temptation for me to make points with a strong image. But you lose ground in Washington if you do. I won't satisfy the environmental extremists who want the whole state locked up or the people who want nothing at all done. But I, Senator (Ted) Stevens and (Rep.) Don Young are taking what we think is a realistic approach."

That approach, in essence, is that a d-2 bill is inevitable. "I would rather have no bill at all than H.R. 30," Hammond said. "But Senator Stevens feels that if no bill passes this year, the chances of the Udall bill passing, as is, next year are improved substantially. Our view is that we must work as hard as we can to get as many amendments as we can. I would hope to see a bill passed that contains our seven consensus points. If in the end the bill is not acceptable, we work to kill it. If we get a good bill, we take it and run."

"Equitable treatment—that's all we're asking for. Not special. Equal. There is a proposal going around, for instance, that the excess profits tax on oil be imposed on all oil priced above \$7.50 a barrel in Alaska but \$13 everywhere else. That's the kind of treatment we can do without."

The Hammond-Stevens-Young position differs from that of Sen. Mike Gravel, Alaska's senior senator and the only Democrat among the four. Gravel is working to kill the d-2 legislation in the Senate, hoping that a changing political climate will provide Alaska a better chance next year.

Miller, Hammond's lieutenant governor, says, "My view is that we won't see a bill on the Senate floor this year." If he is wrong, though, he admits, "There is some question whether we can stop it. And if this goes through we really do become a neo-colony."

#### Voters In the Dark

Alaskans wish more Americans were aware of what is at stake in their state. "There are good reasons for people in the lower 48 to be interested in Alaska," Hammond said. "First, we have a great many resources that should be made available, with environmental safeguards, to the people of this country. Second, there is the matter of the federal-state relationship. The issue here is self-determination. The one thing that petrifies Alaskans is the federal government forcing us into a 'permit' lifestyle—one in which we have to go to someone 5,000 miles away to turn around."

Hammond has what he thinks is a better idea. "I am recommending," he said, "a co-operative management system for all lands on the Alaskan peninsula instead of putting up fences that preclude hunting and trapping and resource development. I would like to see us sit down together and agree on a management plan for Alaska that would be a showense for land-use management. That's the route to go instead of fumbling along with traditional systems that haven't worked too well. I'm so convinced my teeth hurt."

There is no relief in sight for Hammond's monumental toothache. That rugged old football veteran, Mo Mentum, is now on the environmental team.

Those environmentalists frequently quote Robert Service's noble words about Alaska:

Thank God! There is always a land beyond!

For those who are true to the trail,  
A vision to seek, a beckoning peak,  
A fairness that never will fail.

Alaskans who live in that land beyond better understand these words:

A promise made is a debt unpaid.

On Sunday's outdoor page: A personal view of Alaska.

# Treasures

## Oil, Copper, Silver, Zinc— You Name It, Alaska Has It

By Gary D. Warner  
Outdoor Editor

**BORNIITE.** Alaska—Alaska is forever.

In its immensity, its diversity, its future, its resources—and its emptiness—Alaska is, to men who can foresee their own limits, endless. It is capable of mothering a population far beyond its present scattered settlers, who cling to the roads of water and gravel—and occasionally pavement—as if they want to be ready to flee this awesome giant if need be.

Alaska can feed from its breast a wealth of crops and timber and fish and wildlife—and minerals and oil—beyond our expectations. But like a mother, Alaska must be used. It begs to be used.

To most Americans, Alaska's wealth springs as crude oil from Prudhoe Bay and flows through the pipeline to Valdez, where it is pumped into tankers for delivery to U.S. refineries. Other Alaskans, however, know that the riches buried underground are copper, lead, silver, zinc.

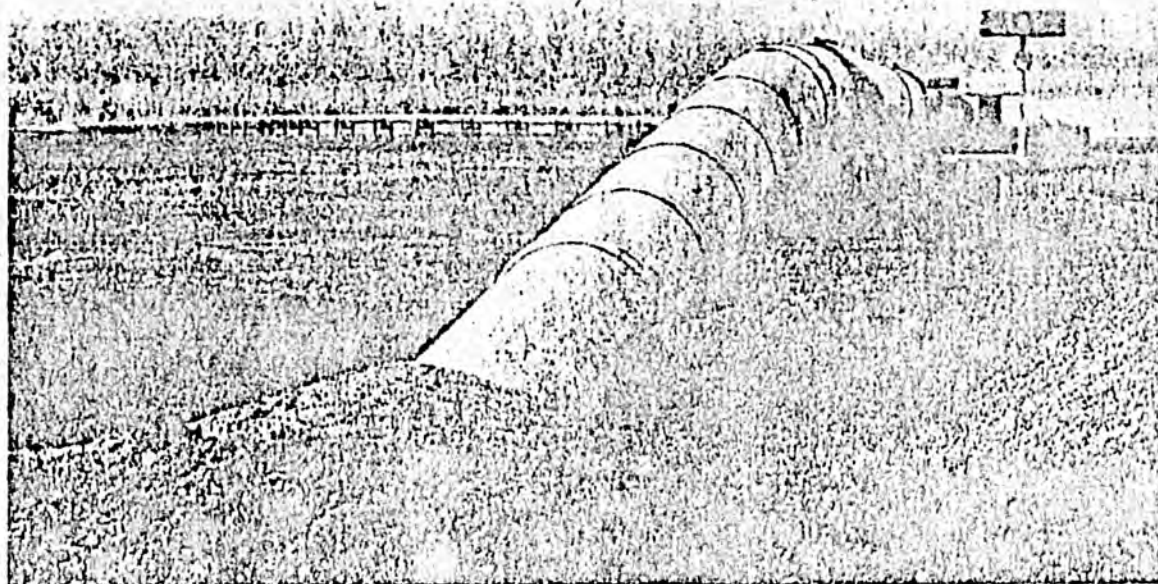
In the Brooks Range, which separates the North Slope from central Alaska, known mineral deposits valued at \$4 billion are tucked into a pocket called the Ambler River mining district. The Ambler district, north of the Arctic Circle and south of the dramatic Airatch

Second of a series

Peaks, is almost surrounded by land withdrawals made by President Carter and Interior Secretary Cecil Andrus; the only route out is a flat, swampy corridor to the south—unsuitable and environmentally hazardous, it is held.

On the eastern edge of the Ambler district, in what Alaskans call "Hungry Country" because of its wildness and emptiness, the Anaconda Copper Company discovered a rich belt of ore it calls "Sun Camp." Dave Holstwald, Anaconda geologist, says the ore is 10 times better than that being presently mined in Montana. The Montana ore contains 7 percent copper and is worth \$14 a ton; the Sun Camp ore contains 1 to 2 percent copper plus 2 to 3 percent lead, 8 to 12 percent zinc and 1 to 4 ounces of silver—and is worth \$190 a ton.

The Anaconda claim was filed on land claimed by the state—land outside the proposed Gates of the Arctic National Park area. But when President Carter created 56 million acres of new national monuments last December, using as his authority the Antiquities Act of 1908, the park boundary was relocated six miles to the west—splitting the Sun Camp discovery and putting half of it in the park.



Gary D. Warner/Staff

"Mile Zero," they call it on the Alaskan pipeline. The 800-mile trip from Prudhoe Bay to Valdez begins here, at the Alyaska Pipeline Company's Pump Station No. 1. The Prudhoe Bay field, which contains one-quarter of this country's known oil reserves,

is located under a patch of tundra only 15 miles by 30 miles. Somewhere in Alaska's 375 million acres, say federal, state, oil and mineral officials, lie additional resources which can help fulfill our energy needs. But

if the House version of the Alaskan lands legislation is passed, enormous areas will be fenced off, prohibiting us from even exploratory work to discover how much of what lies where.

The state was angry; Anaconda was angrier. It filed suit in the U.S. District Court in Anchorage, charging that Carter's action was illegal. Anaconda is asking for an order making the government action null and void or, alternatively, a reduction in the amount of acreage withdrawn.

Carter used the act to create wilderness areas. Anaconda says, when it is specifically restricted to "landmarks, historic and prehistoric structures and other objects of historic or scientific interest." The company is also requesting that the court void the withdrawal by Andrus of another 40 million acres of

land. Both actions were taken after the Senate failed to pass an Alaskan lands bill last year.

In H.R. 30, the Udall-Anderson bill, the boundary was returned to its original position after National Park Service officials admitted "an error." The suit, however, goes on;

under Carter's land withdrawal, Anaconda remains stymied. The federal government has also preempted other mineral sites held by Anaconda and other mining companies elsewhere in Alaska.

See SHIELD  
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# ★ Alaska Coalition Makes Its Voice Heard

Continued From Page 1 C

actually have title to only one million acres thus far.

The great Alaskan controversy is rooted in the Alaskan Native Claims Act. In section 17 (d)(2) of that law, the secretary of the Interior was provided the authority to withdraw up to 80 million acres for the four national conservation systems—parks, wild and scenic rivers, wildlife refuges and national forests—as a matter of public interest. That provision has ballooned into what now is called the "d-2," or public interest, lands, and into F.R.39—the Udall-Anderson bill passed by the House. A less restrictive measure, S-9, is now in the Senate mill.

## A 155 Million-Acre Bill

The House bill provides federal protection—as components of either the National Park System or the National Wildlife Refuge System, or as additions to the new National Forests in Alaska—for approximately 127 million acres of land. The designation of other federal land as wilderness brings the total withdrawal of land to 155 million acres.

How much land is that? About the combined area of Missouri, Kansas and Arkansas... plus most of Iowa. About 41 percent of the entire state of Alaska. You could take Yellowstone, Death Valley, Grand Teton, Rocky Mountain, Shenandoah, Olympic, Sequoia-Kings Canyon, Great Smoky Mountain, Zion, Glacier, Yosemite and Everglades National Parks and fit them all into just one Alaskan National Monument, Wrangell-St. Elias... and still have a thousand square miles in which to wander around.

Environmentalists say that much land is necessary to protect the public interest in Alaska. Bob Belous, assistant director of the National Park Service office in Alaska, says, "Each unit proposed for protection is a special, distinct, geologically stable unit. We don't want to make the same mistakes as we did in the lower 48, where we have watersheds half in and half out of parks, and rivers cut in two."

The Wilderness Society warns, "The vastness of the Alaskan landscape is misleading, for the membrane of life is stretched exceedingly thin. Seemingly indestructible mountains and massive glaciers contrast with the fragile Arctic

tundra where a tire track can last for generations, worsening with time. In a land of harsh climate and sparse vegetation, vast acreage is indispensable to the survival of wildlife populations. If critical habitat is destroyed, whole species can plunge rapidly to the brink of extinction and perhaps disappear forever."

The Wilderness Society is a member of the the Alaska Coalition, which is made up of a wide range of narrow interest groups. Some of them are giants in conservation while others are not particularly noted for their environmental consciousness. Some are anti-hunting (and anti-fishing) and some are so new, so local or so small that most Americans have never heard of them. Still, the Alaska Coalition speaks loudest, and most effectively, for the preservation of Alaska.

According to the Coalition, H.R. 39 is a compromise bill. Under its provisions, the Coalition says, two-thirds of the lands with good mineral potential and 85 percent of the potentially productive oil and gas lands would be outside the protected areas.

But a minority report from the House Committee on Interior and Insular Affairs says the bill closes 70 percent of the land considered highly favorable for minerals by the U.S. Bureau of Mines and takes away 40 million acres of land with oil and gas potential. By declaring 36 percent of the Tongass National Forest as wilderness, the report states, the annual allowable timber harvest would be reduced by 200 million board feet—an impact that would require the expenditure of at least \$12 million a year to preserve existing jobs.

## Alaskans Ask, 'Why?'

Chuck Vogel, a Fairbanks carpenter who spends his "non-working" hours laboring to clear a 10-acre field to plant oats, argues, "If the feds hadn't pushed for so much all at one time, it wouldn't have amounted to a hill of beans. As it is, they want to take a big chunk of our state and lock it up so we can't use it. Why? Why do anything at all to Alaskan land? It's all right as it is."

The Alaska Coalition's answer: "It is the challenge of our time to demonstrate foresight and sensitivity as stewards of our last great wilderness, to safeguard its treasure of land forms



and life forms. We have been prodigate with the rest of our once-wild nation, but we still have wild Alaska and all its natural riches to cherish and protect.

"Alaska is rich in wilderness—a land of wide valleys, wild water-courses, tundra, mountains, forests, sand and shore; a land of unaltered horizons, where entire ecosystems bear no mark of man. Alaska is rich in wildlife—a land of our last great caribou herds, of bears and Dall sheep and millions upon millions of waterbirds; a land where migration is still a matchless pageant..."

"There are no more Alaskas."

The Alaska Coalition, the National Wildlife Federation, other environmental (and non-environmental) groups—all decry the lobbying effort of anyone who opposes the Udall-Anderson bill. Cleveland Amory's Fund for Animals attacks the "high pressure campaign being waged by the gun lobby." The Alaska Coalition warns of "a campaign of scare tactics and emotionalism characterized by cries of 'energy crisis' and 'gun control.'" Secretary of the Interior Cecil Andrus lumps oil, gas and mining companies as "the raps, ruin and run boys."

In their zeal to secure iron-clad protection for Alaska, however, those groups which accuse are at least as guilty as those they scorn—possibly more so, since they often must substitute passion for more common lobbying efforts. The glass-house proverb is demonstrated particularly well by the National Wildlife Federation, normally a rational, middle-ground institution.

Thomas L. Kimball, executive vice-president of the federation, the nation's largest conservation organiza-

tion, says, "In my 40 years as wildlife professional I have never seen such widespread distribution of this stamulated and distorted allegation thrown against the Alaska bill co-sponsored by Congressmen Udall and Anderson."

## A Scare Tactic?

Yet in an editorial supporting H.R. 39, the Federation said of the settlors of the first 49 United States, "The early residents found a vast land full with majestic forests, broad plain mighty rivers, large mineral deposits and abundant wildlife. The people were few. And so what did it matter trees were overcut or streams used as sewers, or the land was gouged and torn by mines? ... The wilderness was an enemy to be conquered, overcome and eliminated. Laws were few and poorly enforced."

And, states the editorial, "This frontier philosophy continues on in Alaska."

The only conclusion to be drawn that Alaskans are raw and bearded frontiersmen who, along with the women and offspring and other folk, have settled in the wilderness. They are attacking the majestic broad, mighty, large and abundant land with overcutting, sewers, gouging, tearing, conquering, overcoming and eliminating—unhindered by law.

The Carter Administration support the Udall-Anderson bill—it will not, has said, support anything less, a though that remains to be seen. Andrus says of Alaska, "In the past we have always been able to say that we didn't understand how our natural systems worked; that we had no idea we would use land so quickly; or we had some similar excuse. Today we have the examples of the lower 48 to show what may lie in store for Alaska if we fail to act. We have run out of excuses."

"We have the crown jewels of the Alaskan wilds—really the crown jewels of all our American wilds—at stake in the next few months. Let's make sure we can congratulate ourselves as a nation for having the vision and courage to protect these very special places and the peace of mind from knowing that we won't have to ask our grandchildren for forgiveness."

# TUNDRA

By V. M. (Doc) JERNIGAN

A lifelong dream bloomed into reality last month when I received an invitation from the Atlantic Richfield Co., to tour Alaska as their guest. ARCO is one of the prime operators of the Prudhoe Bay oil field and Alaska Pipeline. Prudhoe Bay is 250 miles above the Arctic Circle, and 1500 miles south of the North Pole.

The Bay lies along the southern shore of Beaufort Sea, a portion of the Arctic Ocean, at the mouth of the Sag River. This vast area north of the Brooks Range of mountains, is tundra country. The tundra is a fragile ecology, permanently frozen just a few inches underneath the surface and a sparse growth of grass and scrub scattered over its face.

Perhaps the most eye-opening fact here in a country I had always visioned as covered in deep snow most of the year was the description of the tundra as an arctic desert. With six to eight inches of annual precipitation, they have only an inch or two of snow which blows back and forth throughout the long winter. Any rainfall must either run off quickly or saturate the ground above the perma-frost to keep the little soil there moist.

ARCO has done an excellent job on protecting the environment. Its operating area covers some eight square miles — a mere pin-point on a map of that vast state number one in size.

The object of the trip was to help educate residents of the lower 48 states on major problems involved in the Alaskan D-2 lands decision-making in Washington. I still wonder how I was fortunate enough to be one of the 19 outdoor writers from over the 48 states to be invited, but I certainly did not hesitate in accepting the invitation for a six-day tour of that immense basic wilderness of about 365,000,000 acres.

The major problems expounded by the Alaskan residents hinged on state's rights and restrictive controls imposed by the government in Washington.

Apathy of the average resident of the 48 states was a sore point contrasting with active and energetic promotion to retain the state as wilderness by environmentalists, including small groups in Alaska. They want to continue their way of life, along with a normal growth in development of their abundant natural resources, basically under state controls to protect the environment.

Their basic problem is being ruled, controlled and curtailed by Washington and representatives who have little concept of the needs in Alaska and appear to care less about development and growth of the state than they do securing votes from home states environmentalists.

Alaskans really have a sure fire method of getting the rest of the country's attention. They could cut off our oil. The 48-inch pipeline running 800 miles from Prudhoe to Valdez is a fragile thread straking across the Tundra, mountains and rivers, sometimes above ground, sometimes underground.

This abundant oil field is rated at supplying 29 percent of the nation's oil with almost 1.3 million barrels flowing south each day.

President Carter's sudden lockup of some 56 million acres of Alaska lands by designating them national parks and monuments has created turmoil. Suits have been filed challenging his authority to restrict these lands. There is no hunting, no developments, no removal of any natural resource and after seeing these areas there will be little visiting — there is just no way to get there and in them except by canoe, by horse or by foot. Just one such area is reported to have more than 30 billion barrels of oil locked up.

I left home early, July 15, flew out of Nashville to Chicago where I sat on a DC-10 for four hours while they attempted to repair a "minor mechanical problem." That flight was finally scratched and we flew another DC-10 to Seattle where I had missed my scheduled flight to Anchorage. I waited in Seattle on a standby basis and fortunately caught the second flight out to arrive in Anchorage about five hours late. I missed the opening program Sunday night, but joined the group Monday morning and happily met the remainder of the group, most of whom I already knew.

It was here I also met Vern Wiggins, executive director of a lobbying group of Alaskans, who informed me he was born in Coffee County, near Prairie Plains. His mother still lives here and I went to high school with his uncle, Eugene Henley.

Our group left Anchorage by charter plane to meet with Alaskans in Homer on Cook inlet and fish a few hours in the immense bay. We caught halibut up to 67 pounds in size (I learned a halibut appears to be an overgrown flounder). We spent the night in Homer then left for Prudhoe Bay, landing at Deadhorse because of fog. The short, daylight night was spent on the ARCO development unit.

We had crossed the Arctic Circle and fished at midnight for Arctic char in the Beaufort Sea. Just a few miles further north the ice line was breaking up and huge chunks floating away from the finite solid ice line.

After a tour of Prudhoe we flew back South to Fairbanks and next day on to Valdez where the pipeline loads huge tankers each day. Here we visited the unbelievably vast towering Columbia Glacier and got in a bit of salmon fishing there.

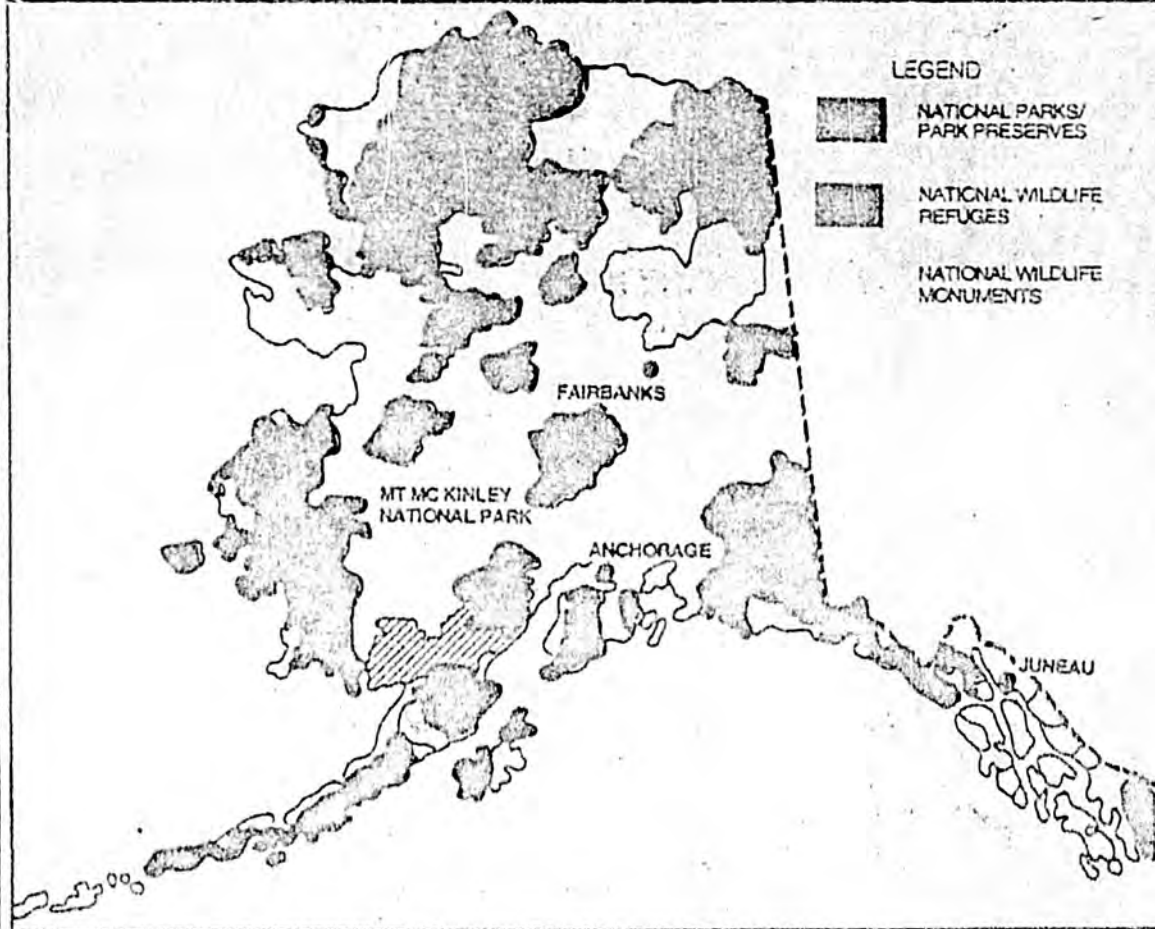
From Valdez we flew to Anchorage for the night, then on to Juneau where we held a phone conference with Governor Hammond and a round-table session with the lieutenant governor. The governor said many residents and guides will and have refused to obey the restrictions on their lands and will continue to use them as they have historically.

The tour ended at Juneau, but about half the group had accepted an invitation from Yes Bay Lodge, an isolated, deluxe fishing resort about 50 miles from Ketchikan. We spent three days there resting and fishing for salmon. Back to Ketchikan for overnight and again in the air returning home by way of Seattle, Dallas and Nashville. Well over 1000 miles per day for 10 days.

I am not a preservationist. I do believe in conservation and wise use of our national resources. I am convinced the great majority of Alaskans feel the same way and urgently need help from their southern neighbors and fellow citizens to get Washington to listen to their problems and permit wise use and development of our 49th state.

A strange coincidence actually made the 49th state the 49th state I have visited.

## THE LAND BEYOND



Holmes Krausz/Siz

H.R. 39 would set aside these lands in Alaska: Parks and Park Preserves, 44 million acres; National Wildlife Refuges and Monuments, 79 million acres; and Wild and Scenic Rivers (not shown) 2 million acres. National Forests in Alaska, which take up

practically all of the Alaskan Panhandle (lower right), would gain 2 million-plus acres. About 68 million acres of the new areas would be designated as wilderness—along with 27.5 million acres of land already under federal management. The

shaded green area is the proposed Illemm Wildlife Refuge, which was removed from the bill with the understanding that it state would undertake certain fish and wildlife responsibilities. Holmes Krausz/staff



# Alaska! Who Owns Its Land— Who Gets Its Riches?

By Gary D. Warner  
Column Editor

**VAJDEZ.** Alaska—In a small and swift stream too shallow to cover their dorsal fins, thousands of silver salmon were frantically trying to work their way upriver, to spawn before death overtook them. A woman, troubled, said, "It's such an awful waste. It seems like God could have found a better way."

The salmon are Alaska. And Alaska, too, is looking for a better way.

To say that Alaska is the largest state in the Union is inadequate; overlay a map of Alaska on the lower 48 and it stretches from North Carolina to Wyoming. But Alaskans will tell you, with a lilt in their voices, that it is the smallest state.

First of a Series

Alaska is beyond comparison with any other state in terms of natural resources—oil, gas, minerals, timber. But for the most part those resources lie quietly, unused. Perhaps forever.

Alaska is too impatient for sleep. An Alaskan awakening at 3 a.m. with bright sunshine in his eyes knows that something exciting will happen this day—and every day. But Alaskans must wait for outsiders to shape their destiny, for they do not have the power; the federal government still rules the 49th state with a strong and often hard hand.

Alaska is waiting . . . for "d-2."

### Century of Turmoil

There have been four major events in the history of Alaska—

- In 1867, when the United States purchased Alaska from Czarist Russia, acquiring 573 million acres for 7.2 million.

- In 1868, when Congress set up territorial regulations and gave natives the right to continue to exist on historical lands.

- In 1953, when the statehood act gave the state the right to select 104 million acres before 1954.

- In 1971, with the signing of the Alaska Native Claims Settlement Act—ANCSA—giving the native population the right to select 44 million acres and payments of almost \$1 billion for their claim to other Alaskan lands—half of it cash, the

remainder from oil and mineral royalties.

With the exception of the acquisition of the area from Russia, each of those events remains a thorn in Alaska's paw and ignites flame in Alaskan eyes.

The question of native rights is still uncomfortably unsettled.

In the 20 years of its existence the state has received 21 million acres—not 104 million. And the federal government has played Indian giver on 10 percent of those 21 million acres.

Alaskan natives have received federal confirmation of not 44 million acres but only seven million.

See ALASKA

Page 7C, Column



# To natives, beautiful Alaska Paradise lost

—THE DETROIT NEWS—Sunday, July 29, 1979

**KETCHIKAN, Alaska** — It's very hard to keep your mind on trolling for salmon around here.

These waters, the home of the chinook and coho salmon which have been so successfully introduced into the Great Lakes, are simply so overwhelmingly beautiful that you

find yourself gawking more than fishing.

Here in the southeast corner of Alaska, your senses are overpowered by great mountains, clothed in evergreen forests; countless fiords and islands making a latticework of the blue ocean waters; monumental glaciers spreading icy fans down to the sea; capes, bays, straits and channels in a bewildering array; and waterfalls, tall, lacy and pristine, pouring their ribbons of icy waters down the mountain sides.

SO IT IS a small miracle that I was able to catch a few pink salmon by trolling among the fiords around the very comfortable Yes Bay Lodge, about a 20-minute flight in a float plane out of Ketchikan. And even more miraculous that I could take my eyes off the scenery long enough to hook a 10-pound coho salmon on a fly rod at the mouth of the trout stream that sings its way down to the sea right behind the lodge.

Alaska's vastness and spectacular scenery are by no means overrated. In fact, it comes as a surprise after a lifetime of looking at pictures and reading about Alaska that it is so vast and so spectacular.

But, these days, the people of Alaska are deeply concerned that "those lawyers sitting behind desks down in Washington" who are bound and determined to close off millions of acres of the state to hunting fishing, canoeing, landing planes and even hiking in what have been designated by presidential order as national monuments.

**THE ORDER** designated about one-sixth of the state — 54 million acres of mountains, lakes and streams, all teeming with wildlife, birds and fish — as national monuments, to be administered by the National Parks Service.

Alaskans are concerned about the effect of this sweeping move on their own interests, of course. Many professional guides were put out of business, Alaskans' rights to hunt, fish and roam in much of their own wildernesses were suddenly taken

away, and their economy was dealt a blow, since, not only tourism, but all mineral, oil, gas and other developments came to a halt in those vast areas under the order.

The Alaskans are also concerned that the outdoors-oriented people of the rest of the country, who have come to look on Alaska as the ultimate escape; have a greater stake in the battle than they realize.

Gov. Jay Hammond said it as well as anybody, and, believe me, I heard it from every Alaskan I met.

"We have resources that people from other states have a right to share with us," he said, at a meeting I attended in his Juneau office, "and the threat of federal interference in Alaska's affairs is a threat against the rights of every other state in the Union."

In answer to a direct question, he said that the people of Alaska would appreciate the help of hunters, anglers and other outdoor people in Michigan by urging Michigan senators and congressmen to overturn the presidential order, which he called an abuse of power.

You still can fish, though, in much of Alaska, including the salt water of the myriads of fiords and bays in the southeast "panhandle," as I did.

**AND, STRANGELY,** I found the Alaska salmon trolling technique at least a decade behind the Great Lakes. On the trolling boats whose use comes with the price of food and lodging at Yes Bay, I found not a single downrigger, electronic fish finder nor even a thermometer.

Even the guides have no idea where the salmon are, really. They troll with fixed, half-pound to a pound weights only in areas where salmon have been caught in previous days. I ached for just a couple of downriggers, the devices for holding a trolled lure to a precise depth which were developed on the Great Lakes. I would have given double the sticker price for a simple fish-finder and a thermometer to find the temperatures that salmon prefer. I know darned well that, with that equip-

ment, I could have outfished the most experienced guide operating in their turn-of-the-century way on Yes Bay.

**BUT THE FISH** are there. When I fished those waters, the four to six-pound pink salmon were schooling in preparation for their spawning runs. The problem was to find the schools which have thousands of square miles of water in which to hide.

Soon the 10 to 20-pound cohos will

be showing up in numbers and after that the chinook, which run up to 30 pounds and better.

So next time I go salmon trolling in Alaskan waters, it will be in August when the bigger salmon are more commonly found.

And I'll do my darnedest to have along at least a rudimentary downrigger and a small, self-contained fish finder.

# 'Instant wilderness' try angers Alaskans

JUNEAU, Alaska — Sportsmen here and across this vast state are angered at Washington and Pres. Carter for the attempt to make "instant wilderness" of 65 million acres of land. They are appealing in desperation for help to halt the "lock up" from sportsmen and their congressional leaders in the lower 48 states.

At a window dinner with members of the Territorial Sportsmen, the oldest sports and conservation club in Alaska, a trapper stated "there'll be killing over this yet." I listened to a spokesman for the Federation of Natives of Alaska who have benefitted from the Alaska Native Claims Settlement Act which will give them 44 million acres of land, a \$965 million settlement and subsistence hunting and fishing rights, hint of "racial" problems and Bud Boddy, president of the group demand "multiple use" of parklands and monuments so all Alaskans, native and others would benefit; as well as threats to deliberately trespass on monument and parks land to insure their message will be heard.

Ken Fanning, a spokesman for the Real Alaska Coalition, made up of 40 sportsmen's groups, is fighting mad. He has charged that Washington and its congressional leaders have not been given the true picture and instead listened to the wrong people representing an extreme minority of outside environmentalists.

Fanning an able spokesman says that if Washington is allowed to override state's right in Alaska they will do it everywhere.

Bill Ellis, of Gulkana, a bush pilot and guide since the 50s in the Wrangels made the tour with me to Valdez where I inspected Columbia Glacier and the oil shipping facilities; in another who thinks the federal land grab is too costly for Alaska citizens. He insists it will

Arthur  
Sullivan



wipe out 500 working guides, to set control and balance of sheep, moose and bear and cut into a \$4 to \$6 million dollar business by banning all but subsistence hunting and trapping for the natives which a majority of sportsmen and Alaskans think is unfair.

When conservation groups scream that these millions of acres of land will be "raped and destroyed" by hunting and oil or ore operations, Angus Gavin, an on-site resource guardian of Atlantic-Richfield oilfield at Prudhoe Bay, proves they are wrong with facts and figures of a healthy caribou herd feeding among pipes; plenty of bears, fox and waterfowl.

Gavin is an internationally renowned zoologist who has lived in the Arctic 17 years and who for 20 years was a director of Ducks Unlimited. He made a five year study of the North Slope and in that one, and other observations since, has conclusively proved oil operations do not and have not disturbed what Mayor Leo Rhode of Homer, a strong foe of the Lands Acts, says was "once the God-damned Arctic, but now is the debate tundra."

Perhaps the biggest controversy concerns the subsistence clause in the act. This gives native Alaskans, the Eskimos and many Indian groups the right to hunt and fish on areas closed to other citizens.

Byron Milbott, an able spokesman for the natives who hinted racism might be a factor calls subsistence a "big issue" and hails it as a proper move for his people. Foes say it will put "hundreds of trappers, guides and bush pilots on web-

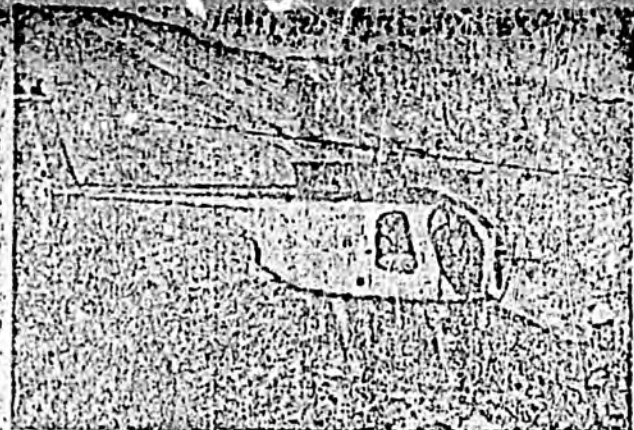
fare." It was over this issue that an Admiralty Islands trapper, who for many years has earned his living there but now will be banished said "there'll be killings yet."

Cries of "injustice" and "gross abuse" are heard consistently among the sportsmen and particularly the state governmental leaders, many of whom we met with and discussed the land issue with a State House interview here.

Lt. Gov. Terry Miller, a Harvard grad and classmate of Sen. Tsongas, was the leader of the group for Gov. Jay Hammond was at a meeting of Western governors in Denver. The governor did talk by phone and outlined the state's position on the An-

tiqullies Act as unacceptable. That adequate access to state and private lands should be preserved; that the state should manage, fish and game on all Alaska lands; traditional land use should be preserved and land classification boundaries should be drawn so that the potential utilization of known valuable resources should not be destroyed.

So the Lands problem in Alaska is a complex one, but one in which all Americans should be concerned and the Alaska sportsmen, natives, political and industrial leaders are asking residents of the lower 48 to join in the fight by contacting their own states' congressional leaders asking for help.



Helicopter lands visitor from "outside" on a tiny peak about 1000 feet above Dead River Valley, near the Gates of the Arctic National Park. This is near a site where samples rich in lead, silver, copper and zinc have been found.

Boston Herald American -- Thursday, July 26, 1979

# The continuing fight for Alaska's acreage

Arthur  
Sullivan



PRUDHOE BAY Alaska — Earplugs deaden the sound of machinery sucking millions of gallons of oil from thousands of feet below the Arctic tundra at the Atlantic-Richfield facility. Water, gas and oil are being separated so clean crude can be sent 300 miles through the pipeline to tankers at Valdez. The noise is fearsome.

But the jolting racket is nothing compared to the thunderous roar of protest coming from Alaskans of all walks of life. The cries of anguish come in opposition to the plan in Washington to cut up vast, unique, remote wilderness areas in a patchwork, quilt-like pattern. This plan will halt hunting in these areas, prevent oil and mineral exploration, prevent passage of these resources across such areas, ground bush-pilots, make hundreds of guides jobless and chain up trappers.

Though Alaska's state legislature, the governor, the congressional delegation in Washington and a vast majority of Alaskans oppose both President Carter's designation of monuments and a bill now in Congress, both get strong backing from Alaska natives (eskimos and indians) and environmental groups such as the Sierra Club, Friends of Animals and the Audubon Society.

Most incensed over the carving up of Alaska are the sportsmen, the hunters, the fishermen and the trappers as well as companies such as Anaconda and Atlantic-Richfield, which see a potential of \$5 billion in ore and millions of gallons of oil and gas being trapped in the earth because exploration and study will be forbidden and access across the monuments will be banned, thus keeping it from reaching markets desperate for energy and needed ore.

However, the Alaska land fight is not just one of development vs. preservation of a magnificent wilderness. It is much more and perhaps it is wise to start at the beginning, as I did on a tour which took me to remote rivers where grayling swim, to glacial bays where salmon romp, romp, to the ocean for halibut, over mountains where sheep gallop, to the tundra where antlered caribou feed and to the back-country where brown, black and grizzly bears rule as kings of the wilderness. And also to the mining camps and oil fields with Tom Brennan — formerly of the Worcester-Telegram-Gazette and now with Atlantic-Richfield — as tour guide.

In an interview in Anchorage — a city which since 1915 has grown from 2000 tents to a population of 200,000 replete with tall, modern buildings — former Governor William Egan detailed the facts which opened the present controversy.

"A little history is needed," said the fiery opponent of the plan he calls unjust. He began by explaining that Alaska was purchased from

Russia in 1867. Some 375 million acres were acquired for just \$12 million.

At the time of purchase native Alaskans were denied U.S. citizenship but an 1884 act made Alaska a district, with provisions for an appointed governor and court system. A 1906 Allotment Act then gave natives a chance to obtain restricted titles to land on which they lived.

In 1912 Alaska became a territory with limited self-government. Then came the first Native Land claim when six Tanana chiefs met in Fairbanks. In quick succession came the first statehood bill, the establishment of Mt. McKinley National Park and a Native Townsite Act allowing restricted deeds for village lots. And in 1934 came a Native Reorganization Act permitting reservations for native groups.

Finally in 1958 statehood was voted and the next year Alaska became the 49th state. This gave the state the right to select 163 million acres of land within 25 years with native claims to be settled later.

Then began a series of moves by the federal government and native groups that has come to a head-on clash today. The court ruled Tlingit and Haida natives were entitled to compensation for land taken from them. Natives, after being declared ineligible for land titles, opposed plans for land grants without ownership.

In quick succession came a Wilderness Act for protection of roadless tracts of 5000 acres or more, which barred everything but walking in them, and a land freeze until congressional action on native claims.

After much federal fighting and native pressures, an Alaska Native Claims Settlement Act was signed by President Nixon, giving the natives 44 million acres and more than \$962 million compensation. A subsistence clause has also been okayed for the natives.

Under Governor Egan, the state continued its battle with the federal government over state claims and in 1972 made an out-of-court settlement by giving up 42 million acres of an 80-million acre claim.

The land war continued and when a congressional compromise bill failed in 1973, the secretary of the interior withdrew 110 million acres for three years under the BLM Organic Act. President Carter followed up by imposing the 1906 Antiquities Act designating 56 million acres as national monuments and a study of 39 million acres for possible inclusion in the national wildlife refuge system.

# Alaska:

## Conservation vs. Preservation

The amount of land involved in Alaska staggers the imagination. Action this week in Washington may be the most significant single step ever taken in determining U.S. future land policy. The Dingell-Breaux Bill, favorably reported out of a House Merchant Marine and Fisheries subcommittee, has solid support from many sportsmen.

To me, it is a "conservation" (wise use) proposal rather than the "preservation" (lock-out) measure of the Udall Bill which would effectively stop recreational use of more than 140 million acres in our largest state.

Alaska Gov. Jay Hammond strongly favors the Dingell-Breaux approach: "It would put more Alaska land into conservation units than any other proposed bill. But it would not restrict sport hunting and other outdoor uses of land."

Hammond says, "A great deal more than outdoor recreation activity is at stake in this legislation. Alaska has one-third of the nation's known energy reserves. Our fisheries and our new agricultural industry have the potential to produce up to 20 percent of the world's protein supply."

The Pennsylvania Federation of Sportsmen's Clubs is just one of many groups pushing for Dingell-Breaux.

Gov. Hammond also is alarmed at possible loss of Alaska's autonomy on this issue. "We chafe," he says, "at far-off attempts at making bureaucratic incursions and political points at our expense. Such decisions tend to impact our lives unduly by people who don't share or understand our life-style."

SEN. TED STEVENS (R-Alaska) is another who opposes the Udall bill, which is "supported by environmental extremists and anti-gun lobbies." He says it poses a serious gun-control threat to Americans — "gun control by land control and administrative decree."

He says that Breaux-Dingell would assure "state authority over fish and game management. Knowing the sentiments of the federal government on gun control, it is absolutely mandatory that the federal govern-

ment not have control over hunting in Alaska, or in any other state."

Stevens said the Alaska Department of Fish and Game estimates that more than 1,200 guides, assistant guides and trappers are adversely impacted by the Udall bill.

For the first time in 30 years, peregrine falcons are courting and building nests in the wild in New Jersey. The scene is atop two specially-constructed nesting towers on Barnegat Bay. Hopefully, they will lay fertile eggs and within six weeks young falcons will hatch to be the first of this endangered species produced east of the Mississippi River in three decades.

OTHER SUCH TOWERS are located in Massachusetts, New Hampshire, Vermont, New York, Pennsylvania and Maryland. Work is under Cornell University's Peregrine Fund program.

John Krezdorn, 16, of Glendolden, in his first year of trout fishing, caught a 22-inch, 6½-pound rainbow from Ridley Creek Sunday. It carried a tag from the Delaware County Anglers.

Historic, picturesque Gardner's Basin in Atlantic City will be site for a Memorial Day weekend in-the-water boat show. More than 100 boats of all types, sizes and price tags will be displayed both in water and on land. Show visitors also will be permitted other attractions at the Basin — including a pair of Guy Lombardo racing speedboats, the 210-foot sailing ship Flying Cloud and the former Boston Lightship. Show hours are 10 a.m.-7 p.m. May 25-28.

Rep. Edward J. Patten (D-N.J.) is leading a fight in Washington against closing of the federal fish hatchery at Tylersville, Pa. That facility produces about 150,000 trout each year for distribution in New Jersey. A parasite which causes the "whirling disease" in trout and salmon has been a water supply problem at Tylersville for several years.

"At present our state is capable of rearing about 515,000 trout a year. The 150,000 fish from the federal hatchery cannot be replaced by either immediate increased production in the state or from any other federal hatcheries," says Patten. Tylersville's remaining 300,000 trout annually are stocked in Pennsylva-

### ALL OUTDOORS

By BEN CALLAWAY

nia waters. Patten urges letters to other Jersey Congressmen and to Lynn A. Greenwalt, director of the Interior Department's Fish and Wildlife Service, Washington, D.C. 20240.

A handy help to all who like off-the-beaten path outdoor activities is the Stream Map of Pennsylvania, published by Penn State University. The 3-foot-by-5-foot map, at a scale of six miles to the inch, pinpoints 3,000 geographical features — streams, towns and elevations. It gives names and locations of major mountains, valleys, lakes, dams, swamps and

reservoirs.

Those who fish, hunt, hike and camp will find it useful, and may order it either flat (ideal for mounting on walls of cabins or homes) or folded (for take-along reference). To order, send \$1.06 to Stream Map, Box 6000, University Park, Pa. 16802.

A rent-a-tent plan is now offered by Kampgrounds of America, the world's largest system of full-service campgrounds. The family-sized tents rent for an average of \$10 to \$12 nightly. Each has either air mattresses or folding cots. Each KOA facility has convenience store, cookware, restrooms, free hot showers, laundry facilities, game room and playground. Most have swimming pools and other recreational facilities.

A directory with full details is available at any of the 850 KOAs in the U.S. and Canada or by sending \$1 to cover postage and handling to KOA Directory, Box 30553, Billings, Mon. 59114.

New Jersey's federally funded Lake Trout Research Project has released an additional 9,750 fin-clipped lakera into Round Valley Reservoir. These were spring yearlings raised at the Hackettstown Hatchery. This brings total release of lake trout in Round Valley to more than 20,000.

Fish from the original release are now about 18 inches long. However, they may not be legally taken until they reach a size where they have spawned at least once — which is about 25 inches.



Hammond

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
· AS A UNIT IN THE ORIGINAL DOCUMENT.

Interior Wildlife Association of Alaska

\$1.00

# NEWSLETTER

*"The Voice of the hunter in the State of Alaska"*

P.O. Box 60255

1978 Annual Issue

Fairbanks, Alaska 99701



*Color Photo by Bud Wiese*

## ***A Threatened Heritage***

This year's Newsletter explores the pending d-2 legislation before the U. S. Congress as it impacts the hunter, trapper and outdoorsman in Alaska.

It's a preservationist's dream come true! In its present form, HR-39 (the markup bill) locks up too much land. Access is not adequate, State con-

trol of fish and game is seriously eroded and the amount of land slated for National Park status is excessive.

The simple fact is, d-2 legislation is unnecessary. The land is adequately protected under existing federal agencies. Hardly anyone considers this reality. Help us point it out.

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## **d-2 Fiasco in a Nutshell**

- 1. New legislation protecting federal lands in Alaska (d-2 legislation) is unnecessary.** All federal lands in Alaska presently being considered in d-2 legislation is administered by the U.S. Bureau of Land Management (BLM). BLM controls are extremely restrictive, but allow limited multiple-use, including mineral exploration, hunting and other recreational uses.
- 2. HR-39, the markup bill for d-2 legislation, is a preservationist's dream.** It will classify 30% of Alaska into single or no-use categories. It is too much of a lockup for the good of Alaska and the nation.
- 3. Senator Stevens' bill (S-1787) is a more reasonable approach to d-2 legislation, if additional unneeded restrictions must be placed on Alaska lands at this time.**
- 4. Areas designated National Parks usually receive more traffic, development and abuse than areas without this designation.**
- 5. Fish and Game management (including subsistence use of wildlife) must stay with the State—without strings attached, as provided for in the Sikes and Alaska Statehood Acts previously passed by Congress.**
- 6. No mention of subsistence use of wildlife should be included in any federal legislation.** Title 7 (Subsistence) in HR-39 is a backdoor method of eliminating recreational hunting and fishing by sportsmen. The State of Alaska already provides special consideration for subsistence use of marine mammals, fish and wildlife.
- 7. If some subsistence provision must be included, it should be restricted to marine mammals and anadromous (migrate to spawn) fish.** Eighty percent of native subsistence, statewide, is from these sources and only 20 percent from land mammals.
- 8. Tidelands and coastal waters bordering federal lands should remain under State control.**

d-2 d-2 d-2 d-2 d-2 d-2



# Sportsmen, Awake!

## Dear Fellow Hunter:

**THIS IS A CHAIN LETTER.** If you break the chain by not doing what it asks of you, you won't lose out on a million dollars or be saddled with ten years bad luck. What will happen is that your sport and subsistence hunting will expire within the decade. Hunters will become the extinct species.

The Alaska land lock-up by the preservationists is the first concentrated major battle to be waged in this war. Others are on the drawing boards of the anti-hunting element. Ground work is already being laid for inclusion of the entire Jackson Hole country into Yellowstone National Park. That action, if successful, will eliminate hunting in the most popular area in the 48 contiguous states.

What success the anti-hunters enjoy in the Alaska land battle will no doubt be used as justification for further actions in other parts of the country. The battle lines are the House and Senate of the U.S. Congress; the combatants are Congressmen and Senators. At this time, it appears the overwhelming majority of U.S. legislators are in the preservationists camp. If hunting and multiple use are to survive, we must recruit the majority into our camp. (See how d-2 came about on page 6, column 2).

The bill which was selected for U.S. House of Representatives committee markup, HR-39, would have effectively closed more than 145 million acres of Alaska's land to any practical entry by man. The exception would be the very few that have the time and physical resources to make extended backpacking trips deep into trackless wilderness; or float the few waterways that run through the areas to be locked up. Roughly half of this area will be closed to hunting by law. Those that know anything about Alaska can appreciate the fact that limiting access to foot traffic effectively closes all of the wilderness areas to hunting as well as fishing, camping or sightseeing.

The so-called environmental groups supporting HR-39 have a total combined membership of probably less than one-half million members. In contrast, there are over 20 million licensed hunters in the U.S.; but, unless the hunting public gets involved and makes their U.S. legislators aware of their views, the preservationists will impose their will on the nation.

You are therefore asked to, first, write letters—to our U.S. Senators, especially Sen. Gravel and other key Senators. Let them know you are a hunter. Let them know you are against HR-39 and what it represents. Make it clear to them that you are strongly opposed to any federal legislation which encroaches

## FACTS ON NATIONAL FOREST 19-54 LANDS IN ALASKA

Section 17 d-2 of the Alaska Native Land Claims Settlement Act of 1971 (ANCSA) called for up to 80 million acres of Alaska land to be set aside as national interest lands to be used as national parks, wildlife refuges, national forests and wild and scenic rivers within 5 years of the enactment of ANCSA. This is the reason for the so-called federal d-2 legislation at this time.

Alaska already has:

- 7.6 million acres (2% of Alaska) in national parks (30% of nation's total).
- 22.2 million acres (5.9% of Alaska) in national wildlife refuges (72% of nation's total).
- 4.8 million acres of State land in State parks, critical habitat areas and State refuges.

Alaska was given 104.5 million acres entitlement in the Statehood Act and 25 years in which to select, but has only been allowed to select about 70 million acres because Native Claims and d-2 legislation (enacted later) take precedence.

In exchange for extinguishment of aboriginal claims, the Alaska Natives were given title to 44 million acres of land and \$642.5 million, and the claims act abolished all aboriginal hunting and fishing rights, according to section 14 (b).

The most extravagant d-2 proposal advanced so far is HR-39, sponsored by Congressman Morris Udall. It called for 110 million acres to be divided into new national parks (64.3 million acres), wildlife refuges (40.4 million acres), wild and scenic rivers (4.0 million acres), and national forests (1.3 million acres)—an area roughly the size of Wisconsin, Michigan, New York and South Carolina combined. The state of Texas is only 160 million acres.

Under the original Udall bill, the biggest percentage of land—51.4 million acres—would have become new national parks in which no hunting or trapping would be allowed. This is roughly the size of Colorado or Oregon. Even apart fishing in these new national parks would be left to the discretion of the Secretary of the Interior.

HR-39 originally proposed 145.4 million acres of "instant wilderness" and 50 new wild rivers, with no provisions for hunting, fishing, or trapping access. As of press time (mid-March) this has been amended down to 100 million acres.

on our hunting heritage anywhere in the U.S., tying strings to individual states' wildlife management programs, and wrapping up so much land into inviolate wilderness.

*Have at least four copies made of this letter (or order additional copies) and pass them on to your hunting acquaintances and relatives in the lower '48 with a request that they write their Congressmen—especially Senators—pointing out these things: (See "Sportsmen Organize", page 14).*

1. Any new legislation protecting federal lands in Alaska (d-2 legislation) is unnecessary. All federal lands in Alaska presently being considered in d-2 legislation is administered by the U.S. Bureau of Land Management (BLM). BLM controls are extremely restrictive, but allow limited multiple-use, including mineral exploration, hunting and other recreational uses.

2. HR-39, the markup bill for d-2 legislation, is a preservationist's dream. It will classify 30% of Alaska into single- or no-use categories. It is too much of a lockup for the good of Alaska and the nation.

3. Senator Stevens' bill (S-1787) is a more reasonable approach to d-2 legislation, if additional

unneeded restrictions must be placed on Alaska lands at this time.

4. Areas designated National Parks usually receive more traffic, development and abuse than areas without this designation.

5. Fish and Game management (including subsistence use of wildlife) must stay with the State—without strings attached, as provided for in the Sikes and Alaska Statehood Acts previously passed by Congress.

6. No mention of subsistence use of wildlife should be included in any federal legislation. Title 7 (Subsistence) in HR-39 is a backdoor method of eliminating recreational hunting and fishing by sportsmen. The State of Alaska already provides special consideration for subsistence use of marine mammals, fish and wildlife.

7. If some subsistence provision must be included, it should be restricted to marine mammals and anadromous (migrate to spawn) fish. Eighty percent of native subsistence, statewide, is from these sources and only 20 percent from land mammals.

8. Tidelands and coastal waters bordering federal lands should remain under State control.

## **d-2 Almost Repeals Statehood**

By TED STEVENS  
U.S. Senator

I wasn't overstating the issue the other day when I told a reporter that some of the d-2 legislation currently before Congress is as serious for Alaska as legislation to repeal statehood.

The legislation I had in mind is HR-39, the d-2 bill now undergoing mark-up in the House of Representatives. This bill would in effect require a federal bureaucracy to make virtually all decisions regarding access, mineral or other resource development, recreational activities or any other use of a significant portion of the land in our state. The focus of this bill is the colonial approach at its worst. This is what I recently informed the bill's author, Representative John Seiberling of Ohio.

The Seiberling bill directs that 100 million acres of Alaska land be designated as parks or refuges. Eighty million acres of existing and newly classified areas would be designated "instant wilderness." The legislation in effect requires Congress to make all decisions for all time, immediately. I reminded Congressman Seiberling that Section 17 d-2 of the Alaska Native Claims Settlement Act provided for the withdrawal and review of up to 80 million acres of vacant, unreserved, and unappropriated public lands in Alaska for inclusion in one of the four management systems. HR-39 ignores the 80 million acre figure, and the additional wholesale designation of approximately 80 million acres of instant wilderness is irresponsible and ill-advised.

The bill's provisions relating to access and mineral development are so complicated as to guarantee no mining or access. Instead of unlocking access to the land, as the Congressman promised Alaskans last summer, he has given us a system of procedural roadblocks, which have been aptly described as akin to a Rube Goldberg cartoon. I told Seiberling it would have been more realistic and honest to state flatly, as the Secretary of

the Interior did in his proposal, that no mining would be allowed on the d-2 lands.

By designating 15 new Wild and Scenic River systems and 11 study rivers, HR-39 would have a tremendous negative impact on the lifestyle of Alaskans. The bill would have a crippling effect on transportation in the state, could conflict with ongoing studies for possible hydroelectric projects, such as the Susitna River study, and subject many homesteaders and farmers who reside along many of the rivers to new regulations for use of the rivers and potential condemnation under the laws of eminent domain.

Seiberling's provision for the federal government to monitor the wildlife management of the Alaska Department of Fish & Game is outrageous and totally unacceptable. We had to prove, as a condition of statehood, that Alaska was able to manage its fish and game resources. The State has been properly and successfully managing its wildlife under constitutional authority for 20 years. It is an insult to the State to imply that management activities need to be monitored by the federal government.

HR-39 would also inject the Secretary of the Interior into the daily management by the State of subsistence uses. The provisions requiring the State to obtain federal approval for all subsistence plans would reduce the State to nothing more than an agent for the federal Government in implementing subsistence policy. This is another gun held squarely to the State's head and is unacceptable.

Alaska is unique and problems concerning the management of its public lands are equally unique. A new program of management of Alaska's lands is needed to provide a flexible decision-making process to allow future generations to determine their own destiny. Mr. Seiberling's bill refuses to acknowledge this in any way, shape or form.

—Fairbanks Daily News-Miner  
February, 1978

# Subsistence?

**No one can define it, but Congress wants to legislate it**

It seems to be a foregone conclusion that some provision for *subsistence use* of fish and game must be included in the forthcoming d-2 legislation.

Why? No one seems to know, except that it seems right and proper to preserve the native subsistence way of life.

Can wildlife be allocated to ethnic groups under the U.S. and State Constitutions? Not very well. There are so many legal problems that this approach has pretty well been abandoned by the Congress.

Can it be done by giving *bush residents* special privileges? Or special privileges to people with *low incomes*? Or *tradition life styles*? There are grave problems with all these approaches, mainly because no one seems able to define "subsistence", "tradition", or, when it comes right down to it, what a "bush resident" is.

How, then, can something be legislated that can not be defined?

We don't pretend to be able to answer this one, but we know one thing: The federal and State government will have to strain every ounce of common sense to legislate "subsistence" or "tradition" in a way that it won't be in the courts more than it will be out!

Let's take a rambling look at some of the facts, events, laws, problems, and politics surrounding certain congressmen's fanatical efforts to include *fish, game* and *people* legislation in what is basically land legislation.

The Alaska Native Claims Settlement Act which spawned the present d-2 legislation gave the native people 44 million acres of land of their choice and nearly one billion dollars to extinguish their aboriginal rights. Section 4 (b) says: "All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting and fishing rights that may exist, are hereby extinguished."

From this cash settlement comes part of the huge lobbying budget to support their subsistence advocacy effort. An article in the December 21, 1977 issue of *Tundra Times*, a native oriented newspaper published in Fairbanks tells about a Rural CAP Board approving subsistence monies: \$50,000 for Nunam Kitlutsisti to "support its subsistence advocacy efforts in the Bethel region." Another paragraph tells about Koyukon Development Corporation receiving \$56,800 "to conduct a program of subsistence advocacy for its sub-region" . . . These local efforts are in addition to massive State and federal campaigns.

The native people are talking about special privileges on *federal* and *State* lands, not the 44-million acres of private land that will be theirs to use as a subsistence base if they so chose.

The simple fact is, 44 million acres or even the whole state cannot produce enough game to take care of the needs of a growing population of residents with more and more efficient hunting methods and federal bans on predator control programs.

If we are going to reserve hunting and fishing rights for *bush residents*, how do we reconcile subsistence preference with the Alaska constitutional mandate that the State's fish and game resources be reserved for the common use?

In determining subsistence status, does a white family who has chosen to live in the Alaska bush have the same rights as a native family who has lived there for many generations? And between natives themselves, does a Yupik Eskimo who never has left



**Shee fish from the Kuskokwim**

his village on the Kuskokwim River have the same subsistence rights as an Inupiat Eskimo with a high-paying job on the pipeline?

What about the trapper that spends 3 months on the trapline and 9 months in Fairbanks where he may work construction for 3 or 4 months?

As for giving local autonomous control for game law making, we don't have to look very far for examples of how poorly this would work, to say nothing of the greater over-riding need for centralized policy and over-riding control of game and fish populations that know no man-made boundaries.

As for basing need on tradition, what is tradition? Is it the way of life prior to the coming of the white man—the taking of game with spear and snare; or modern guns; or maybe even such new fangled innovations as snow machines? Is the taking of polar bears for the sale of hides for trophies traditional? Is it traditional to hunt whales, walrus and other sea mammals by power boat and radio? Is the harpoon gun traditional? Is the taking of walrus ivory for sale as trophies or cribbage boards traditional? Maybe the taking of a few salmon or a yearly moose or caribou for personal use of a resident urban hunter might be more traditional than some of the new native ways of life. In Alaska's fast-changing times, tradition is as old as today!

Then surely we can base subsistence on need as defined by some economic level of income. There isn't much of a problem so long as we set the limit low enough so the number of eligible people will be less than the available game and fish. But we will be in trouble when the number of people in this group increases or the amount of game decreases. When we adjust the economic level lower to compensate, we will recognize that we simply have another kind of welfare. There is no argument with our responsibility to provide for the needy, but this does not give the recipient the right, through race, tradition, nor economic status to select for their exclusive use a resource that belongs to everyone.

Few Alaskans opposed the valid settlement of the native's claims. But all provisions of ANCSA must be equally binding for all parties. Preferential claims should be extinguished if we expect the State to live up to its part of the bargain and pay its part of the nearly billion dollars to the native people.

The consumptive use of the earth's renewable resources is as old as life. Most all of us have a heritage of living off the land if we go back a few generations. This consumptive or subsistence use of the fish and wildlife continues today to be important to many Alaskans. It remains important not only to many of Alaska's natives, but also to most of its bush and urban hunters, who personally use the fish and game they take. But the exclusive or priority subsistence use of fish and wildlife would be prejudicial, inequitable, and unconstitutional.

Subsistence has no place in the d-2 land legislation. It should be left to the State of Alaska to administer as it has for nearly 20 years, using the present local advisory committee system for influencing fish and game regulations and setting bag limits and seasons to favor local residents.

## Natives and Preservationists— Strange Bedfellows

HR-39 was first referred to the House Interior Committee's "Subcommittee on General Oversight and Alaska Lands", created expressly for the purpose of pushing HR-39 and chaired by Interior Chairman Morris Udall's hand-picked fellow conservationist, John Seiberling of Ohio. The major voices for Alaska's position in the subcommittee sessions has been Alaska Rep. Don Young and Washington Rep. Lloyd Meeds.

In the subcommittee HR-39 was reduced from 146 million acres to about 100 million acres, although quite a few items not beneficial to hunters and sportsmen were added in trade for the acreages taken out. These include Title 7 on subsistence hunting and parts of Title 8 on Native Land Claims Act implementation.

Alaskan native groups have held a curious position in the d-2 fight. They have been catered to by the sponsors of HR-39 to such an extent that their lands are mostly unaffected and they have seen the bill as an opportunity to get game management concessions and Land Claims Act amendments which they could not otherwise achieve, in trade for their support or at least a lack of opposition, to HR-39. Their d-2 lobbyist is former Interior Secretary Stewart Udall, Mo's brother.

In its earlier forms the subsistence section set up a system where native hunters would quickly take over hunting and game management in all federal lands in Alaska. They would have priority over non-native subsistence hunters and would be able to demand areas closed to outside hunters quite easily, and the State could only keep Fish and Game management on federal land at the sufferance of the Secretary of Interior and a statewide board loaded with rural native hunters.

In the final subcommittee print of HR-39 the racial lines are removed, but local subsistence hunters still have a great deal of control over hunting. The State still retains game management only as long as the local hunters and the Secretary of Interior permit and the sport hunter's days are clearly numbered by policies allowing village hunters to demand priority at any time.

While the current working in the subsistence section is not at all acceptable to Alaskan outdoorsmen, the progress made since the earlier committee prints is great and is to be credited mainly to many days of hard bargaining by Young and Meeds.

Title 8 is meant to convey native and State land selections quickly, as a sop to Alaskans. Native lands in the core township areas are conveyed almost immediately and without public access recreation easements provided for in the Land Claims Act. The natives are directed to state the order of preference of their remaining land selections and these are conveyed in that order until the total allotment of corporation is reached. There is no specific provision for easements except for one subsection allowing the Secretary to acquire easements after the land is conveyed if a case is made for doing so.

"... I would hope that this Congress established the priority of subsistence uses where there is a conflict. I believe that this is a legitimate subject for legislation, and hope that this principle, which has been State policy for some time, might be enacted into federal law."

—GOVERNOR JAY HAMMOND

Testimony to the House Subcommittee on Fisheries and Wildlife and the Environment, August 12, 1977.



JAY HAMMOND  
Governor of Alaska

**Governor intends to implement a system that many Alaskans think is unworkable and not in the best interest of the resource**

# Governor Bows to Feds

To bring the State in line with a subsistence management plan for fish and wildlife that would be acceptable to the authors of HR-39, Governor Hammond held a semi-private meeting in Juneau during last December to preview the scheme his administrators had concocted, based somewhat on a regional board concept he once pushed as a State Senator. In a memorandum to his commissioners earlier in the fall, he told them he didn't want to be told why such a plan would *not* work, but how they can *make* it work.

Represented at the Juneau meeting were native groups and a few sportsmen. All had seen advance copies of the proposed council mechanics.

It became apparent at that meeting that the Governor intended to implement the system administratively after a single public hearing at Bethel (of all places!). Objections and specific criticism by the non-native representatives were so intense that it was decided to hold additional public hearings in other parts of Alaska before anything is done administratively or by the legislative process. Hearings have now been held in Anchorage, Fairbanks, Bethel, Kodiak and Petersburg.

Interior Wildlife Association took a good look at the proposed regional council system and wrote a detailed report about the inequities and short-comings of the scheme as proposed. We have received praise from several quarters for pointing out several serious errors in the first draft.

At the Fairbanks public hearing hosted by the Game Department, Commissioner Skoog and his staff led off with discussions of the three general directions we *could* take. The audience and staff then broke into study groups to discuss the proposals.

The motive underlying the entire process is obviously the result of the ridiculous subsistence regulations and "suggestions" being shoved down our throats by a zealous but misguided Congress.

One group was formed to discuss the Regional

Council approach as spelled out in Title VII (Subsistence) of HR-39. Through granting the state its right to manage indigenous wildlife, this gem still insists that it be done under federal guidelines. Furthermore, if the state programs don't please the current Secretary of Interior, this "right" can be whisked away from us in record time. Incidentally, Title VII also proceeds merrily along under the assumption that the state will obediently form regional councils.

The groups made remarkable strides in the few short hours that they had to work together.

The group discussing the Regional Councils decided that it could not support them! The proposed region boundaries were deemed unacceptable and even though the goals of the concept, namely decentralized authority and local control, were deemed commendable, the group found that this proposal could not be considered a viable one.

There was little more support for the local authority proposal (Regional Boards). It was generally agreed that there were too many inequities and room for selfish interests to *override the welfare of the resources* with this proposal. Discussion in this group hinged on several bills currently being discussed in Juneau. The complete delegation of authority to a region lends itself to simply too many problems, including the cost of additional department staffing, the need for changes in the Administrative Procedures Act and overlooks the fact that game animals do not recognize man-made boundaries.

Though the present Advisory Committee system is far from perfect, the last study group (and the overwhelming majority of the audience) felt that with some overhaul it is the only viable solution of the three. The cost would be quite low as compared to the others, it provides for consistent statewide management policies and it provides the opportunity for consideration of resource needs of game and fish by single Master Boards; one for fish and one for game. One of

the major points brought out and agreed on was that the present Advisory Committee set-up could use some remodeling. Hopefully we will see advisory committees that are not self-perpetuating and that the Boards would be forced to pay a little more attention to the their ideas.

The Department heavies, with obvious political pressure being brought to bear from the governor's office, have endorsed the Regional Council proposal. Perhaps the most significant finding of the meetings, though, was that this is clearly not what the people want. Sportsmen, guides and trappers were well represented at the workshop, but several natives and environmental types attended as well. None was in favor of regional councils!

This is pretty much the same results as were obtained at the Anchorage meeting that had a sprinkling of representatives from around the State, including native representation. The Bethel meeting supported the Local Board concept. The government brought in native leaders from all around the area to testify.

## **President Carter on d-2**

There has been a lot of speculation as to why the Carter Administration has placed such high emphasis on the d-2 legislation, aside from the fact he has accumulated several people from some of the national preservation and environmental groups in his administration as a result of their support during his campaign.

One of these people is Cynthia Wilson, a former lobbyist for the Audubon Society who was recently named special assistant to the Interior Secretary, replacing a more moderate Alaska lands specialist. One of her first acts was to delete a Bureau of Mines report on Alaskan mineral potentials from the briefing book that went to President Carter when the Carter administration was putting together its d-2 package.

President Carter himself called three key members of the House subcommittee who were starting markup on HR-39 when it appeared there were enough votes to substitute Representative Meeds (D-Wash.) more moderate approach. The subcommittee, composed largely of freshmen members, bowed to Carter's wishes and the markup was done on Udall's HR-39. Only a few of Meeds amendments got into the marked up bill.

One was suggested that Carter's programs, national and international, are doing so poorly that setting Alaska aside as a wilderness area might be the only monument he will be able to point to during his administration.

## **No Opposition Allowed**

The main lobbying force for HR-39 is a collection of national environmental groups misnamed the "Alaska Coalition". The Coalition includes the Friends of the Earth, The National Audubon Society, the Sierra Club, the Wilderness Society and the

Defenders of Wildlife, as well as the Alaska-based Alaska Conservation Society, Alaska Center for the Environment in Anchorage and the Fairbanks Environmental Center.

The Alaska Coalition claims authorship for HR-39, although individual members constantly say they don't support every part of the bill. An almost-silent partner in the coalition is the National Park Service, which has provided much support for the coalition's lobbying efforts and conducts its own persuasion for Alaskan wilderness proposals during slide shows and campfire talks at national parks.

The coalition's lobbying effort is widespread and efficient, and jumps immediately on any opposition which surfaces. One of the earliest expert voices against HR-39 was land planning expert Alan Epps with the University of Alaska Cooperative Extension Service, and Epps has been under continual pressure for using a state job to lobby against legislation. In one public forum the HR-39 sponsors refused to participate if Epps was even in the room and they've caused no end of trouble for him at the University of Alaska.

When the State of Alaska Fish and Game Department assigned a specialist to study the d-2 question, Ron Sommerville, the coalition jumped on his first public information efforts with their sharpest knives. The governor was urged to remove him and legislators still hear constant pressure against having Sommerville in Washington D.C. to explain the state wildlife management policies and positions.

When a legislative special committee on d-2 produced a 12-minute movie showing the lives of Alaskans who live in the bush and would be most affected by the land actions, the Coalition attacked it as biased because there were no scenes of Alaskan cities.

Some members of the Alaska Coalition are involved in a new group challenging federal license renewals of radio and television stations which have taken sides against HR-39.

## **Blame it on the Pipeline**

It is becoming painfully apparent to outdoorsmen in Alaska that the right to use our great outdoors was bartered away by Congress in the mad scramble to clear the way for the oil pipeline. Sold for 30 pieces of silver, as it were.

It is not fair to lay the blame on our Congressional delegation, for the hue and cry from most quarters in the State was for a pipeline permit at any cost. Here is what it took: A guarantee to the preservationists that up to 83 million acres of land will be locked up in federal sanctuaries, and that enough land and money would be conveyed to the natives so they would not dispute the right of the federal government to designate a pipeline corridor. The Alaska Native Claims Settlement Act encompassed these provisions. It grew out of the purchase of Alaska from Russia whereby the United States government agreed someday they would settle the aboriginal rights of the natives. There wasn't much impetus to do so until it

became apparent the natives could tie up the pipeline right-of-way for years in court if they chose to do so. For 44 million acres of land and one billion dollars they agreed there would be no court suit. Before the pipeline hysteria, 7 or 8 million acres of land was bandied about!

Sportsmen weren't the only ones caught with their pants down. The State, lax in selecting the 103 million acres granted with statehood (believing they had until 1984 like the Act said), found that the preservationists and natives got selection rights over the State. The State filed suit against the federal government over this point (Alaska vs. Morton, et al, Civil Action No. A-48-72) and then later dropped it in an agreement signed September 2, 1972 by Rogers C.B. Morton (then Secretary of the Interior) and William A. Egan, then Governor, in the interest of pipeline expediency.

The pipeline is finished; now on to implementing the Native Claims Settlement Act (44 million acres and a billion dollars—part federal and part State money)

and the 83 million acres to the preservationists (which has grown to as much as 146 million). Statehood selections take a back seat to both of these.

The sad fact of the matter is, the d-2 issue is unnecessary and unwarranted. All the land in question is already federal land locked up in one of the several systems.

### **Public Land Users Coalition**

Public Land Users Coalition is a new organization started just last summer and already claiming they represent a quarter million persons.

With that kind of clout they believe Washington will begin to listen to people who live, work and play on public lands.

They are already involved in legislation to repeal the BLM Organic Act of 1976, legislation to return public lands to the states, and other interesting concepts. For more information, write PLUC, Box 368, Milford, Utah 84751. Membership is \$12.00.



**Magnificent Alaska Bull Sheep**



By CHARLES J. KEIM

I had taken a vacation from my duties at the University of Alaska to guide Helmuth Kaupe, M.D. of Bonn, Germany, in Arctic Alaska. He had obtained many fine motion pictures of the land, its flora and fauna, including footage of the wily wolverine. Now one day remained before I'd fly back to Fairbanks. Helmuth wanted to take still pictures of wolverine with his Hasselblad 500cc camera.

Warning Helmuth that one cannot whistle up a wolverine upon request, we set out for a boulder-strewn section of tundra between two rolling hills a mile above our base camp at an unnamed lake at the very headwaters of the Alatna River. I had seen many lemming there. Perhaps the wolverine would come to feed on these small rodents.

Placing a ground sheet before a large boulder we could use as a back rest, we gratefully drank a cup of tea from the thermos, unlimbered our binoculars and watched the treeless tundra. The clouds, which had silvered the higher hills with early snow during the night, climbed even higher, then sailed west toward the Bering Sea.

The sun poured down upon us and now we could see the heat rays shimmering above the warming hillsides amidst total silence. Far below us the floatplane remained motionless upon the mirror surface of the lake. Then occasionally we could hear the haunting cries of loons interspersed with the fretful quacking of ducks in the reeds near shore. Through our binoculars we could see the widening circles where grayling and lake trout dimpled the water. Nearer at hand a hard working bumblebee droned its way through the fading arctic flowers, and an occasional mosquito that had escaped first frosts hummed its solitary song. Birds rustled in the grass a few yards from our feet. Far in the distance we could see stray bands of caribou casually feeding on lichens near the Nigu and Killik

Rivers. We almost regretted leaving this center of complete peace—utter tranquility—to photograph two adult wolverine from 20 feet distance.

Forty-eight hours later I stood in the lobby of an inn a short distance from Chicago's O'Hare Airport, reputedly the busiest such center in the nation. The screams and roars of jet and piston-engined airplanes shooting skyward in all directions thundered into the lobby as I waited to register with the other passengers from the courtesy car. Tomorrow I'd be attending our meeting of the National Commission on Arts and Sciences. An inn guest scowled as we entered the room, then he reached over to increase the volume on the color television set. He repeated the motion when another carful arrived. Interspersed with the thunder of the planes was the cacophony from the many lanes of traffic on both sides of the inn and the dissonance from the comings and goings of people at the pool. The clatter of the busy clerk's typewriter filled in the tiny crevices between the massive sounds.

Now a custodian arrived with a vacuum cleaner and sucked out the dirt from the carpet—and any remaining sanity from the room. The television controller turned the volume to almost full throttle. People almost shouted their polite conversation. And all the while the aircraft roared, roared, roared while the traffic hummed, rattled, zoomed and honked.

For a moment I teetered between conflicting emotions. Should I disconnect the vacuum cleaner and television cords, pound repeatedly on the clerk's desk bell, waggle a finger at the startled press of people, and shout "This is madness!" or should I go outside?

Knowing full well who would be hauled away, I went outside. There was only the thunder of the many aircraft and the multi-lanes of traffic.

Then I thought of the Arctic and the Alatna Valley. I could return in two days. Now I felt pity and concern. I strode back through the door into bedlam.

## Scenario for:

# Taming a Wild River

**1ST SPEAKER:** "There's the Alutna River up there in the Alaskan Arctic. Goes past the Arrigetch Peaks. Very, very few people know about the river and the peaks. Robert Marshall wrote about it. We ought to fly in and look it over. It is virtually untouched."

**2ND SPEAKER:** "Beautiful! So untouched, except for those few guides who bring hunters and fishermen in here a few times a year. This is the people's country. We'll have to have it set aside as a park to preserve it for all time. Say, this five gallon can is empty of provisions. I think I'll leave it right here because someone can use it. Look at all the bears, sheep, wolves, caribou!"

**1ST SPEAKER and 2ND SPEAKER:** "And so, fellow arch-conservationists, we're having that untouched area set aside as a wild and scenic river and a park, to preserve it for all time."

**15 SPEAKERS, MIXED CHORUS:** This is so untouched. Absolutely pristine, except for those few guides who are killing animals. We must keep it untouched for the people. Say, have you noticed that except for these three little places in this entire Arrigetch Valley, there are no level spots to put up our tents? There, that's better. Now we've leveled out 12 more places. Wasn't it great to see that little band of caribou, that bear, that wolf and those five sheep!"

**27 SPEAKERS, MIXED CHORUS, NEXT YEAR:** "Look at that bear leaving the valley. And there's a sheep. We saw a wolf two days ago. Dig those garbage pits deep now, so the bear or the wolf won't dig it up."

**54 SPEAKERS, MIXED CHORUS, NEXT YEAR:** "Where should we dig the latrine? Breathtaking. Get a photo of that falcon, and those flowers. Darn! Someone stepped on those dwarf fireweed. Be sure to bury that garbage deep. An alpenstock goes to the first person to see a sheep—or any big game."

**108 SPEAKERS, MIXED CHORUS, NEXT YEAR:** "Yes, we'll have to dig separate latrines for women and men. Let's lay out a Nature Walk so careless feet won't crush the plants. Who'll make the signs? Make one leading to the latrines; better make two. Better make three; one for the garbage burning area. And who'll win the alpenstock? Nobody won it last year."

**216 SPEAKERS, MIXED CHORUS, NEXT YEAR:** "Tonight, now, Speaker Number One is going to give a slide show in that big tent in that big levelled out area to show what he has seen here in the way of wild animals, starting several years ago! Today we are going to mark out an area for a helipad so we can carry out the garbage. Since a 'copter will be coming in, it's

going to bring in a dab of blacktop for that first nature walk, and some cement and good posts for the signs. Maybe we should have them haul in real privies, some for here and some for there."

**432 SPEAKERS, MIXED CHORUS, NEXT YEAR:** "Two hundred of us can go up the river and the other 232 up the valley. Remember that alpenstock goes to the first person to see some big game. Hasn't been won for two years. Stay on the paths now, and remember, first persons to get there in the valley get to choose their bunks in the bunkhouse. Those on the river—collect your garbage at points 1, 2, 3 and 4. We'll be putting in a large trash burner next season, if we can get an E.P.A. permit, after the impact study."

**864 SPEAKERS, MIXED CHORUS, NEXT YEAR:** You, rather, we, are the fortunate ones who received permits to come to this wild and scenic place. Let's get up real early. Maybe we can see the peaks, or get on the river before that group of 1,728 gets here. Heard a rumor today that there's a valley and a creek and some peaks on that Arctic island off Demarcation Point. Wonder if we could get that set aside for a wild and scenic place, too. The alpenstock? Well, we're having it copper plated next year so maybe one of the 3,456 visitors will win it. If not, we'll have it silver plated the next year so maybe one of the 6,912 visitors will win it, or gold plated for the next year so one of the 13,824 visitors will win it—unless they decide to go to that Arctic island off Demarcation Point, or maybe Yellowstone Park, or maybe stay home.



**Caribou**

## Steel Shot Controversy

When it became known this past winter that the U.S. Fish and Wildlife Service was proposing the mandatory use of steel shot for migratory waterfowl in the Cook Inlet of Alaska for this next season, one of our members swung into gear and put petitions around town at most of the sporting goods outlets.

In a short time he collected over 400 signatures in time to get them, along with a cover letter from Interior Wildlife to Washington, D.C. before the closing date for comments the end of December.

In part, the letter said "We vigorously oppose the implementation of such a regulation on the grounds that it is totally unjustified at this time. Nowhere in Alaska during our very short season, is there a significant concentration of shooting. Further, shot would soon be buried in the thick soft glacial mud of the Cook Inlet tide flats."

It would seem bureaucrats in the federal government would have better sense than to attempt to inflict such a needless requirement in Alaska at this time. Alaska residents would normally be enraged enough by this unwarranted intrusion into our lives, without any proof that such a move is justified. But to try it on top of what is happening to us in the d-2 legislation was too much!

The first of the year an announcement by the FWS said the mandatory use of steel shot for migratory birds has been delayed at least a year.

## Hunters News Bulletin

Last summer the State Fish and Game Department sent out a brochure to all license holders explaining the d-2 issue, showing maps of the State's proposal compared with HR-39 and ending with a questionnaire asking whether the recipient favored HR-39 or not.

This was too much for the preservationists. They don't like any other viewpoint than their's put forth. They got the States's Ombudsman to declare it "inappropriate, unfair, non-objective, and inaccurate". Then he proceeded in his seven page report (reportedly written largely by the Anchorage Environmental Center) to reference quotes, laws, expenditures, and personal inferences—none of which even vaguely referenced an inaccuracy!

They also put the Governor on the defensive over the brochure and as far as we can ascertain, the results of the poll never were presented at any of Udall's hearings in the State.

The sportsmen and hunters that we talked to appreciated this expenditure of their license money to counter the massive lobbying campaign of the preservationists in Washington. Most of the resentment we noted came from the fact the results were not used more widely. As of August 20, 1977 the results were: Against HR-39, 11,201; For HR-39, 1,039.

At that time the Interior Wildlife Association ran the accompanying ad in the Fairbanks daily newspaper to present the hunters position on the much maligned brochure. As far as we know, the State administration never has seen fit to present the results of the questionnaire to Congress.

## HUNTERS News-Bulletin

### The Game Department tried to do something for you—for a change!

We're compelled to comment on the controversy created by the Alaska Department of Fish and Game's D-2 brochure sent to all license holders.

We are appalled that the administration, a biased ombudsman and a few news reporters have successfully twisted the focus from the critical D-2 issue to the brochure itself! We are faced with the loss of access to 100 million acres of our resources, the closure of sport hunting on 50 million acres, presumption of state tidelands, presumption of state elections, presumption of state fish and wildlife management, the destruction of Alaska's constitution, plus a few other subtleties, and some individuals are quibbling over whether or not the brochure was "fair".

Ombudsman Frank Flevin describes the brochure as "inappropriate, unfair, non-objective, and inaccurate". He then proceeds for seven pages in his report to reference quotes, laws, expenditures, and personal inferences—none of which even vaguely reference an inaccuracy. (Who is to protect the public from the ombudsman?)

Despite Mr. Flevin's strong criticism of this so called "inappropriate poll" and his references that some other state agency should have conducted the poll (none of which chose to accommodate the Fish and Game Department) we can find no statute which prohibits the Department of Fish and Game from taking this action.

It was at least an attempt to reduce the issue to a few concise points and distribute it to 132,000 Alaskans—many who would never be able to attend a hearing or receive the facts any other way. For those who are crying foul, we say show us anyone who tried to provide the same service. We can only conclude that the opposition is coming from those who prefer to keep most Alaskans in the dark until after Congress takes this sweeping action.

We agree that the maps are not comparable, but on the issue at hand (HR 39), we find the map and the table accurate. If we were to criticize the HR 39 map it would be that it doesn't illustrate clearly that "INSTANT WILDERNESS" would apply to all new refuges and parks—a fact that, if illustrated, would have made the area even darker.

One individual accused the ADF&G of using scare tactics. For those Alaskans who didn't realize the impact of HR 39 before, we are positive that the facts provided the trauma, not the brochure!

We don't believe that the 12,000 plus people who responded to this effort were so simple minded that they didn't catch the subtle point in the brochure. We also believe most of them feel, like we do, that these issues are critical to sportsmen and we expect our elected officials to take note!

We appreciate our money going towards the ADF&G brochure. Had they not done it, we are convinced no one else would have. Thus, 12,000 Alaskans would never have had their opinions noted, which were, as of August 20: Against HR 39, 11,201; for HR 39, 1,039.

We resent the fact the state administration did not see fit to have an ADF&G representative present at one of the hearings and present the results of the poll. We trust they will make haste to rectify this "oversight".

CONSERVATION: Wise use of resources  
PRESERVATION: Non-use of resources

## INTERIOR WILDLIFE ASSOC

**Could this be Alaska?**



# Subsistence in Africa

**EDITOR'S NOTE:** *Bud Helmericks, long time Alaskan and author of several books about the Alaskan outdoors, recently returned from an African safari—more of a study trip, he calls it. Prompted by the realization that we have so much space in Alaska and so little wildlife anymore, he wanted to see first-hand how the Afirkaners in South Africa has accomplished a miracle in restoring wildlife in a country where it had been almost decimated. We asked him to tell us what he observed.*

**By BUD HELMERICKS**

*Special for Interior Wildlife Newsletter*

"Don't expect to see any animals for the next hundred kilometers," Poem Lampricht, our guide said as we passed through the low wire fence that crossed our dirt road. We were on a trip through South Africa to study game management, photograph game and do a little hunting. Martha and I had hunted kudu on a safari in Kenya and Tanzania for nearly a month a few years before and hadn't sighted even one. We wanted to try for a bull here in northern Transvaal where we averaged seeing fifty a day, some record-sized bulls. In addition we had seen an unbelievable wealth of other big game, while small game and birds such as hornbills, doves, guineas, partridges, and song birds were continually in sight. Since the country we were entering looked just like what we had been driving through for hours we had figured wildlife numbers just went on and on. Poem's remark had been a complete surprise to us.

"Don't expect a bloody thing. Not even a warthog or guinea," he continued.

Our surprise must have shown in our faces for he searched for a word to explain, and finding none, he gave us the best he could in Afrikans, ending up saying, in effect, that people kill the wildlife for their wishes or needs. I explained our term *subsistence* and he thought it over.

"Yes, yes, it is what this would be then, *subsistence*."

The next hundred kilometers was an eye opener. There was as Poem had said—*nothing*—no big game, no guinea, no doves, not even song birds. I had always found the tropical dawn was heralded by a regular serenade of birds and monkey calls, but not here. The sun came up and the sun went down to a few meager chirps. I was glad when we were through the subsistence area and back into the controlled hunting zones and the wonderful abundance & wildlife again.

Volumes can be written on African game management and of how tsetse fly control programs have laid waste vast areas and killed more wildlife than have African safaris since they began. Of how the Republic

of South Africa has restored wildlife to a higher level than ever known before, in many areas, by the simple system of managing wildlife in exactly the same way domestic stock is managed, i.e., with personal interest, protection, love, and with a definite place in the over all economic life of the nation. You might go on to tell of how the U.S. Endangered Species Act has devastated areas of Africa of such animals as leopards by making them near valueless to sportsmen, and as such an unnecessary burden to the land so that they are poisoned or trapped as useless vermin—for who can support a valueless leopard on his land? I had heard the same thing from India, "who can support a valueless tiger?"

What I most remember of our observations are those empty subsistence areas, perhaps 100 x 150 miles in size, fortunately few in number, but with a sobering impact because where there was free access for all, there was in reality—*nothing*. Across the fence where there were restrictions for all there was plenty of wildlife and maximum production. There was no question about the fact that subsistence was a racial program and would continue as such until racism is past. Any wild creatures that survived in a subsistence



**Bud Helmericks in Brooks Range**

area did so simply because the means to utilize them hadn't been introduced yet.

My thoughts drifted back to earlier years of Alaskan flying when Clarence Rhodes, Stan Fredrickson (U.S. FWS employees) and I were young pilots and the marvel of radio navigation was the low frequency radio beams. You could fly blind following an audible signal and come out right over the station. At that point there was a "cone of silence" until you hit the strong opposite signal as you were going away from the station. The "cone of silence," even when you were expecting it after a tense flight in clouds, always gave you a start—a moment of fright. For, suddenly you didn't hear anything; the familiar was gone.

Since we were involved in wildlife programs we did a lot of aerial counting. It didn't take us long to name the areas around the villages where subsistence usage had scarfed up all the game and the white snow was devoid of tracks: "cones of silence." The wildlife was absent from these subsistence areas. We used to joke about it among ourselves, saying that the end of wildlife would come when these "cones of silence" met. This meant, of course, that when winter ground transportation became so efficient that there weren't any more inviolate wilderness areas for animals to escape to that it would be the end. We really didn't think that this would happen in our lifetime!

Recently, I flew over much of that country again and I found snowmachine trails everywhere, but very few trails of anything else. On T.V. the other night, a State Senator was berating our Fish and Game Department because of the decline of wildlife over the past fifteen years. I thought that during those same fifteen years I have watched the development of the snowmachine, and excessive use of it, and watched the "cones of silence" meet. I thought, too, of the term *subsistence* and of how years ago when the "cones of silence" were small there was a valid need of it and we all knew what it meant. Today, *subsistence* is a meaningless and undefinable term, a smokescreen for those who strive for advantage or who promulgate racism to hide behind.

From the background, from the opposite side of the world, I again hear the words of one of the greatest wildlife observers and managers I have ever known: "Don't expect to see any animals . . . ."



**Time to Relax**

## **Alaska Sportsman Writes to Senator Gravel**

February 3, 1978

Senator Mike Gravel  
United States Senate Office Building  
Washington, D.C. 20510

Dear Senator Gravel:

Recently I had the opportunity to review your position on subsistence and current d-2 legislation. I would like to comment on some of your recent statements.

First, let me say that we do agree partially on one item, that if we have to recognize subsistence hunting, it should not be based on racial or ethnic considerations. Hunting and fishing are as much a part of my heritage as any native-born Indian or Eskimo.

You state that in times of resource shortages, subsistence users should receive preference over non-subsistence users. What you are really saying is that if this becomes law, sport and subsistence hunting by urban dwellers will be a thing of the past in Alaska. There is a shortage of game right now and with the increase in native population, better methods of transportation and modern weapons, there won't ever be any surplus game for the urban user.

In the first place, the idea of subsistence in this day and age is ridiculous. There are very few people who really depend on subsistence hunting and fishing for their livelihood. The wanton waste of the past has not stopped; the authorities prefer to look the other way, rather than face the political clout of the native people. Closing off a resource to all but people in outlying villages will only deplete it more as evidenced by the results of the Marine Mammals Act whereby the native people were immune from any restrictions. Another example is the recent depletion of the vast Northwest Arctic Caribou herd by the natives of that area when the caribou spent too much time accessible to several large villages. Wolf predation played a role in this depletion also. And of course there is the perennial spring waterfowl hunting.

I'm a wildlife user, and have been all my life. Wild game and fish have always been a very large part of my daily diet. The main reason I endure the long cold winters and extremely high living costs of Alaska is the fact that I have been able to pursue a way of life that I enjoy—the ability to hunt and fish in relative solitude, away from the crowds. Now through legislation, you and your fellow politicians are trying to take this away from me.

I resent very much being discriminated against just because I live in a town and hold a steady job.

In closing I ask that you and your colleagues reconsider this subsistence folly and come up with legislation that is fair to everyone, for under the American system, fish and game belong to no certain group.

Sincerely,  
Glen W. Cornwall  
Fairbanks, Alaska 99701

**A qualified Alaskan takes the helm at the most crucial time in our wildlife history. Will he be able to manage game or simply serve the whims of Washington?**

**RON SKOOG**  
*Fish & Game Commissioner*



# New F&G Commissioner

The biggest game management challenge in Alaska in coming years will be meeting the increasing demand of people to use wildlife resources and, at the same time, protecting those resources from depletion, according to the State's new Commissioner of Fish and Game.

The former chief of the Habitat Protection Division, Ron Skoog, took office in August, replacing James Brooks, who did not seek reappointment when his term expired in July. Brook went back to work for the federal government as Chief, Fishery Management, Alaska Division, National Marine Fisheries Service, a Department of Commerce agency.

Skoog says bringing population levels of some game species back to former levels is a "major consideration," but that resolving potential conflicts created by human population growth could be an even greater challenge.

"We'll see a great increase in the population of Alaska," he said. "More hunters, more fishermen will mean resources being challenged to the limit." The challenge to the Department of Fish and Game will be "taking care of ever increasing demands of people to use wildlife resources, and at the same time protecting them."

Skoog had been with the Department of Fish and Game as HPD chief since August 1976. He first came to Alaska in 1949 to study zoology and wildlife management at the University of Alaska in Fairbanks and received his bachelor's in 1952 and his master's in 1956. He then worked for five years for the U.S. Fish and Wildlife Service and an additional five years for the Department of Fish and Game, eventually heading a statewide caribou management program.

In 1964, Skoog left Alaska to attend graduate school in California. He received a doctorate in animal ecology from the University of California at Berkeley, then worked for Texas A&M University for three years.

In 1971, he accepted a position with the Bureau of Land Management in Washington, D.C., which he held for one and a half years. From 1974 to 1976, he worked for the U.S. Fish and Wildlife Service in the capitol city, as chief of the office of endangered species.

Despite his years in federal service, Skoog feels it is imperative that management of resident wildlife species be retained by the State, and says he opposes d-2 land schemes that would transfer wildlife management to a gamut of federal agencies.

"Managing its resident species of fish and wildlife has long been considered a basic right of all the states," Skoog said. "The department feels, given its expertise and experience of staff, that we're in the best position to continue that kind of arrangement."

The commissioner said he doesn't believe anyone in wildlife management or State government would support a wildlife management scheme giving authority to federal agencies. Such agencies would have authority over wildlife species that don't recognize boundaries of national parks or forests, and management by them could result in "utter chaos," Skoog said.

The commissioner said he feels the state's efforts to protect subsistence hunting rights have been adequate, noting his office has received few complaints in that area.

"The state has long had a policy that subsistence use has a priority over all other uses," he explained. "If the population is low, one of the first things to go is recreational hunting. Subsistence is the last to go and then only to protect the resource."

Subsistence use is protected through setting liberal seasons and bag limits in remote areas, he explained.

In coming years Skoog also says the State should be working closely with federal land managers on cooperative wildlife management schemes. Such cooperative schemes, he said, will become more and more important as land management issues in the State are settled.

"Basically, Alaska has low productivity of wildlife resources. They cannot withstand heavy demand unless it's controlled closely. How do we allow human populations to utilize the resource without hurting it? That's our challenge."

**EDITOR'S NOTE:** *We predict Skoog will be seen more in public than his predecessor who seldom showed his face in Fairbanks.*

# United States Senators

Address your senators and congressmen like this:

The Honorable (Full Name)  
United States Senate  
Washington, D.C. 20510

The Honorable (Full Name)  
House of Representatives  
Washington, D.C. 20515

**ALABAMA—**  
James Allen  
John Sparkman

**ALASKA—**  
Mike Gravel  
Ted Stevens

**ARIZONA—**  
Dennis DeConcini  
Barry Goldwater

**ARKANSAS—**  
Dale Bumpers  
John McClellan

**CALIFORNIA—**  
Alan Cranston  
S. I. Hayakawa

**COLORADO—**  
Gary Hart  
Floyd Haskell

**CONNECTICUT—**  
Abraham Ribicoff  
Lowell Weiker

**DELAWARE—**  
Joseph Biden  
William Roth

**FLORIDA—**  
Lawton Chiles  
Richard Stone

**GEORGIA—**  
Sam Nunn  
Herman Talmadge

**HAWAII—**  
Daniel Inouye  
Spark Matsunaga

**IDAHO—**  
Frank Church  
James McClure

**ILLINOIS—**  
Charles Percy  
Adlai Stevenson

**INDIANA—**  
Birch Bayh  
Richard Lugar

**IOWA—**  
Dick Clark  
John Culver

**KANSAS—**  
Robert Dole  
James Pearson

**KENTUCKY—**  
Wendell Ford  
Walter Huddleston

**LOUISIANA—**  
J. Bennett Johnston  
Russell Long

**MAINE—**  
William Hathaway  
Edmund Muskie

**MARYLAND—**  
Charles Mathais  
Paul Sarbanes

**MASSACHUSETTS—**  
Edward Brooke  
Edward Kennedy

**MICHIGAN—**  
Robert Griffin  
Donald Riegle

**MINNESOTA—**  
Wendell Anderson  
Hubert Humphrey

**MISSISSIPPI—**  
James Eastland  
John Stennis

**MISSOURI—**  
John Danforth  
Thomas Eagleton

**MONTANA—**  
John Melcher  
Lee Metcalf

**NEBRASKA—**  
Calr Curtis  
Edward Zorinsky

**NEVADA—**  
Howard Cannon  
Paul Laxalt

**NEW HAMPSHIRE—**  
John Durkin  
Thomas McIntyre

**NEW JERSEY—**  
Clifford Case  
Harrison Williams

**NEW MEXICO—**  
Pete Domenici  
Harrison Schmitt

**NEW YORK—**  
Jacob Javits  
Daniel Moynihan

**NORTH CAROLINA—**  
Jesse Helms  
Robert Morgan

**NORTH DAKOTA—**  
Quentin Burdick  
Milton Young

**OHIO—**  
John Glenn  
Howard Metzenbaum

**OKLAHOMA—**  
Dewey Bartlett  
Henry Bellmon

**OREGON—**  
Mark Hatfield  
Bob Packwood

**PENNSYLVANIA—**  
H. Hohn Heinz  
Richard Schweiker

**RHODE ISLAND—**  
John Chaffee  
Claiborne Pell

**SOUTH CAROLINA—**  
Ernest Hollings  
Strom Thurmond

**SOUTH DAKOTA—**  
George McGovern  
James Abourezek

**TENNESSEE—**  
Howard Baker  
James Sasser

**TEXAS—**  
Lloyd Bentsen  
John Tower

**UTAH—**  
Jake Garn  
Orrin Hatch

**VERMONT—**  
Patrick Leahy  
Robert Stafford

**VIRGINIA—**  
Harry Byrd  
William Scott

**WASHINGTON—**  
Henry Jackson  
Warren Magnuson

**WEST VIRGINIA—**  
Robert Byrd  
Jennings Randolph

**WISCONSIN—**  
Gaylord Nelson  
William Proxmire

**WYOMING—**  
Clifford Hansen  
Malcolm Wallop

## Sportsmen Organize

As this year's Interior Wildlife Newsletter goes to press the sportsmen, outdoorsmen and trappers in Alaska are combining forces to combat some of the provisions in HR-39 that make it so objectionable.

Three main points have been picked that all can rally around.

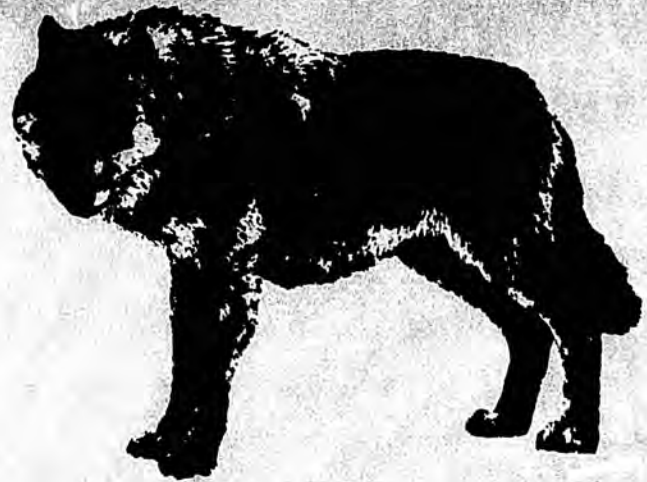
1. **Access to the Land.** Reasonable access to the public lands in Alaska is needed. This is particularly true of wilderness areas and necessary for resource management.
2. **Subsistence.** The State's right to manage fish and game resources must be protected without federal strings. The State knows best how to manage subsistence, and conditions may change with the passage of time.
3. **Excessive National Park Lands.** Areas being closed to hunting and trapping are unreasonably excessive and must be reduced in number and/or size, or allow continued use by hunters and trappers.

## New Wildlife Book

A new book entitled, *A New Day for Wildlife—A Fresh Approach* gets to the heart of the problems of present-day game management like no other book. Because it sides with the hunter, it needs to be read by every sportsman who is concerned about the future of hunting. By calling today's faulty approach to wildlife *Plan One*, the writer is able to expose the weaknesses in the present system of wildlife management, and to propose a new plan, called *Plan Two*. Without a doubt this is the most provocative book on the subject of wildlife management today. With supporting evidence from many sources, it will challenge your thinking at every turn while giving hope for the eventual success of pro-hunting forces.

*A New Day for Wildlife—A Fresh Approach* is written by Lester J. McCann, PhD., an author with many years of training and experience in the wildlife field. The book sells for \$3.95 plus \$.30 postage. Copies can be obtained by writing to: New Day, 295 Macalester St., St. Paul, Mn. 55105

**The endangered species are the moose and caribou of Interior Alaska; the wolf is about to run out of a free lunch**



# Endangered Species

Aside from the encouraging results in Game Management Unit 20A, moose populations in interior Alaska are dismally low and sinking lower as the old animals die off and there is insufficient recruitment of young animals to take their place. In many areas hunting seasons are completely closed and there are no prospects for anything but further reductions in seasons elsewhere in the vast interior area between the Alaska range on the south and the Brooks range on the north.

Unit 20A is the area south of Fairbanks to the summit of the Alaska range, an area approximately 80 x 90 miles where a small predator control program has been carried out for the past two winters. As expected, the results have been dramatic. A moose herd of 12,000 animals in this area in the 1960's was reduced to less than 3,000 by 1975. It was a prime area for some predator control work, being close to Fairbanks, having the range potential for carrying a good size moose herd and being primarily state-owned land. Even though Governor Hammond insisted on the work being carried out by Game Department personnel using a helicopter (rather than some other more economical and/or more efficient means), the preservationists blocked the control work for a year with a court suit, which they eventually lost.

During the winter of 1975-76 the Department and trappers took 135 wolves from the area. There were about 50 wolves remaining. During last winter ('76-'77) the combined take was 51 wolves. A new crop of pups each year will make it necessary to crop the annual increase in order to allow the moose to make a comeback.

Department biologists attribute the good calf and yearling moose counts in Unit 20A to a low predator density and mild winters. The latter is apparently a kind of "tongue in cheek" thing thrown in to save face for the "anti's" who said it wouldn't work. The simple fact is, the same mild winters prevailed in the areas

south (Yanert River) and west (McKinley Park) of the control area and they both had disasterously low calf crops. So low, in fact, that the few moose in these areas will continue to decrease.

Even with the good survival rate in 20A, it will be another year or so before we can expect a definite upswing in the numbers of moose present. It takes three years for the new calves to become producers and in the meantime, old animals continue to die off.

As for figures, let's first look at some cow/calf ratios. These counts are taken in the early winter when the calves are six months old. Averaging all of 20A together it looks like this:

1074	.....	18 calves per 100 cows
1975	.....	14 calves per 100 cows
Predator control work started		
1976	.....	42 calves per 100 cows
1977	.....	40 calves per 100 cows

Now here is how McKinley Park fared for the same years with no hunting and no predator control work:

1974	.....	28 calves per 100 cows
1975	.....	8 calves per 100 cows
1976	.....	16 calves per 100 cows
1977	.....	18 calves per 100 cows

The McKinley herd will continue to decline slowly at these rates.

Unfortunately, not enough wolves have been removed from the foothills and mountains on the south half of 20A to produce results like those found on the flats in the northern half of 20A. This is because of poor show conditions in the mountains two years running that have made hunting very difficult there. (No doubt a result of the prayers by the preservationists). Never-the-less, the above figures for 20A are the result of averaging the excellent survival rate in the flats with the not-so-good rate in the foothills.

An even more important figure to keep tabs on is

the cow/yearling count. This indicates the number of calves that have made it through two summers and one winter and may breed the next year. Here is how this looks in 20A:

1974 ..... 6 yearlings per 100 cows  
 1975 ..... 10 yearlings per 100 cows  
 1976 ..... 26 yearlings per 100 cows  
 1977 ..... 36 yearlings per 100 cows

Tagging results in the 20A moose herd over many years has shown that all moose do not stay on the flats year around. After spending the summer and fall there, some cross the Tanana northeast towards Fairbanks and migrate up the Chena valley and hills north of the Chena river. This happens just before the early winter aerial census. Moose closer to the foothills of the Alaska range on the south side of the flats migrate south into the foothills and mountains to spend most of the winter. Because of these movements, many of the moose counted in Unit 20B (east of Fairbanks and out of the wolf control area) have good calf counts because they have just moved there with their new calves. This is true for the foothills area on the south side of 20A, too. The big difference comes when you count the yearlings in these outside areas. The counts are poor, showing that the cows begin the winter in these areas with a goodly number of calves, but lose them during the winter to wolf predation. Thus, the next winter when they return from the flats, they again have a calf that survived the summer, but no

yearlings accompany the herd because they were lost during the previous winter outside the control area. The figures for the lower Chena and hills north (20B) area look like this:

1974—29 calves ..... 4 yearlings per 100 cows  
 1975—23 calves ..... 20 yearlings per 100 cows

**Predator control work on the flats**

1976—na ..... na  
 1977—47 calves ..... 10 yearlings per 100 cows  
 (Note yearlings did not increase, but calves did)

So there you have it, one small bright spot on about 3% of the moose range in Alaska is Unit 20A. On most of the rest there is little prospect for it to soon again become a significant producer of moose to fill the larders of the bush and urban hunters. Thus, thousands of Alaska residents now have to buy meat shipped in from the 'lower 48', grown with the aid of pesticides, herbicides, petrochemicals and at a much higher ecological cost, rather than harvesting a yearly moose or caribou. *We have the preservationists to thank for this* because it is they who find some federal law upon which to hang another suit whenever an attempt is made to exercise one of the most viable tools of game management—predator control work. Consumptive users of wildlife have about been managed and manipulated out of business. It's time the State, along with some federal assistance (instead of resistance), take a look at this obvious tool. The en-



vironmental craze swung too far toward the "balance of nature" theory, and has stayed there too long.

In Game Management Unit 13 in south central Alaska a wolf-moose study area was set up about the same time the wolf control work got underway in Unit 20A north of the Alaska range. It is about 3,000 square miles, less than half the size of 20A and possibly too small to function as a study area for animals that roam so widely as moose, wolves and caribou.

The majority of wolves were removed from this area and intentions were to keep them out in order to compare the moose calf survival with adjoining areas.

Last summer the news media made much of the fact that 24 of 48 moose calves tagged with radio transmitters were killed by grizzly bears during the first two weeks of their life. Only one was definitely by wolves. Actually, some kills were educated guesses because there were both wolf and bear tracks at some of the kills by the time biologists arrived. The transmitters were set to go off after a couple hours of inactivity. However, a calf could be killed and the carcass moved around a bit during the eating process and this would keep the transmitter from signaling a problem. Four more deaths by the end of June were determined to have been caused by pneumonia, drowning and a broken back (probably by it's mother).

These grizzly kills all happened within two weeks of birth, which seems to prove that grizzlies are more efficient calf killers than wolves during this vulnerable time. However, before jumping to this conclusion, one needs to know that there are some major differences between Unit 13 and 20A.

In the first place, 13E has a high density of grizzlies and a lower density of wolves, compared to 20A. Then, too, there is not so great a difference in the density of wolves in the Unit 13E study area compared to the area outside it. Some wolves tend to move through it and the wolves outside it are subject to fairly successful hunting and trapping pressures.

Due to these factors, Unit 13E has not yet shown the dramatic improvement in moose calf survival that the larger Unit 20A has shown, and may never do so because of the high density of grizzly bears. Black bears have the potential of being fairly numerous on the calving areas of Unit 20A, but have not been for several years.

While it remains to be proven whether grizzlies or wolves are the most serious predator on new-born calves if both predators occur in nearly equal numbers, it is safe to assume that wolves would take the lead in winter, for the bears hang it up and sleep for a spell.

The small dwindling Delta caribou herd (1200 to 1500 animals) resides in the foothills and mountains of Unit 20A. Hunting has been stopped for several years, but the herd continued to decline. For awhile the biologists thought the cows had forgotten how to have calves! After wolf control was started in the area they soon found out the cows were having calves, but were not able to keep them for a full year. Consequently, with no significant recruitment into the herd, the old animals continue to die off and the herd continues to

decline. The Game Department believes if they could get a better reduction of wolves in the area where these caribou winter, things could be turned around.

There are four caribou herds in central and interior Alaska that have been accessible part of the year from the road system. Three of these have provided the bulk of the hunting for the majority of Alaska residents. (The McKinley Park herd has never provided a significant take of caribou because they mostly stay in the Park). All four herds have drastically decreased and only one still affords any hunting (the Nelchina herd in Unit 13).

The Steese-Forty Mile herd was the most important to interior Alaska residents, both native and white. A few years ago it numbered 40,000 animals and ranged over the Tanana hills, Forty-Mile country and over into Canada for part of the year. For four or five years now the herd has been figured at 4,000 to 5,000 animals and apparently holding their own or decreasing slightly. Two researchers spent the summer with the herd three years ago and reported most of the calf loss was by bears (both black and grizzly) and wolves. Because of the relatively dense scrub spruce in most of the area, no effective control work could be done there without the use of poison and this possibility is not being considered because it is mostly federal land.

It is apparent now to all but the most naive that the predator control work performed by the U.S. Fish and Wildlife Service during the 12 years preceding Statehood is why the game herds throughout the State were in such robust condition when the State took over in 1959. Since then, the decline, in almost every case, has been continuous and perceptible and in some cases *disasterous*. We are at a loss to explain why people will tolerate this vast loss and waste of wildlife that was so important to all Alaska residents. Because of federal laws, environmental regulations and pressures from the preservationists, the Game Department has been relegated to the status of interested bystanders (having pretty much regulated hunting out of existence) and now chronicle the causes for the continued demise.



**Alaska Moose—World's Largest**

PETE BUIST

## Lynx Cats and Bureaucrats



Trappers in Interior Alaska were not surprised at the absence of lynx sign on their lines this season. Two years ago the hare and lynx populations crashed and, as any serious trapper or wildlife biologist knows, it will be another two or three years until we begin to see significant numbers of the big cats. This cycling has occurred for eons.

What did come as a shock however, were two Federal edicts issued with apparently no significant biological foundation. The first was the notice that since the bobcat appeared to be in possible trouble in the Lower 48, that the Alaskan lynx be classified endangered or threatened. After all, to a highly trained federal agent, there's little difference, you know!

Right on the heels of this announcement came a proclamation by a new federal agency (just what we needed) the Endangered Species Scientific (sic) Authority (ESSA) that until Alaska could prove otherwise, the cats were to be considered threatened, and that no lynx pelts could be exported. At the same time, a limit was placed on the export of otter pelts. Due to the great percentage of Alaskan fur being sold on the Canadian markets, this was a severe blow to Alaskan trappers.

ESSA, being composed of, among others, several avowed anti-trapping folks, was obviously a flagrant misuse of the Endangered Species Act in a roundabout attempt to curtail trapping. Citing an excessive Alaskan harvest of some 8,900 lynx in 1974, the ESSA suggested that the big cats were being trapped to the point of endangering the populations. They conveniently chose to ignore harvests of more than 21,000 pelts in the consecutive seasons of 1916 and 1917!

The "guilty until proven innocent" tactics did not sit well with Alaskans. With the political help of Congressman Don Young, the technical and biological advice of the Alaska Department of Fish and Game and an avalanche of letters from concerned Alaskan conservationists, the ESSA was roped, thrown and hog-tied in short order! Though they continue to strain at their bonds, they appear to be at least temporarily in check.

Again the issue is whether the wildlife is better managed in Washington, D.C. or in Alaska by Alaskans. The ESSA made a scientifically poor evaluation of questionable data submitted by one individual with "a bone to pick" with the Alaska Department of Fish and Game, but regardless of the status of the cat populations in Alaska, the management authority should rest with the State. If a potential problem becomes evident, as it soon may around the major urban centers, the regulatory process and emergency closure orders available to the Department and the Board can certainly insure the vitality of our lynx, without another dose of Big Brother elixer fur-

ther choking the State's right to manage its indigenous wildlife.

### VICTORY IN OHIO

Unable to convince legislators and resource managers that their emotional cause was valid, an Ohio anti-trapping group thought they had it made when they obtained the necessary number of signatures and had their anti-trapping issue placed on the ballot in that state last fall. Setting the stage for this all-important first showdown was Sandra Rowland, co-chairman of the Ohio Citizens for Humane Trapping (OCHT). The opposition was led by James Glass, operating head and vice-chairman of Ohioans for Wildlife Conservation (OWC). Glass's group, with gratifying support from a myriad of concerned conservationists, led a highly effective campaign to the people.

The attempt at banning trapping in Ohio would have outlawed all trapping devices causing "continued, prolonged suffering" to birds and animals. It was generally agreed that as a result of the wording of the proposed amendment, that even the common mousetrap would have become illegal in Ohio!

OWC made a concerted effort early in the campaign to approach the media with professional presentations stressing the wildlife management aspects of trapping. Soon 11 of the 12 major Ohio newspapers came out in support of the pro-trapping stand. Refusing to admit that common sense was prevailing, Brian Davies of the International Fund for Animal Welfare, filed a \$4,000,000 suit against state officials and ALL radio and TV stations who were supporting the pro-trapping side! The court ruled that not only did state officials have a right, but indeed, a DUTY to speak against legislation they felt was not in the public's best interest.

The result? On November 8, 1977, with a higher voter turnout than in any other non-election year, the good folks of Ohio dealt the anti-trappers a 2 to 1 landslide defeat, proving decisively that a rational approach to trapping can result in widespread popular support.

The same tactic will be attempted in California this fall. However, the efforts in Ohio have shown the hunter- and trapper-haters that their strength is not quite what they imagined. Hats off to Ohioans!

EDITOR'S NOTE: Pete Buist is a popular outdoor columnist for the Fairbanks Daily News-Miner. He wrote this guest column especially for the Interior Wildlife Newsletter.

**A critical suit awaits a decision in San Francisco to determine if the BLM Organic Act of 1976 usurps the State's right to manage wildlife in Alaska**



# Caribou, Wolves and Men

Several preservation/environmental groups threw a monkey wrench in the works on February 4th, 1977 and clobbered not only native subsistence hunting of caribou in the Arctic for many years to come, but the State's effort to manage wildlife over most of Alaska, as well. These are the same groups, some with representatives in Alaska, that have formed an unholy alliance with the native people to get as much federal land in Alaska locked up into wilderness areas and National Parks as possible under the present Congressional d-2 legislation; the idea being to get the native people subsistence hunting rights on this land in exchange for lobbying efforts with the Congress for the lock-up. (We predict the native people are in for a big rug-jerking operation soon after the lockup is accomplished. Administrative regulations can do this.)

A chronological calendar of events goes something like this: In the late 1940's the caribou in the Alaskan and Canadian Arctic were in a bad downturn in their cyclic existence. The U.S. Fish and Wildlife Service countered the trend with an intensive wolf control program in the Alaskan Arctic and reversed the cycle. The trend continued downward in Canada, until a few years later the Canadians also conducted an even more intense control program themselves.

The caribou began to increase rapidly in Alaska and by the early 1960's they were so numerous in Northwestern Alaska, possibly reaching half a million animals, that they became easily accessible to the village of Barrow, from which they had been absent for most of this century. These numbers held fairly steady until the early 1970's when a rapid decrease became evident. In 1970 the count was 240,000 animals; by 1976, down to about 60,000. As near as the game department could determine, subsistence hunters were taking about 30,000 caribou a year, wolves 12,000 to 15,000 and the recruitment of young animals back into the herd was minimal. Quick action was needed and it came in the form of a complete closure of human hunting and plans for wolf management in the area. Plans were developed by the State Game Department to remove up to 80% of the wolves in the area using experienced aerial hunters at no cost to the State. Because of the extreme hardship on

native people, 3,000 permits were issued to take bull caribou.

Just as the best wolf hunting time was approaching in 1977, when the daylight returns to the Arctic and before the snow begins to melt—the preservationists filed an injunction to sabotage the wolf hunt on February 4, 1977 in a Washington D.C. District Court. The injunction was denied during that weekend, but on February 9, Judge Oliver Gasch heard arguments regarding the suit.

The preservationists were represented by the Natural Resources Defense Council, Inc., a group of lawyers who feed on world-wide environmental issues. With lightning speed the judge not only heard arguments concerning the injunction and other points, but ruled on the matter on February 14. His ruling was that the BLM had wildlife management authority on lands under their control and that an Environmental Impact Study (EIS) was required before they could allow the State to proceed with the wolf hunt. The injunction was approved.

It was the Secretary of the Interior who was being sued by the preservationists to exercise powers under the Federal Land Management Act of 1976 (BLM Organic Act) which he didn't think he had. The State was not a party to the action up to this point. BLM sympathies were with the State.

The State had at least three options open, including the possibility of ignoring the injunction. But being law-abiding and used to knuckling under federal whims that do not consider the welfare of Alaskans, the State chose to go to court. At this point the court's record was incomplete regarding the State's position. The State intended to enlighten the court.

On March 4, 1977 the State of Alaska filed suit, also against the Secretary of the Interior, in Judge James von der Heydt's U.S. District Court in Anchorage asking that court to declare that the BLM did not have game management rights on land under its control because this right was expressly given to the State under the Statehood Act. The Natural Resources Defense group (NRDC) intervened in the Anchorage case, insisting the Secretary of the Interior has management authority which he does not claim.

Judge von der Heydt denied the State's motion for

an injunction, saying he didn't want to rule contrary to Gasch because Gasch was a brother judge in an equal court. However, von der Heydt left the door open for further legal proceedings, stating that if he were asked to rule on the underlying law he would hold that the Organic Act did *not* change the State's right to manage game in Alaska. The State immediately filed a motion for summary judgement asking him to so rule.

Regrettably, Judge von der Heydt changed his mind for some unknown reason and this time said the Organic Act was clear on its face—the BLM *does* have management authority on lands under its control. But he ruled contrary to Gasch in that if the BLM chooses not to exercise this authority, that no EIS was required and the State could do as it pleased. Gasch's injunction, therefore, was left in force. The State's motion for reconsideration was denied by Judge von der Heydt.

The State then appealed the matter to the 9th Circuit Court in San Francisco. The NRDC group petitioned the 9th Circuit Court for a stay and postponement of any ruling of the Anchorage proceedings until a final ruling is made by the Washington Court. This action was opposed by the State and a determination and ruling on this latter matter is expected soon. If a stay *is* granted, an indefinite delay on the whole matter is probable. The problem may never be resolved without Congressional action. If the stay is *not* granted, the 9th Court can proceed to determine what authority the State has when the briefs are considered, possibly this summer. The court could make a decision as early as 1979! Therefore, we are probably two springs away from any possible wolf control work in the Arctic.

The case has national implications. Amicus curiae briefs will be filed by 12 other states supporting Alaska's contention. Other states will follow before the matter comes up in the San Francisco court. The preservationists would like to get control of wildlife back to Washington where they can control things easier. It's tough for them to keep track of 50 separate states. Hardly any states are in favor of this!

While it seems that almost no one except the preservationists want the BLM Organic Act to usurp states' rights to manage game within their borders, and in fact, hardly anyone even considered it—the idea seems to be catching on in Washington with some of the younger fellows within the Bureau of Land Management. Word coming from Washington indicates the idea might not be so bad, after all. A fair amount of empire building could result!

Another solution to the problem might be for the preservation groups to withdraw their suit and let the State get on with some wolf management so the caribou herd could benefit as soon as possible. We also hear from Washington that some of the leaders of the preservationists will even listen to the logic of wolf management but, alas, cannot suggest that their groups change their position because of what it might do to their image. After all, their funds come primarily from wealthy people with strong anti-hunting sentiments and how do you explain to these members that a wolf hunt is needed in Alaska so the natives can kill caribou again. So we come full circle in the unholy alliance between the natives and preservationists!



Winter in the Mountains

**While attention is focused on the d-2 issue, sportsmen are about to lose access rights to some of the major fishing and moose hunting areas in Alaska**



# Recreational Easements

There were two significant developments in the recreational easements on native lands saga just before press time.

1. Representative Steberling inserted into HR-39 a provision that cancels easements in the village core areas, if retained in final legislation. Presumably, this would make it easier and quicker to transfer title for land surrounding the villages. Apparently, necessary easements would have to be purchased back from the villages later.

2. In early March the Department of Interior announced a series of major policy changes designed to speed up implementation of the Native Claims Settlement Act, following guidelines of a court decision last year.

*Under the new Department policy, no continuous coastal easements will be reserved and spot easements will be placed only on "major" inland rivers, streams and lakes. A "major" waterway will be determined by a three-part test involving significant use of the water for travel, significant commercial use and its overall resource value, including recreation, fisheries and other values.*

*To meet the test, at least two of three criteria must be satisfied before easements may be reserved along each water body or segment.*

*Acceptance of the new Interior Department policy by the natives will automatically trigger a process leading to relinquishment of previously reserved easements that are in conflict with the new policies.*

The prospects of upwards of 100 million acres of federal lands in Alaska going into "Instant Wilderness" as a result of the imposing d-2 legislation has vastly overshadowed the recreational easement problem on the 44-million acres of land to be conveyed to the native corporations.

While 44 million acres is less than 10% of Alaska, the acreage that will go into private property for the native people constitutes a good percentage of the sport fishing streams (especially southwestern Alaska) and moose hunting areas in interior Alaska. Even though the Native Claims Act is several years old now, few people have grasped the gravity of it. Only a small

amount of the selected land has yet been conveyed, partly because of the monstrous amount of field and paper work involved and partly because of the fact the natives over-selected by more than double. The fact that some village selections were made at locations that do not seem to meet the criteria of the Act and that some selections are long strips apparently intended to tie up access, instead of the block formation called for in the Act, has been given little attention.

The authors of the Alaska Native Claims Settlement Act penned in words about reserving recreational easements for the public on the lands granted to the natives. As for easements along roads and trails, the Act is fairly clear. As pertaining to waterways, the Act is not clear. Generally sportsmen have claimed it means linear (continuous) easements along all streams and rivers; the native corporations (set up by the act) say it does not provide for *any* waterway easements. Both sides filed suits in federal courts to uphold their point of view.

Senator Ted Stevens emerged as the most vocal voice for the outdoorsman in Washington D.C. on this easement problem. He has told us that the easement provision was inserted in the Act because it is vitally important that Alaskans have a continued availability to outdoor areas. In a letter to Fairbanks sportsmen last year, he wrote:

"I am disturbed that the Secretary has placed the entire burden of reserving easements on the individuals. This was not our intention when the Act was passed. I think it is extremely unfortunate inasmuch as the Alaskan outdoorsmen in general do not have the time and money to make sure that all necessary easements are reserved. Therefore, I testified before the Senate Interior Committee and urged them to designate the State as the public representative in this matter. The State would assume responsibility for insuring that adequate easements are reserved."

The State has remained pitifully silent, except for interest in a narrow coast line easement.

The easement issue is not entirely a native, non-native issue. It concerns all people who reside in Alaska or who will visit Alaska. While white people will find it difficult to travel most of the waterways of Alaska for recreational purpose, the native people will

find they are no longer free to trespass on areas belonging to other village or regional corporations.

The fate of outdoorsmen to utilize most of the fishing streams and moose hunting areas in Alaska hinges on the under-financed Alaska Public Easement Defense Fund who took up the fight for sportsmen early in the game when it became apparent that extreme political pressures would keep the Hammond administration from shouldering this responsibility.

The natives filed their suit against recreational easements in Washington, D.C. where they apparently thought they would get a more sympathetic hearing. That judge ordered their suit moved to Anchorage and combined with the one filed there by the Easement Defense Fund. The State becomes a party because of their interest in the coastline easement.

Judge James von der Heydt ruled this past summer that the Act did not provide for linear (continuous) easements, but simply access to the waters. The Defense Fund has not appealed, but retains the right to do so. The matter hangs in limbo. The Defense Fund was represented by one lawyer; the native corporations had 11 of the \$200-an-hour type!

A contribution to the Easement Defense Fund, Box 427, Eagle River, Alaska 99577 is one of the best investments a sportsman can make!

The mouth of the Chuit River, across the inlet from Anchorage near the village of Tyonek has been one of the most-used spots by fishermen in Alaska. Accordingly, the State filed for recreational easements on both sides of the river as it runs along the north boundary of the Tyonek land. It seemed obvious that if any easement would stand the test of the Act for prior use, this was it.

Suddenly, this past month the State, to the amazement of the BLM, withdrew their appeal for the easement on the south side of the river, formerly in the reservation.

At a hearing before the Native Claims Appeal Board on the matter, Sam McDowell, president of the Anchorage Izaak Walton League surprised lawyers when he demanded copies of memos and correspondence regarding the State's decision to relinquish the south-side easement. When lawyers offered to show McDowell some of the material he told them he wanted *copies* so he could digest it without missing anything. To date, these have not been furnished. McDowell is questioning the State's attempt to relinquish the easement.

Some suspicious people think the fact an oil company is waiting to drill until the natives have clear title might have something to do with the State's decision to pull out of the easement request.

In a letter from the Tyonek Native Corporation, dated February 9, 1978, addressed to Sam McDowell, the chairperson and president wrote:

"The President of the Native Village of Tyonek has agreed that they will continue, even after conveyance (of title), the existing policy of entertaining, on an individual basis, all requests by private sports fishermen for permission to enter the former reservation for the purpose of fishing the Chuit River.

"Further, Tyonek Native Corporation has no objection to an easement on the north side of the Chuit River. . . . We believe that

against this background, your withdrawal (of request for easement) would be justified. The good relationship that exists between us is certainly better and more productive than the prospect of litigation.

"However, as some stockholders are pressing for a trespass action against those who are claiming to have fished the south side of the Chuit River without permission, we suggest that should you plan to withdraw your appeal, it be done so at an early time."

That threat isn't any too veiled! Somehow it doesn't seem fair to have to jeopardize one's civil liberties in order to apply for what was provided for in the Act.

## **Predator Control in Alaska Has Long History**

For the first time since the coming of white men to Interior Alaska there is no effective predator control program.

When Alaska was first explored by military parties after the purchase, they found a virtual absence of big game. Lt. Allen reports in his published reconnaissance that he never saw a single big game animal in his travels of the Copper, Tanana, Yukon and Koyukuk Rivers in 1885. The natives lived primarily off of rabbits and salmon. They knew how to snare moose, but this was not something they could plan on finding.

Olaus Murie once theorized the extensive use of sled dogs spread rabies and mange after the coming of white people. This was followed by poison when the early market hunters customarily baited the remains of their kills when there were signs of predators about. It was the odd early-day trapper that didn't resort to poison to better his catch occasionally. The close of World War II brought on the predator control work of the U.S. Fish and Wildlife Service which had control of fish and game here before statehood. These men numbered up to nine agents, using aircraft and poison methods. Their work was terminated at the time of statehood and since then the only form of predator control has been aerial hunting and trapping—but more and more restrictions were placed on aerial hunting until finally the Game Commissioner proclaimed a complete halt to appease the environmental and anti-hunting groups. With few trappers in the hills anymore and the bounty removed, predator control is, for all practical purposes, done.

Likewise, wolves have increased rapidly in number and game herds have declined rapidly during the past ten years. There are no encouraging signs to indicate that moose and caribou will not bottom out at the near-extinction level Allen found in 1885. The State is prevented by federal laws and regulations from implementing any meaningful predator control measures.

NOTICE: This newsletter is printed on dehydrated wolf skin. If thrown away without being read, a small water capsule breaks, activating the wolf, which climbs from the wastebasket and devours the non-reader.



Canadian neighbors have our same problems

# Cree and the Evil One

By DAVID T. WILLIAMSON

The Cree Indians in northern Alberta call the timber wolf *miyayken*—the evil one. The overwhelming majority of these people fear and hate wolves. And no wonder, since throughout the long history of the Crees the wolf, by depleting big game, has often threatened the Crees' ability to secure sufficient wild meat to feed themselves, and enough moose and deer hides to provide them with footwear and buckskin clothing.

These Indians, who have lived with wolves for centuries, have accumulated knowledge of the animal and its impact on other wildlife. Many outstanding wildlife biologists readily admit that they have learned a great deal about nature and its creatures, especially the timber wolf, from Indians.

I have known Native hunters and trappers for more than 60 years. I've had much personal experience in the northern wilderness, and I have gathered information from government and other objective sources. Everything I have learned is in agreement that big game populations and wolf populations have always fluctuated drastically, going from seeming nonexistence to overpopulation, with the wolf cycle considerably behind that of the big game.

Information I have gotten from Indian hunters and naturalists has been invaluable. Recently I visited hunter Edward Willier, a Cree who was born on the south shore of Lesser Slave Lake, about 200 miles northwest of Edmonton. He was at his home in Driftpile, near where he was born 107 years ago. He spoke to me in Cree:

"During my lifetime I have seen big game grow very scarce at times, and very plentiful at others. There were times when I went hunting moose or deer and walked for many days through the bush without seeing a trace of one, not even a track. The timber wolves had cleaned them out, although there had been many moose and deer in the country before the wolves became plentiful."

Mr. Willier and so many other Indian and Metis hunters—Antoine Thomas, Michel Goodswimmer, Casimer Redmose, Alexi Papastisis, his sons Pierre and Jean Marie and his grandson Joe, together with William Hamelin, his sons August and Jean Marie and his grandson Solomon, all of Sturgeon Lake—most long dead—all told me the same story and gave the same views on wolves and big game.

The gist of their remarks was that when Kitchee Manitou made the moose, deer, elk and caribou he

must have made the timber wolf to keep them from becoming so plentiful they would overgraze their territory and die of starvation. At the time there were no men to control the big game, men came later.

But Manitou's plan didn't work out so well. The big game became plentiful and with so much food available to them the wolves increased swiftly and eventually reached the point where they almost exterminated the big game. Then, having hardly any food, the wolves became undernourished and weak, and many became sick. They had very few pups, and those they had nearly all starved because of their inability to find meat for the pups to eat. Sometimes stronger wolves killed the weaker ones and ate them.

Soon the wolves pretty well disappeared from the bush, and after a time big game began to increase again. But after some years the wolves began to reappear and rapidly increased. Again they began to clean out the big game and eventually, again, brought these food animals almost to the point of extinction.

So that's the way it has always been and still is today. It's a boom-and-bust cycle. Even today, instead of people and governments exterminating wolves in big game country—except in remote areas of the North—and managing big game populations as a source of food for Indians and others, wolves are allowed to survive and multiply and devour or destroy the big game so badly needed by hungry people.

Not only do wolves kill many moose, deer, elk and caribou, and mutilate many more, they often do the same to livestock belonging to farmers and ranchers. Worse, wolves kill great numbers of young moose, deer, elk and caribou. Nor do mountain sheep



DAVID WILLIAMSON, Left and PIERRE BERTON  
Berton chronicled the Klondike Gold Rush

and mountain goat young escape them. For the first several months of their lives the young of all these animals are easy prey for wolves.

A recent non-Indian opinion seems pertinent. Canadian wildlife biologist L. N. Carbyn made a several-year study of wolves in Jasper National Park. An interview of Carbyn telling of this work appeared in the March 10, 1975, *Edmonton Journal*:

"Mr. Carbyn, whose recent studies have centered on a 200-square-mile wolf territory in the northeastern corner of Jasper National Park, found the order of preference for the pack (of wolves) was deer, elk, moose and bighorn sheep.

"... Elk size and herding tendencies give them some advantage over deer. However, elk calves seemed especially vulnerable to the predators. Mr. Carbyn said there was one summer when wolves took 70 percent of the elk calf crop.

"Mr. Carbyn said he did not find that wolves killed indiscriminately, although there were times in late winter, when the prey was most vulnerable, when he found a pack would not finish off one animal before taking another.

"There were also instances where the pack would drop more than one animal at a time, particularly a cow and calf. . . . And Mr. Carbyn's studies did not prove the claim that wolves take only the old and sick among the big game. He said his studies showed the animals taken were generally healthy."

So much for biologist Carbyn, who incidentally told me he also has learned much from the Indian and Metis people about wolves and other wildlife, and agrees these people are extremely knowledgeable on those subjects.

For a picture of the damage wolves inflict on moose, biologist Gerry Lynch of the Fish and Wildlife Branch of the Canadian Wildlife Service also was interviewed by the *Edmonton Journal*. Lynch studied moose in the Swan Hills area of Alberta, between the Athabasca River and the south shore of Lesser Slave Lake. The *Journal's* interview said:

"In the first five years of his (five-year) studies, it was found that the moose population was declining sharply, by 20 percent in three years. Two factors were blamed—hunters and wolves.

"Mr. Lynch said a change in hunting regulations was instituted in the 145-square-mile study area, which resulted in the annual kill being halved from 70 to 35 moose.

"At the same time a trapper moved into the area and cleaned out the wolf population—there were about 14 of them.

"In the three years since those two events happened, the moose population has climbed so rapidly that now there are more animals than there were six years ago."

So much for the wildlife biologists. Let's listen to Joe Papastisis, 62, of the Sturgeon Lake Crees, whom I have known since he was carried in a mossbag on his mother's back. He's an expert hunter and woodsman, a famous licensed guide, and much sought after by non-Indian hunters from all over the United States and Canada. He told me, "It was in April of 1971 that Alex Standing Ribbon and I were hunting on the east side of the Goodwin-Hinton Forestry Road, which pretty well follows the Big Smoky River's east bank. When we reached the small stream we call Cache Creek—*Astachigo Seepeesis* in Cree—which is just north of the 17th Base Line, we came upon a bad thing that timber wolves had done not long before.

"Within two miles we found seven wolf kills that had occurred that spring. Five were cows, two were young bulls, and while some of the carcasses were only partially eaten, the rest were cleaned up fairly well. In one case the wolves had even eaten hair and hide.

"Some non-Indian people say that wolves kill only the sick,

wounded or old bulls, but we both know that is untrue. In the summer and early autumn bull moose are always fat because they have nothing to do except browse and take things easy. The same is true of barren cow moose. But the females with calves are thin then, because of suckling their calves. But in winter the cow moose are fat.

"Wolves are pretty smart animals and don't kill moose or other big game unless they're in good shape, so in wintertime they take cow moose and in summertime they take the bulls.

"Often when out guiding on a big game hunt we find a scarcity of animals. The hunters we guide then complain a bit and want to know the reason. We simply have to tell them that the wolves have beat them to the game, because some rich people in the cities, who know little about the wildlife situation, pressure the authorities to protect the wolves."

My Cree schoolmate, Solomon Hamelin of Sturgeon Lake, now 70, told me in July 1975, "Wolves are terrible creatures. Not only do they kill off big game, they also eat valuable fur-bearing animals caught in our traps. Last winter wolves ate up four big well-furred lynx that were in my traps near Crooked Lake, 50 miles southeast of here.

"Those pelts were worth \$75 each. It's tough for an old-age pensioner like me to lose \$300. In spite of what some city big shots say, timber wolves should be killed off wherever men hunt. Man can control game populations better than wolves do."

There are well-meaning individuals or groups who claim that wolves are necessary to the survival and well-being of deer and other big game. It's strange that in countries where wolves do not exist, or have been pretty well exterminated, as in the United States, we hear nothing about deer or other big game having become unhealthy from the lack of wolves.

*EDITOR'S NOTE: David T. Williamson was born in Scotland in 1907, and arrived in Canada with his parents in 1913. The family settled at Sturgeon Lake, 220 miles north of Edmonton, Alberta, in the middle of the Cree Sturgeon Lake Native Reservation.*

*Williamson went to school with the Crees, learned to speak Cree, and was taught to hunt and trap by his Cree friends.*

*In 1924 his father bought a trading post at Sturgeon Lake. Author Williamson operated the post for some years, and it is owned and operated today by his brother Ernie.*

*Known by the Crees as Kan-hik-tiki-tit, or "Just Right Man," Dave Williamson has lived as neighbor of the Crees and Metis for about 50 years. Now retired in Edmonton, he has written two book-length manuscripts dealing with these people.*

*He recently reported to your Interior Wildlife Newsletter editor that as a result of The Cree and the Evil One being published in the December 1977 Alaska Magazine he has letters of commendation from President Joe Dion of the Indian Association of Alberta, many big game guides and outfitters and, "best of all, The Native People, a weekly newspaper published by the Alberta Native Communications Society with wide circulation in Canada, the U.S. and other countries."*



**Sentinel of the Mountain**

# Native Hunting Rights

The lead article in last year's Newsletter was a detailed look at what we perceived to be a landmark court case concerning native hunting rights in Alaska. Starting from a modest beginning where a 31-year-old native man, Carlos Frank of Minto village was charged with transporting an illegally killed moose, it now awaits action before the State Supreme Court and may be headed for the federal Supreme Court.

Frank admitted the charge. His defense is that he is an Athabascan Indian and as such is not subject to the State Fish and Game laws when taking moose for a religious purpose. He said the meat was to be used at a funeral potlatch for Delnor Charlie, a Minto resident. For this reason, and others, attorneys for Frank filed a Motion to Dismiss the complaint. The Motion to Dismiss was given an Evidentiary Hearing, at which time Judge Monroe N. Clayton ordered the hearing combined with the trial and incorporated into one. It was tried before the court without a jury.

As last year's Newsletter went to press, Judge Monroe Clayton had not ruled on the case. In late February he did, and he found Frank guilty as charged and was sentenced with a fine and a short jail term. The conviction was appealed.

Observers close to the case surmised that it had been planned for some time and was dusted off when the occasion arose. It appears that Doyon Limited has undertaken the financing of the legal effort for Mr. Frank. Doyon's participation in this case appears to be substantial in the amount of money expended on this case so far.

In his testimony on the third day of the proceedings, Frank said he knew moose hunting season was closed, but it was expected that moose meat would be found for the people who would congregate at Minto to eat together and honor the dead man at the potlatch.

Prosecutor Ray defended the State's position that Alaska's people can practice what religion they want as long as it does not injure other people in society. Game regulations apply equally to all people of Alaska, he maintained.

On the other hand, the defense argued the charge against Frank should have been dismissed before it went to trial because the game regulation in question does not apply to Athabascan Indians when they need moose for funeral potlatches. More importantly, the regulation violates Athabascans' First Amendment rights under the U.S. Constitution, the freedom of religion clause. The ceremonialism surrounding death in the Athabascan culture is such a significant part of the Indians' lives that it is synonymous with religion, according to the defense.

In ruling for the State, Judge Clayton said that fresh moose meat was not essential for an Athabascan potlatch. It appeared that Clayton dwelt more on the religious issue rather than the native claims issue.

On the other hand, Judge Van Hoomissen in the

State Superior Court seemed to talk more about the ramifications of the Native Claims Act, although he considered all three main points upon which Frank based his case.

Van Hoomissen said "Nowhere in the (ANCSA) does there appear any reflection of legislative intent to pre-empt the State's authority over natives with regard to hunting and fishing. Nowhere in the act is there any specific reference providing the natives shall be exempt from the application of State hunting laws."

The case was then appealed to the State Supreme Court where it now resides. Briefing procedures should be completed by April and then it will be argued before the Court. Prosecutor Richard Ray handled the case in Judge Clayton's court. Since then, the ball has been carried by Jeff Haynes from the Attorney General's office in Juneau. Both men have done a commendable job in presenting the State's position. Both sides think it is a very important case and want to do a good job. Religious freedom is an important issue and there are not too many decisions in Alaska or elsewhere that parallel this case very closely. As we first suspected, it is a landmark case. Its conclusion will have to wait at least until next year's Newsletter.

As might be expected, a proposal (by a prominent native leader) has been placed in the proposed game regulation changes to allow a moose to be taken by a designated person for a funeral potlatch. The Game Board will act on it at this spring's meeting.

In the first trial, Kathryn Attla of Huslia testified on behalf of the defendant. One of the interesting facets of her testimony is that at one point in time she was at another type of potlatch which has been all but forgotten in Athabascan lore. Apparently, a fellow was giving himself a potlatch so that he would have a long and happy life. This was done by throwing bits of meat into the fire in the same fashion as the bits of meat and food are thrown into the fire at a funeral potlatch. Ms. Attla testified that this type of potlatch was being revived, to some extent, and made her very glad.

Some of her testimony at the trial was that not all the meat used was moose meat, but any type of wild game food which includes practically everything from salmon to porcupines. The State brought out the point that while these foods are preferred or desirable, they are not essential. Indeed, some of the testimony was that store bought food was used in some of the potlatches.

From Ms. Attla's testimony it might be concluded that it does not require a death to hold a potlatch, if a person can hold one for himself. No doubt they can hold one for someone else—who probably doesn't even have to be present. If this supposition holds, then any kind of game can be taken anytime someone feels the need for a potlatch.

# Feds Stall on Marine Mammals

It was forecast some months ago that by this writing the control of marine mammals would have been returned to the State of Alaska. This has not happened yet, except for walrus which were returned in 1976. Apparently the change of administration in Washington has thrown a monkey wrench into the works.

From a usually reliable source we have learned that the decision is currently being held up by the head of the National Oceanic and Atmospheric Administration—who came to the Carter administration from the Defenders of Wildlife! Apparently he and other preservationists are trying to decide how restrictive they can make the guidelines under which they offer control back to the State. Hopefully our State officials will have enough sense to tell them what to do with their guidelines if they leave little latitude for good management.

It's the feds who are in trouble with the marine mammals and there is little compelling reason for the State to bail them out.

The whole mess started when the preservationists wanted a 10 year moratorium on the taking of marine mammals (polar bear, beluga whales, sea otters, sea lions and four species of seals) until the federal government could study them and ascertain their true condition. In spite of expert testimony to the contrary by professionals in the field of marine mammals, both federal and State, Congress passed the infamous Marine Mammals Act of 1972—often described as the worst piece of federal wildlife legislation ever enacted. It replaced good State management programs with *nothing*—no management at all; the final version was amended to permit native people to take marine mammals without restriction for *subsistence*.

The principal author of the Marine Mammals Act was Dr. William Y. Brown, now executive secretary of ESSA (Endangered Species Scientific Authority), the outfit that has recently given the State all the unnecessary flack over lynx and otter hides. At the time of the Marine Mammals Act, he was associated with the Defenders of Wildlife.

Where previous State regulations provided for seasons and bag limits, the Act provided for open seasons year around for the native hunters. Polar bear sows and cubs, previously protected under State law, became fair game year 'round. Consequently, the take of sows and cubs alone soon exceeded the previous take which had been composed of mature bears, the majority males. Likewise for walrus, wasteful hunting practices and habits were started that will be hard to break, such as collecting only the ivory. This has already brought official protests from the Soviet Union concerning carcasses washing up on their shores.

It is interesting to note that the feds had to come to the State for much of the data they needed, and to State employees for assistance in gathering additional data they wanted. After this expensive process was

completed, it became obvious that the marine creatures were in robust condition and it looked favorable for a resumption of State management of the marine mammals (with strings attached, of course).

Just so it wouldn't be too simple, the Act gave control of part of the marine mammals to the Interior Department and part to the Commerce Department. The evidence was collected (polar bear data is 15 volumes thick) and an administrative law judge in Washington D.C. determined early this year that control of the remaining mammals should be returned to the State. The Secretaries of Interior and Commerce agreed, as has the directors of the Fish and Wildlife Service and the National Marine Fisheries Service. Then things came to a screeching halt with the National Oceanic and Atmospheric Administration, apparently the last hurdle, who's director is huddling with the preservationists who want everything controlled from Washington. Some decision should emerge soon. Whether or not it will be something the State wants and can live with is the big question.

## Retired Federal Agent Sends Encouraging Remarks

Prescott, Arizona  
5-16-77

Interior Wildlife Assoc. Newsletter  
Box 60255  
Fairbanks, Alaska  
Dear Editor:

I'm much interested in learning more about your Interior Wildlife Association.

From what little shreds and pieces we can pick up here in the "lower 48", it is difficult to learn what's going on in Alaska in the wolf control program. Am pleased to hear that there is *some* wolf control going on, but I'd like to know more.

I spent some 32 years in the F.W.S. here in the Arizona, N. Mexico, Colorado & Wyoming. First with Predator & Rodent Control, but primarily with the Refuge Branch and am a *firm* believer in predator control's place in modern *game management*. I certainly *don't* believe that predator species should go unchecked and that man only harvests whatever surplus may be left after the predator takes his cut! This seems to be the opinion of too many people today.

I listened with surprise to Lynn Greenwalt's "back-door" approach to wolf control on the caribou problem in Alaska!

I much prefer, without exception, the manner you "laid it on the line"—in the Newsletter article: "*The Truth About The Moose/Wolf Controversy*"—and that's "telling it like it is"!

Sincerely,  
B.B.

(Name withheld so the Government won't lose his retirement check)



**Will the real conservationists please stand?**

# Fairbanks Sportsmen

By SUB LEWIS

Efforts by hunters and fishermen to contribute to conservation and wise management of fish and game resources go back to territorial days, local sportsmen say, but are even more important today than ever.

About 50 years ago, hunters and fishermen banded together with others to form the Tanana Valley Sportsmen's Association. TVSA President Tom Scarborough says the goals of the organization haven't changed over the years.

"TVSA was set up to be an educational organization, and to help maintain game populations in Interior Alaska," he explains. "We're still in the same place today."

Today, TVSA's membership roles number about 200, including those of two affiliated groups, the Blackpowder Club and the Chitina Dipnetters Assn.

The club meets monthly at its clubhouse on Sportsmen's Way to hear a speaker or discuss an issue. TVSA also has a Rifle and Pistol Club, whose members sponsor and participate in competitive shooting matches. A rifle range in the clubhouse offers facilities for meets and practice sessions.

Scarborough says there is "no question" that hunters have played a significant role in wildlife conservation, pointing out that they pay for both state and federal efforts through license fees and taxes on sporting goods.

"They're the most interested in the resources," he said, "especially locally."

For example, Scarborough said, a few years ago TVSA members were aware that the moose population in Unit 20A was declining, and urged the Department of Fish and Game to cut back the season there before the department even acknowledged there was a problem. The group has supported predator-control programs in that area and other areas as well.

A court suit filed by TVSA last year successfully challenged as discriminatory a permit hunt system set up on the dwindling Western Arctic herd. Department biologists and sportsmen felt the herd was unable to sustain any human harvest, but that if a hunt were permitted, opportunities should be open to anyone, not just to village residents. This year, the department established a new permit procedure making them available to all applicants, with the season to be closed when a quota of 3,000 animals is reached.

Scarborough sees a patchwork future ahead for Alaska's game resources: some areas have good

potential for maintaining healthy game populations, and others seem likely to face increasing difficulties.

"For the western arctic caribou, the future is so dim you can't find it," he says, explaining the land ownership pattern over the herd's range is becoming so complex that a myriad of regulatory schemes in the future could wipe out the herd.

On the other hand, he sees a bright future for moose on the Tanana Flats, where the State has sole authority over the land and can formulate a single management plan.

## Interior Wildlife Assn.

TVSA is often considered the "granddaddy" of other sportsmen's groups in Interior Alaska. One such group is the Interior Wildlife Association, formed in 1974 by six individuals concerned about the rapid decline of game in Interior Alaska who sought a forum to take a stronger position than TVSA's diverse membership sometimes permitted.

Today, the organization is some 600 members strong, according to board member Charles Gray, and a six-man board of directors sets policy and takes stands on behalf of the membership.

Gray is one of the founders of the organization. He's quick to point out that nearly all the money spent on wildlife conservation and management for the past 40 years has come from taxes paid by hunters and fishermen.

"Sportsmen who do buy licenses are beginning to resent the fact that non-consumptive users are getting a heavier hand in decisions, but are not paying anything to implement them," Gray said. He expects to see additional taxes imposed on other outdoor equipment such as packboards and cameras to partially resolve the dilemma.

Interior Wildlife had three immediate goals when it was formed: eliminating cow moose seasons, reinstating predator control and seeking a new fish and game commissioner. Partially because of the organization's efforts, changes have come about in all those areas.

"We felt we had a game commissioner covering up the fact that game was declining," Gray said. "Early in our efforts it became obvious that we needed a new game commissioner."

Although Interior Wildlife's position may not have been responsible, other groups also spoke out against then-commissioner James Brooks, and he did

not seek reappointment last July when his term expired.

The Board of Game, responding to pressure from around the state, last year established a provision permitting local advisory committees to rule out cow moose seasons in their area if they so desired. And predator control programs have been established in three areas of the state, the Tanana Flats, the Nelchina area and the Western Arctic, although court suits by environmentalists have blocked some of those efforts.

"Over the last 15 to 20 years it seems sportsmen have been more conservative than the Game Department has been on utilizing game," Gray said, noting that sportsmen in years past favored reducing the bag limit on sheep in the Brooks Range from two to one; opposed cow moose seasons; favored a later opening for bear season when hides would be prime, and sought shorter seasons on moose on the Tanana Flats.

Gray also notes that nationwide, hunting has never been responsible for the extinction of a species, but programs sought and paid for by sportsmen have helped rehabilitate some species close to extinction.

#### **Interior Trappers Assn.**

Another organization formed in 1974 is the Interior Trappers Association, now some 500-members strong. Although trappers have been notoriously gunshy about organizing, Association President Norm Phillips said many trappers recognized their way of life might come to an end without diligent efforts to protect it.

Phillips said that for years, the only knowledge about game resources in Alaska came from trappers, who had to know the animals in their area or else fail in their efforts.

"As long as there's trappers, there's always going to be fur animals," he says. "They're not going to trap a species out. Leave the trappers alone and they'll look after their area."

The Trappers Association meets monthly from October to May. Phillips says board members answer as many as three phone calls a week from young people new to the area and keen to begin trapping.

The organization has supported legislation to permit trappers to construct trapline cabins on state land, but when regulations were issued after the legislation was passed, the organization was dismayed to find "they were so strict no one could do anything," Phillips said, and fought for less restrictive regulations. Final regulations have not been issued yet.

The organization annually offers regulation proposals to the Board of Game, generally seeking a uniformity in seasons on furbearers during a time when all pelts would be prime.

It publishes a monthly magazine, keeping its readers abreast of trapping news and offering how-to tips other trappers have found successful.

A major effort by the group has been directed toward seeking state funding for a fur biologist in the Department of Fish and Game office here. That effort succeeded last year, and the department now has funds to hire such a person.

Spokesmen for all three groups see their organizations continuing to be active in wildlife management as the picture grows more complex in coming years.

Pressure from population increases and changing land management patterns mean conservation of wildlife resources will become increasingly difficult.



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## ***Small Improvements***

When the first committee print of HR-39 came out a few months back we observed that it had been amended to insure the elimination of sport hunting on all federal lands in Alaska in the next few years. The final committee print to come out of the Alaska Lands Subcommittee was changed quite a bit, but it's still totally unacceptable.

The subsistence section of the first committee print was the product of heavy lobbying in Washington by Alaskan native leaders and lobbyist Stuart Udall, the former Interior Secretary and first brother of the House Interior Committee Chairman Morris Udall. It was aimed directly at the non-native hunter in Alaska.

It too, may Alaska's fish and game management on federal land and said the state could keep those rights only if it quickly accepted the kinds of fish and game regulations the Secretary of Interior demanded. Local councils were established to watch over hunting on these federal lands and advise the secretary how things were going. Only natives could be on the councils and if the council advised the secretary that there was too much competition for game in an area the state had to give local native subsistence hunters priority over local non-native subsistence hunters and all sport hunters.

Committee Print 1 went through the usual amendment process in the Alaska Lands Subcommittee and the subsistence section, Title VII, was a prime target for amendments pushed by Alaska Congressman Don Young. The result is a much-amended Title VII in Committee Print 3 of HR-39, which is the version now being considered by the full Interior Committee.

Congressman Young's biggest success is getting the racial preferences out of the bill. There's no constitutional reason in the world why a native living in the Alaskan bush should have greater hunting rights than a non-native living in the next cabin down the river. This is especially true since the Alaska natives are getting millions of acres of private

land turned over to village and regional corporations which will surely become private hunting reserves for their members.

The bill still retains the federal assumption of fish and game management, however. It only takes a quick reading of the 16-page Title VII to see that the state is forced to jump through all too many hoops and is bound too tightly between the federal government on one hand and the local councils on the other.

Our earlier words on this subject, for instance, pointed out that Title VII requires the state to give priority for subsistence uses over other consumptive uses of fish and game. This remains, and it's unfair in cases where a game management problem is caused by the subsistence hunters and not sport hunters.

The local councils can recommend regulations to the state and the state must adopt them unless it can prove to the Secretary of Interior that the regulations are not supported by substantial evidence, violate recognized fish and game management principles or would be detrimental to subsistence needs. With the federal government's record on Alaskan game management it's easy to see who's side the secretary will take in any conflict between a local council against the state.

Congressman Young deserves a hearty pat on the back for his efforts on Title VII to date. Despite these small victories, however, HR-39 is still completely unacceptable in its approach to fish and game management.

Wednesday when attempts failed to substitute Rep. Meeds Wilderness section into HR-39, we lost the fifth major try by Alaskans to get the d-2 bill on a more reasonable tract. Maybe now more Alaskans will realize that the whole philosophy and intent of HR-39 is defective and it's time to give up trying to improve it and renew our efforts to kill off the whole thing.

—Fairbanks Daily News-Miner  
March 9, 1976

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**AN OUTLINE FOR  
THE STATE OF ALASKA  
FOR A  
NATIONAL d-2 INFLUENCE PROGRAM**

**Prepared for  
Senator Joseph L. Orsini**

**by  
Murray, Kraft & Rodkey, Inc.  
3925 Reka Drive  
Anchorage, Alaska 99504**

**February 27, 1978**

I INTRODUCTION

At the request of Senator Joe Orsini, Murray, Kraft & Rockey, Inc. has prepared the following prospectus, detailing estimated reach and frequency which might be achieved by the State of Alaska, should it desire to go to the American public with messages urging reasonable assignment of d-2 lands.

Obviously, close coordination with our congressional delegation would be required, since rather than "shot-gunning" advertising, our messages should be concentrated in those congressional districts wherein influence is required. However, for purposes of this outline, the agency has selected the 128 leading United States markets, and for purposes of budgeting have assigned market values to the total, based on two different media proposals, and the combination of both.

In order to produce a detailed plan, to include budget allocation by market and medium, with frequency and penetration figures, and specific costs, Murray, Kraft & Rockey, Inc. would require approximately two weeks' time and a preliminary budget of \$3,500.

## II THE SITUATION

Sometime this summer or fall, the Congress of the United States will consider one or more bills providing for assignment and disposition of the d-2 lands of the Alaska Native Claims Settlement Act. Within Alaska, it is generally conceded that a bill such as the Udall bill could work extreme hardship on Alaskans and our economy. On the other hand, recent events would seem to indicate that the environmental groups opposing a limited d-2 settlement have begun to lose some of their momentum. Obviously, in an election year politicians are inclined to vote "on the right side" on matters which either effect their constituency, or about which their constituents have strong feelings. To this point, most Americans (with the exception of Alaskans) have very little knowledge of, or interest in, the d-2 assignments. Therefore, their elected officials may cast their vote in Congress with relative impunity. As has been shown by the Panama Canal controversy, however, an involved constituency can drastically effect political outcomes. It would be our hope that the attached program could help Alaskans to achieve their goal of an equitable d-2 land settlement.

### **III OBJECTIVES**

- A. To reach a substantial portion of the constituents of those United States Senators and Representatives most subject to influence, with sufficient explanatory information, and enough frequency, to win them to Alaska's position.**
  
- B. To measure results, both before and after, in order to provide proof positive to these members of Congress that a vote favorable to Alaska's position will not harm them politically with their constituents, and in fact may be of positive benefit.**

#### IV STRATEGY

- A. Selection of Target. Immediate meetings with our Congressional Delegates and their staffs, and other resource persons in our nation's capitol, in order to ascertain which congressional districts should be reached. In general, we would tend to concentrate major effort on those votes most subject to influence. Secondary emphasis would be placed on those already supporting Alaska's cause, since these officials also require our assistance with their constituents. Final targets would be those adamant adversaries who are facing strong opposition in their bids for reelection.
- B. Survey. As soon as target markets are selected, we would arrange for a survey which essentially would seek to determine what people now know about the d-2 lands issue, how important they consider it to be, and how they feel about it. This would be a bench-mark survey, and would precede the media program.
- C. Creation of Program. Working with resource people from the State of Alaska, the agency would seek to create communications material which would educate,

inform and influence the general public. In all instances, materials would give every appearance of factuality and all information would be footnoted where necessary. Should radio be utilized, we would seek to find responsible, nationally-known spokesmen to help promote Alaska's views.

- D. Media Placement. The agency would contract with a nationally reputable media buying service, in order to ensure that materials are delivered to the media in a timely fashion, yet not so far in advance as to alert the opposition. Incidentally, it would be our contention that the Fairness Doctrine may not be invoked against radio stations carrying our messages should this media be selected. This is because of the "local controversy" aspect of past rulings. However, please bear in mind that each station must bear the responsibility for making determination as to whether provisions of the Fairness Doctrine should be afforded, if requested by the opposition. Naturally, fairness provisions apply only to broadcast--not print media.

MEDIA PLAN

- A. The following list of 128 markets constitutes a total population of 117,745,000 American citizens.

Alabama - Birmingham Metro, Mobile, Montgomery, Huntsville

Arizona - Phoenix Metro, Tucson

Arkansas - Little Rock, Fort Smith, Texarkana

California - Los Angeles, Oakland, San Francisco, San Diego

Colorado - Denver-Boulder, Colorado Springs, Pueblo

Connecticut - Hartford, Stamford-Norwalk

Delaware - New Castle, Wilmington

Florida - Dade County Metro, Orlando, Tampa, Tallahassee

Georgia - Atlanta Metro, Augusta, Columbus, Savannah

Hawaii - Honolulu

Idaho - Boise City, Pocatello-Idaho Falls

Illinois - Chicago, Arlington, Madison, Rock Island

Indiana - South Bend, Evansville, Indianapolis

Iowa - Davenport, Des Moines, Cedar Rapids

Kentucky - Louisville, Ashland, Lexington

Louisiana - New Orleans, Baton Rouge, Jefferson, Shreveport

Maine - Portland, Augusta

Massachusetts - Boston, Springfield, New Bedford

Michigan - Lansing, Detroit, Grand Rapids, Flint

Minnesota - Minneapolis-St. Paul, Duluth

Mississippi - Jackson, Biloxi, Columbus, Greenville

Nebraska - Omaha, Grand Island, North Platte, Lincoln

Nevada - Las Vegas, Reno

New Hampshire - Manchester, Portsmouth-Exeter

New Jersey - Newark, Trenton, Camden, Patterson

New Mexico - Albuquerque Metro, Las Cruces

New York - New York, Buffalo, Albany

North Carolina - Raleigh-Durham, Charlotte,  
Greensboro

North Dakota - Fargo-Moorhead, Grand Forks, Minot

Ohio - Cleveland, Columbus, Cincinnati

Oklahoma - Oklahoma City, Tulsa

Oregon - Portland, Salem

Rhode Island - Warwick, Pawtucket

South Carolina - Spartanburg, Greenville, Charleston

Tennessee - Memphis, Nashville, Knoxville, Chattanooga

Texas - Dallas, Fort Worth, Houston, El Paso,  
San Antonio

Utah - Ogden, Salt Lake

Virginia - Newport News-Norfolk-Portsmouth, Richmond

Washington - Seattle-Tacoma, Olympia, Spokane

Washington, D. C.

West Virginia - Charleston, Huntington, Wheeling

Wyoming - Cheyenne, Casper

1. Plan No. 1 - Basic Radio, Supported by National Newspapers.

The agency would purchase an average of three adult stations per market, with a frequency of four spots per day per station for a period of three weeks. The number of stations per city would vary from one (in the smaller communities) to six (in Los Angeles and New York). This type of selection should deliver an estimated penetration of 60% of the total population, with a frequency per listener of 4.5 times. This amounts to total impressions of 317,915,000 generated in a 21-day period. In addition, radio would be supported by National newspaper schedules.

National Newspapers

<u>Publication</u>	<u>Circulation</u>
New York Times	1,479,862
Washington Post	762,825
Wall Street Journal	1,484,667
Christian Science Monitor	<u>170,087</u>
Total Circulation	3,897,441*

\*for total readership of 7,210,266, at an average pass-along factor of approximately 1.85%.

Summary. In one three-week period, Americans receive 323,623,288 impressions urging their support of a reasonable d-2 legislation, under Plan No. 1.

2. Plan No. 2 - Local Newspaper Program.

Newspaper advertising generally tends to reach community thought leaders. We do not wish to appear to be the "blue-eyed Arabs" some of the eastern establishment is calling us. Therefore we feel that advertising should be less than full-page size, contain fairly detailed information, and although all advertising would follow a specific format, we would recommend that each succeeding ad would cover different aspects of the d-2 controversy. Frequency would be one ad per week, in the 128 foregoing markets. Ads would be approximately three-quarters of a page in size, and would appear in 217 newspapers, both morning and evening. Along with the New York Times and the Washington Post, we would once again recommend inclusion of the Wall Street Journal and the Christian Science Monitor--two of the nation's leading national newspapers.

Total combined circulation of all 217 newspapers is approximately 29,203,000. Applying the 1.85 pass-along factor, each ad would have theoretical exposure to 54,025,550 readers.

Multiplying this factor by three--the number of insertions--we would be exposed to a potential 162,076,650 readers. However, the nature of the subject and the ad would dictate against high readership. Therefore, if we assume that one-fourth of all readers actually see the ad, we would have a "noted" factor of 40,519,163. If, of this number, one-fourth read all or most of the ad--a fair average based on national readership surveys--we will have reached with our message a total of 10,129,791 Americans.

VI BUDGET

Plan I - Radio plus national newspapers. \$750,000.

Plan II - Local newspaper advertising program. \$727,600.

Obviously, the most effective program would combine these two, although not necessarily simultaneously.

Rather, we would recommend a six-week program, initiated by radio, and culminating with the newspaper advertising.

The total price for carrying out both newspaper and radio in 128 of the leading population centers of the United States would be \$1,353,100.

In addition, we estimate the two national surveys at approximately \$15,000 each, or a total of \$30,000. It is imperative, in our opinion, that the surveys be taken, because we believe that this actual data will provide the basic vehicle for using our advertising effort to influence legislation.

## VII CONCLUSION

The foregoing programs are estimated only, but in the agency's experience, should be reasonably accurate, and are inclusive enough to include such factors as creativity, production, and direct expense incurred in formulating and carrying out the program. As an item of general philosophy, we would urge that advertising messages concentrate on people--both the people of Alaska, and the people of the United States who will benefit from Alaskan resources which might otherwise be lost if an unduly restrictive d-2 act is passed. Again, because of the drastic fact of d-2 legislation on Alaskans in all walks of life, we would urge that primary consideration be given to working with Alaskan professional firms and suppliers. Finally, it is our contention that the media themselves will respond more favorably to advertising which is generated in, and from, Alaska--perhaps even to the extent of supplying favorable editorial support.



# H. A. 'RED' BOUCHER & ASSOCIATES

SRA BOX 889 • ANCHORAGE, ALASKA 99502 • (907) 349-2192

## PROPOSAL

To: The Alaska State Legislature  
Juneau, Alaska

From: H. A. "Red" Boucher  
SRA Box 889  
Anchorage, Alaska 99502

Re: In-Person Information Tour  
Of Key States  
On D-2 Issue



## INTRODUCTION

Our proposal is for an in-person information tour through key states to create broader knowledge of the state's interest in the D-2 Alaska Lands' Issue. The tour idea began with the D-2 Steering Council and reinforces the urging of Rep. Don Young and other Alaskans that the issue be brought as directly as possible before the American people.

This tour by H. A. "Red" Boucher will include personal interviews with influential newspaper editors, and appearances on television talk shows in Western states which also have large federal land holdings, and in other key areas of the East and South where support could be most advantageous to

the state's interest in D-2 legislation.

The tour will take factual information into the backyards of the people with voting strength on this issue.

Coordinating efforts will begin immediately. The road tour itself will last a minimum of ten weeks. Route and stress will be flexible, contingent on Congressional events surrounding D-2 legislation.

This on-the-spot tour will be a bi-partisan state effort under the leadership of the D-2 Steering Council. It is not a separate effort but complements and maximizes overall D-2 public relations efforts to create interest in the D-2 issue outside the State of Alaska.

#### PROGRAM PHASES

Phase One will include collecting pertinent information, such as maps, pictures, graphs and fact sheets to be given to newspaper publishers and editors during personal interviews. All printed material will be subject to approval by the D-2 Steering Council.

Phase Two will be the tour itself in which such information will be disseminated. Misinformation from other sources can be corrected.

The tour will tentatively begin in California, which is heavily represented on the Interior Subcommittee on General Oversight and Alaska Lands, and on to Oregon, Washington, Idaho, Montana, Nevada, Colorado and Arizona where there is strong representation on the Senate Energy and Natural Resources

Committee. These states also have large federal land areas and stress will be laid on the possible impact D-2 could have on their own lands as precedents are set.

The tour also tentatively schedules stops in key Southern states where States Rights advocates would empathize with our Alaskan concerns.

In every case, information at each stop will relate to local problems for maximum understanding.

The flexible nature of the tour will permit shuffling of routes or updating of information at a moment's notice. It also will allow for accepting spur-of-the-moment invitations to speak at chambers of commerce or other community organizations (this only with prior approval of the D-2 steering committee chairman).

Phase Three will be a coordination of all public relations efforts with a central information pool to prevent overlapping of effort and immediate updating of pertinent material.

#### PROGRAM APPROACH

Stated briefly, our approach will be to emphasize the positive aspects of the issue, that a battle between Conservationists and Industry is falsely premised. This positive approach would correct misinformation supporting the view that this is a "classic war" between scenic-wildlife values and development interests. It will be stressed that Man, too, is part of the "complete ecosystem."

### PERSONAL QUALIFICATIONS

Mr. Boucher has wide experience in touring the States espousing Alaska's causes. He traveled extensively as lieutenant governor to promote the Alaska oil pipeline, and found he was welcomed as warmly and widely as a private citizen when he toured to promote the Alaska gas pipeline.

His knowledge of Alaska, and other states as well, is extensive.

He has many personal contacts within the television and newspaper industries, including William Randolph Hearst who has personally and editorially supported many Alaskan causes at Mr. Boucher's urging. Mr. Hearst will be shown the D-2 Steering Committee's film "Not Man Apart."

Key people in the nation's media are aware of Mr. Boucher's enthusiasm and loyalty to Alaska as well as his commitment to the ideal of Alaska's being a vitally contributing and benefitting member of the United States.

### ADDENDUM

Other areas of this proposal will be covered orally by Mr. Boucher when he meets with the Council. Questions will be welcomed.



### **What is "d-2"?**

"D-2" is a nickname that refers to Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971. It is important to Alaska and the Nation because Section 17(d)(2) sets in motion the creation of new or expanded national parks, forests, wildlife refuges, and wild and scenic rivers in Alaska.

### **How Did It Begin?**

The "D-2" lands issue began, for all practical purposes, with the passage of the Alaska Native Claims Settlement Act. The Act itself was an historic piece of legislation. In this Act, Congress for the first time settled aboriginal claims with land as well as money. As a result, Alaska's Natives were granted a cash settlement of \$962 million and nearly 44 million acres of land in Alaska.

During the final preparation of the Claims Act a section was added that expressed congressional concern about the land use planning process in Alaska and the protection of areas in the State that were suitable for possible national parks, forests, wildlife refuges, and wild and scenic rivers. This section was numbered 17, and (d)(2) is a part of that section.



Section 17(d)(2) directed the Secretary of the Interior to withdraw "... from all forms of appropriation under the public land laws, including the mining and mineral leasing laws ..." and from State and Native regional corporation land selection "... up to, but not to exceed, eighty million acres of unreserved public lands ... which the Secretary deems are suitable ..." for study as new parks, forests, wildlife refuges, and wild and scenic rivers. Although only "up to eighty million acres" was authorized by the Claims Act to be set aside for study by the Secretary of the Interior, more or less acreage can be recommended or approved by Congress. Congress has set itself a deadline of December, 1978, to decide on these "d-2" issues.

### **The Land Use Planning Commission**

Section 17 of the Claims Act also created a Joint Federal-State Land Use Planning Commission to be located in Alaska as a temporary advisory body, and directed it among

other duties to make "... recommendations concerning areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses ..." Since its inception, the Commission has considered, on a statewide basis, these "national interest" or "d-2" lands. Its first recommendations were to the Secretary of the Interior regarding what lands should be withdrawn for study under Section 17(d)(2). The Commission then studied and analyzed these federally owned lands and made formal recommendations on how the land might best be used. These were submitted to the Secretary of the Interior to assist him in the preparation of his December, 1973 recommendations to Congress. Since then several bills have been introduced and hearings have been and are being held by Congressional Committees on the use and management of these lands. The Commission is advising Congress on issues which must be solved in setting aside these lands, as well as what "d-2" lands should be reserved, which agency should manage and what uses should be allowed on them.

## The Land

Alaska is a big state. Contrary to weather maps and textbooks which often place Alaska in a little box in the corner of the Nation, it has four time zones, 46,000 miles of saltwater shoreline, and over 375 million acres of land and inland waters. In acreage Alaska equals the combined land area of the states of Washington, Oregon, Montana, Idaho, Wyoming, and Utah.



Alaska's landscape varies from a lush coastal forest to a treeless arctic tundra, and it has complexes of mountains and icefields that cover thousands of square miles. The climate ranges from brief, cool summers and long, dark winters in the Arctic to southern coastal areas where temperatures fall below zero only during the deepest winter months. In Alaska's interior, temperature ranges are extreme with prolonged periods in winter of sub-zero temperatures to -70 degrees F. and a summer season when temperatures frequently rise to 80 or 90 degrees F.

The State has more square miles of land than people, and sixty percent of the estimated population of 400,000 is located in two urban areas. Access to much of the State is by air or water, as the road network reaches only a small portion of the State. Although there are producing oil and gas fields, commercial fishing, timber harvesting, and small mining and farming, Alaska's natural resources are largely undeveloped.



**Chugach Range**



**Brooks Range**



**Porcupine Flats**



**Yukon River**



**Alaska Peninsula**

**Southcentral**



**North Slope**



**Interior**



**Anchorage**



**Southeast**

## **The Issues**

As a result of the **Alaska Statehood Act (1958-59)** and the **Alaska Native Claims Settlement Act (1971)**, and other land grants, the State of Alaska is to receive up to 105.6 million acres of land, and the Alaskan Eskimos, Aleuts, and Indians are to receive 43.7 million acres of land. This leaves about 226 million acres of Federal lands in Alaska. Existing national parks, forests, wildlife refuges, military reservations, the National Petroleum Reserve, and various small Federal land areas cover some 72 million acres, leaving about 154 million acres of Federal land in Alaska not yet designated for specific purposes or uses.

A major question raised by the Native Claims Settlement Act is: How are these Federal lands to be used? Lands and waters whose management is to be determined by this "d-2" issue are measured in millions of acres, and the implications for the Nation, the State, and Alaska's Natives are enormous. The Nation has recognized that Alaska is a place where environmental quality can be maintained, and that areas with unique wildlife and scenic grandeur may be set aside as a birthright for future generations. At the same time, the Nation is concerned with finding and developing new energy, mineral, timber, and food sources to meet our needs.

The State of Alaska shares these national concerns over energy and other resources, and related environmental issues. Development versus conservation of Alaska resources has often been cast as a source of Federal-State conflict when actually it is an area of mutual concern. Federal lands in Alaska are a part of the State, State lands are a part of

the Nation, and private lands are a part of both. To look upon them as separate competing interests is to destroy the chance to fulfill the interests of all three.

In its "d-2" analysis, the Commission has focused on four major policy questions:

1. Are wildlife, wilderness, scenic, and other natural values of national importance adequately protected?
2. Are national energy objectives and needs for important minerals provided for?
3. Are obstacles to meeting potential needs for food, wood, fiber, and other resources in Alaska minimized?
4. Are potential conflicts with other landowners minimized?

## Potential Conflicts

Three major land use issues have reoccurred throughout the Commission's numerous "d-2" meetings and discussions. The first is centered on wildlife, particularly with respect to meeting the needs of rural Alaskans, and whether the Federal Government or the State should manage the taking of fish and game in the "d-2" areas. Currently, the State is responsible for the management of resident fish and wildlife species, except where preempted by Federal law (as under the Marine Mammal Protection Act), or where hunting is prohibited (as it is in Mt. McKinley National Park). States have traditionally had primary control over wildlife within their borders, and Federal management of subsistence hunting, fishing, and trapping on the "d-2" lands could disrupt this authority.

The second issue arises because "d-2" lands extend across regions where there is virtually no ground transportation system, and future trans-

portation needs are uncertain. Some natural transportation routes which lie through mountain passes or along rivers, for example, are located in areas that deserve the high level of enduring protection that might be provided by a park or wildlife refuge. Yet consideration must be given to the possible future needs for surface transportation in rural Alaska.

Exploration and development of minerals such as copper, chrome, and nickel, to name but a few of the possible minerals, is the third major land use issue. Despite the exclusion of many highly mineralized areas from "d-2" study areas, some mineralized lands are included within the proposed national parks and wildlife refuges. In some instances their development may be of national interest in the future.

There are many other land use and management issues which will affect the management and use of these "d-2" lands. For example:

- Important lowlands, natural transportation corridors and essential wildlife habitat vitally related to the Federal lands and the values they contain are or will be in State or private ownership.
- Many of the rivers proposed for the Wild and Scenic Rivers System run through areas in State and Native ownership.
- Approximately half of Alaska's coastline will remain in Federal ownership, yet the tidelands and subsurface of the ocean within three miles of these coastal areas are in State ownership, and State decisions about these areas will have an extensive impact upon adjoining lands.
- The legal and regulatory relationships of Federal and State governments often will be overlapping.



## **Some Possible Solutions**

The Commission found some solutions to the various "d-2" issues and recommends that:

1. Additions to existing national parks, wildlife refuges, forests and wild and scenic rivers in the State, and the creation of new parks, wildlife refuges, forests, and wild and scenic rivers, should be made very carefully to be sure the lands to be included are suitable for that purpose. The Commission has recommended that 43.3 million acres of land in Alaska be placed into the National parks, wildlife refuges, forests, and wild and scenic rivers categories.
2. The units that are selected for National parks, wildlife refuges, etc., should exclude areas where the best future use cannot be clearly determined at this time.
3. A new land classification system should be established to preserve the natural primitive character of the land, and allow for future changes in use if those changes are determined to be in the best interest of the Nation. The Commission has recommended that 46.7 million acres of land in Alaska be placed in this new system.
4. A permanent joint Federal-State commission should be established to enable the State of Alaska, and the Federal government to jointly plan future Alaska land use decisions.



## A New System

Almost everyone agrees that certain special areas in the State should obviously be set aside as Federal parks, forests, wildlife refuges, and wild and scenic rivers. Their wildlife and scenic values are clearly of national significance and few people challenge this national need. The Commission found that there were other "d-2" areas in the State that should be placed in some kind of national system for the protection of their natural and wild values. The Commission believes that while the number one duty of this new system is to protect these natural values, it must be flexible enough to allow for possible resource development in the future if that development is required by the Nation. Based on this double need, which might not be met by the traditional National Park, Forest, or Wildlife Refuge systems, the Commission recommends that a new system called "Alaska National Lands" be established.

Although the rules for managing these "Alaska National Lands" would be different from the other three systems, no new agency would be created as the existing Federal agencies could serve as managers. These lands would be permanently retained as Federal land and would generally be open to hunting, fishing, trapping, snowmobiling, and other uses.

## **A New Commission**

The Commission recommends that Congress establish a new joint Federal-State land use planning commission to study and recommend how these "Alaska National Lands," and certain State lands, should be classified and used. Unlike the existing Joint Federal-State Land Use Planning Commission, the new commission would have more than advisory powers and would be permanent. The new commission would be half Federal and half State, with representatives appointed by both governments, and each government would have veto powers over decisions that affect its land. A joint commission would provide the Federal Government, the State, the Natives, and others with a mechanism to coordinate their land use plans on a statewide basis. The Commission believes that a new Federal-State commission is one of the most effective ways to assure everyone's involvement in the land use planning that will continue in the years ahead.

## **Other Commission Recommendations**

- The evaluation of wild and scenic river areas should be done on a statewide basis.
- Coordinated planning on adjoining Federal and State lands should be undertaken so that the activities allowed on these lands are as compatible with the protection of natural values as possible.
- A comprehensive statewide wilderness plan should be developed to provide coordination with future plans and to assure a variety of wilderness values and experiences.
- Natural boundaries should be drawn so that complete watersheds and ecosystems will be contained wherever possible in single management units.
- Management of offshore areas should be closely coordinated between landowners to insure the protection of mammals and birds associated with the land.
- Hunting and fishing should be regulated by the State of Alaska, recognizing that the habitat is protected by the Federal managing agency, and that hunting and fishing for subsistence use is a priority use of wildlife.
- Transportation decisions should be made according to a statewide system that will provide for the coordination of transportation needs and choices.
- Boundary lines for units should be drawn to exclude conflicting uses wherever possible.
- A system for mineral inventory should be developed and undertaken by Federal and State agencies.
- Private exploration and development of minerals on public lands should occur under a permit and lease system rather than the location-patent system that is currently in use.



- Present National Park System
- Proposed Additions\* (19.72†)
- Present National Wildlife Refuge System
- Proposed Additions (18.82†)
- Present National Forest System
- Proposed Additions\* (4.78†)
- ▨ Alaska National Lands\* > (40.70†)
- ▨ Alaska National Lands\* Bureau of Land Management
- Wild and Scenic Rivers
- Proposed\* (.69†)
- Potential

\*Recommended by the Joint Federal-State Land Use Planning Commission.  
 †Acres in millions — 90.71 total.



NEAU  
COAST



PRUDHOE  
BAY

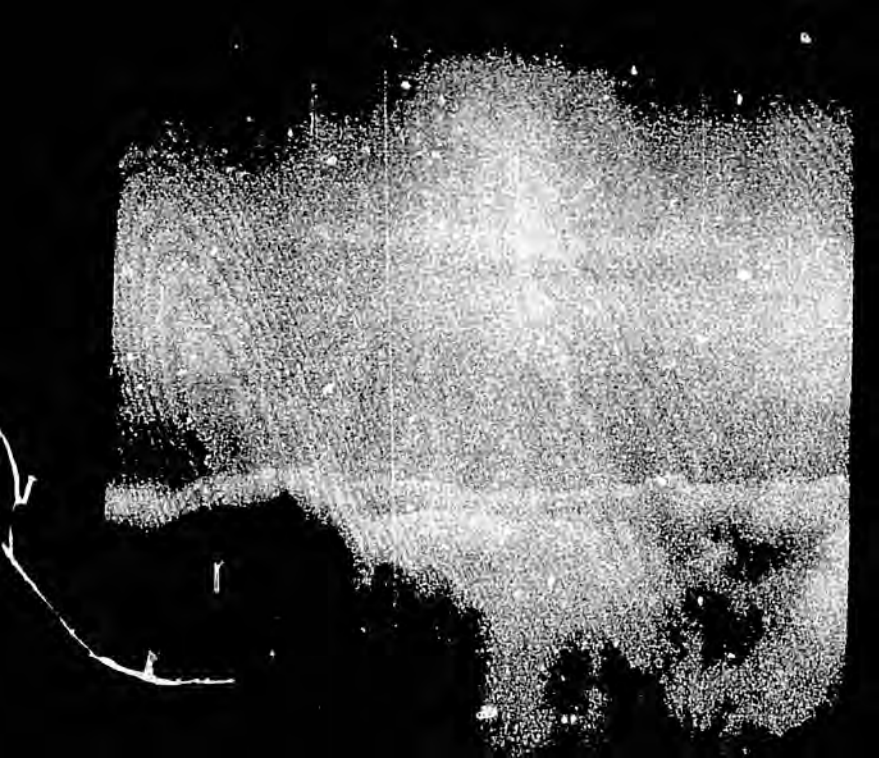
BARROW

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N

## **Express Your Opinion**

Do you want to express your opinion? Even though Congress has until December, 1978 to decide on the "d-2" issue, it is holding hearings and discussing the matter now. If you want to express your opinion on this important issue, write or contact the Senate Energy and Natural Resources Committee, 3106 Dirksen Senate Office Building, Washington, D. C. 20510; or the Subcommittee on General Oversight and Alaska lands, Committee on Interior and Insular Affairs, 408 House Annex No. 1, Washington, D. C. 20515; or the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, 1334 Longworth House Office Building, Washington, D. C. 20515.

Additional detailed material on the "d-2" subject is available from the Joint Federal-State Land Use Planning Commission for Alaska, Suite 400, 733 W. 4th Ave., Anchorage, Alaska 99501.



**FEDERAL STATE  
LAND USE PLANNING COMMISSION  
FOR ALASKA**

**733 W. Fourth Avenue  
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MEMORANDUM

TO: D-2 STEERING COUNCIL  
FROM: MICHAEL R. SPAAN  
RE: COUNCIL MEMBER HAWLEY'S PROPOSED POSITION  
ON WILDERNESS AREAS  
DATE: MARCH 9, 1978

---

I. SOUTHEAST ALASKA

- A. Initial Position: The Council would recommend that any D-2 bill enacted into law take no action to wilderness areas within Southeast Alaska. The Tongass study plan being conducted by the United States Forest Service would be deferred to and wilderness areas would be designated by the means provided in the Wilderness Act.
- B. Fall-Back Position: If Congress refused to delete all wilderness within Southeast Alaska, the Council would then attempt to limit the inclusion to the 2.6 million acres which have already been studied. This acreage was identified in Appendix B(1) of a Land Use Planning Commission document issued in December, 1977 entitled "Towards Alaska Wilderness System".

II. D-2 CREATED WILDERNESS

The Council would only support wilderness areas in the D-2 legislation if they were created in existing parks and had been studied under Secretary Morton and an Environmental Impact Statement prepared. This would include 1.9 million acres in Mt. McKinley, 2.6 million acres in the Katmai National Monument and 2.2 million acres in Glacier Bay. Again, the supportive counsel for this type of inclusion would only be in the national park areas.

III. WILDLIFE REFUGES

The council would recommend the full study process for refuges dictated by the Wilderness Act. The Council would also recommend that a full study of the competing uses similar to that given the National Forest Wilderness Areas be used within the refuge system.

IV. NATIONAL PARK PRESERVES

The Council would be on record in opposing wilderness areas in preserves.

V. NEW WILDERNESS AREAS

- A. First Stage: When an area is being studied for wilderness inclusion by the appropriate department, the first stage would be to identify the areas not suitable and release them from the restrictions that a wilderness study area is under.

BIRCH, HORTON, BITTNER AND MONROE  
ATTORNEYS AT LAW  
733 WEST FOURTH AVENUE, SUITE 206  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 279-9103

- B. Study in Parks: The Secretary of Interior would have two congresses or four years to act on areas included within the wilderness study and to make the recommendations to Congress. If the Congress does not act on the study within one full congress (two years), it automatically reverts to the underlying classification. The full study of competing uses would not be dictated for wilderness studies in national parks.
- C. Refuges: One Congress after the date of enactment, the studies would begin. There would be three congresses, or six years in order for the Department of Interior to complete their study and make recommendations. One Congress after the recommendations are made is allowed for Congress to act. If Congress does not act, it reverts to the underlying classification. The same criteria regarding competing uses shall apply to studies within refuges.

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## TITLE I. - ALASKA LANDS SYSTEM

### Section 101:

New Federal Units: Subject to valid existing rights, the following areas are hereby established as units of the Alaska Lands System --- [list of specific additions and managers]

### ADDITIONAL FEDERAL LANDS

### Section 102:

In addition to federal lands designated by Congress in Section 101, all other unreserved federal lands in Alaska after the date of enactment of this Act shall become part of the Alaska Lands System.

### STATE LANDS

### Section 103:

(a) The State of Alaska shall designate an appropriate amount of state land which is of like character and adjacent to federal lands placed in the Alaska Lands System into said system. Such lands shall be classified and managed in accordance with Titles II & III of this Act and the applicable laws of the State of Alaska.

(b) The State of Alaska must designate an equal percentage of its lands into the Alaska Land System as that designated by this Act of federal lands. The percentage figure will be based upon the number of acres of federal lands in the State of Alaska in relation to the total acreage of Alaska as compared to the percentage of state lands within the state in

relation to the total acreage. The location boundaries of such lands shall be determined by mutual agreement of the Secretary and the State of Alaska. Prior to such agreement, the Secretary shall consult as necessary with other federal officials, including, but not limited to the Secretaries of Agriculture, Defense, Transportation, State and Energy. As soon as practical after the date of designation pursuant to Subsection (a) of this Title, a map and legal description of the areas established by this title shall be published by the Secretary in the Federal Register and filed with the Committee on Energy and Natural Resources in the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and such map and legal description shall have the same force and effect as if included in this Act.

#### PRIVATE LANDS

##### Section 104:

(a) With the approval of the Commission, and subject to valid existing rights, private landowners may dedicate their lands for periods of not less than ten years as Private Alaska Lands. Upon dedication, such lands shall be classified by the Commission and managed by the landowner in accordance with such classification and other provisions of this Act.

(b) With the concurrence of the State of Alaska, private owned lands designated as "Private Alaska Lands" under this title shall be exempt from State and local real property taxation and assessment so long as such lands are not developed

or leased to third parties. For purposes of this subsection, development shall mean any disturbance of the land which results in the production of revenue. The Commission shall promulgate regulations to supplement the meaning of development for purposes of this section.

(c) Private Alaska Lands shall be open to all uses, except that the Commission may close areas to a particular use if it finds that such use is incompatible with a land use plan developed by the Commission pursuant to section 201(0), or upon a finding that exigent circumstances exist: Provided, however, That lands dedicated pursuant to this title may, upon notification to the Commission, be removed from the designation of Private Alaska Lands, and effective upon such removal, the provisions of this title shall no longer be applicable to such land so removed: Provided further, That if such lands are removed from the designation of Private Alaska Lands prior to the expiration of each ten-year period, such landowner shall be liable for accrued local and State property taxes and assessments which would have been owing on such lands but for their designation as Private Alaska Lands, together with interest thereon in an amount to be determined at the rate charged by the appropriate taxing agency for delinquent property taxes.

#### ADMINISTRATION

##### Section 105:

(a) The Commission shall classify the lands, waters and interests therein referred to in Sections 101, 102, 103 and

104, in accordance with the requirements specified in this Section 201 of this Act. As provided in Section 301, the area will be open to mining and mineral leasing prior to the land classification being made. Hunting, fishing and other wildland recreational activities, trapping, information gathering activities, conducted or sponsored by federal agencies or the State Department of Fish and Game, and snow machine use shall be permitted unless specifically prohibited by the Commission or by then existing regulations of the appropriate managing agency: Provided further, and nothing herein shall be construed to abrogate or otherwise adversely affect valid existing rights of access. In making planning and classification decisions, the Commission shall provide the high level of environmental protection necessary to maintain the natural values and characteristics of the affected land. The Commission shall permit such uses as it finds to be in the national interest or to be consistent with the level environmental protection specified in the preceding sentence.

(b) The agencies listed in Section \_\_\_\_\_ (federal lands classified into the Fifth System will have a lead agency, either the Parks Service, Forest Service, or Fish and Wildlife Service) shall manage the units placed under their jurisdiction, and shall regulate uses within such units, in accordance with classifications made by the Commission. Except to the extent that they would be inconsistent with the Commission classifi-

cation or the provision of this Act, land use and management decisions made by an agency referred to in Section \_\_\_\_\_, shall be in accordance with the laws and regulations which generally govern the function of such agency.

TITLE II - ALASKA LAND COMMISSION

Section 201:

(a) There is hereby established the Alaska Land Commission (hereinafter referred to as the "Commission"), which shall be composed of eight members as follows:

(1) Four members appointed by the President with the advice and consent of the Senate, of whom one will be designated by the President, at the time of appointment, as Co-Chairman; and

(2) Four members appointed pursuant to the law of the State of Alaska, one of whom shall be designated, at the time of appointment, as Co-chairman.

(b) (1) The Federal Co-Chairman shall be compensated at a rate to be determined by the President not to exceed the rate provided for GS-18 of the General Schedule under Section 5332 of Title V, United States Code.

(2) The other Federal members of the Commission shall be compensated at a rate to be determined by the President not to exceed the rate provided for GS-16 of the General Schedule under Section 5332 of Title V, United States Code.

(3) The State Co-Chairman and the State members of the Commission shall be compensated in accordance with applicable State law.

(c) Members shall serve at the pleasure of the appointing authority. A vacancy in the membership of the Commission shall not affect its powers but shall be filled in the same manner as the original appointment [was made].

(d) With respect to all Federal lands subject to the jurisdiction of the Commission, the Secretary may veto a decision of the Commission. With respect to all State lands subject to the jurisdiction of the Commission, the Governor of the State of Alaska may veto a decision of the Commission.

(f) All Commission meetings shall be public and shall be duly noticed at least fifteen days prior to the date when the meeting is to take place.

(g) The Commission, or on its authorization, any subcommittee or member thereof, may hold such hearings, take such testimony, receive such evidence, and print such reports as are deemed necessary to carry out the functions specified in this title.

(h) The Co-Chairmen, acting jointly shall have the authority, in accordance with regulations prescribed by the Commission, to create and abolish employments and positions, including temporary and intermittent employments; to fix and

provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Commission employees; and to procure needed office space, supplies, and equipment.

(i) The principal office of the Commission shall be located in the State of Alaska.

(j) Within any one fiscal year, the Federal government shall pay only 50 percent of the costs and other expenses incurred by the Commission in carrying out its duties under this Act.

(k) The Commission is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursements. Each department and agency of the Federal government is authorized to cooperate fully in making its services, equipment, personnel, and facilities available to the Commission.

(l) The Commission is authorized to accept donations, gifts, and other contributions and to utilize such donations, gifts, and contributions in carrying out its functions under this Act.

(m) The Commission shall keep and maintain complete accounts and records of its activities and transactions, and such accounts and records shall be available for public inspection.

(n) The Commission shall submit annually to the President and Congress of the United States and to the Governor

and Legislature of the State of Alaska, a report concerning its activities to implement the provisions of this Act during the year. In addition to other subjects included, the Commission shall make recommendations for any additional administrative or legislative action necessary to accomplish the purposes of this Act.

(o) It shall be the function of the Commission:

(1) To review resource inventories prepared by the managing agencies of Alaska's scenic areas, referred to in Section \_\_\_\_\_ and by the U.S. Geological Survey and the Bureau of Mines; to develop comprehensive land use plans with respect to such lands; and to make land classifications based on the plans;

(2) Make recommendations of ways to improve coordination and consultation between officials of the United States and the State of Alaska in wildlife managements, transportation planning, wilderness review, guaranteed access; and other governmental activities which require regional or statewide coordination;

(3) To make recommendation to the appropriate state and federal officials on ways to insure that the orderly development of Alaska is compatible with state and national economic, social, and environmental objectives;

(4) To make recommendations to the appropriate state and federal officials with respect to changes in laws, policies, and programs relating to public lands and resources which the Commission deems necessary;

(5) To make recommendations to the appropriate state and federal officials with respect to the inventory, planning, classification, management, and use of Federal and State lands, respectively, and to provide such assistance to Native corporations upon their request;

(6) To make recommendations to appropriate State and Federal officials with respect to needed modifications in existing withdrawals of Federal and State public lands; and

(7) To make recommendations to appropriate State and Federal officials with respect to the programs and budgets of Federal and State Agencies responsible for the administration of public lands in Alaska.

(p) Notwithstanding any provision of law, Federal participation in the Joint Federal-State Land Use Planning Commission for Alaska, established in Section 17(a) of the Settlement Act, shall cease upon the expiration of the 90-day period

the expiration of such period, all unexpended funds appropriated to the Joint Commission shall be returned, as appropriate, to the United States and the State of Alaska, and, all Federal property of said Commission at the discretion of the Commission, established in this section, shall either be transferred to said new Commission or disposed of pursuant to applicable law.

### TITLE III

#### MANAGEMENT AND ADMINISTRATION

##### Section 301 - Wildlife Management:

The taking of fish and game on all lands subject to this Act shall be regulated by the State of Alaska in accordance with applicable State law, including, but not limited to, the regulation of seasons, bag limits, means and methods, the administrative structure for wildlife management and regulations, the determination of resource depletion, and the definition of subsistence use and local residency. Where there is a conflict caused by depletion, the taking of fish and game for subsistence purposes shall be given preference over the taking of fish and game for other purposes. Such preference shall be granted to the local residents of the area affected by a conflict between consumptive uses. Where a further preference is necessary among subsistence users, such preference shall be granted on the basis of economic need. Nothing in this section shall be construed to require that hunting or fishing be permitted where depletion of the resource would dictate a complete prohibition of such activities.

\*Note - Second option is language adopted by Council and prepared by state has second choice. See appendix One.

## MINERAL DEVELOPMENT

### Section 302:

(a) The location, lease, sale, or other disposition of minerals and mineral materials found in National Parks are prohibited subject to valid existing rights.

(b) The location, lease, sale, or other disposition of minerals and mineral materials on National Park Preserves is permitted in accordance with existing laws.

(c) In regard to those areas included in the National Wildlife Refuges Systems, mining and mineral leasing shall be administered by the Secretary in accordance with the laws which generally apply to such system.

(d) Jointly managed areas created pursuant to this Act in Title I will be open for mining and mineral leasing unless specifically closed by the Commission pursuant to a land classification as set forth in §201(0)(1) of this Act.

(1) Previous to the land classification plan being made pursuant to §201(0)(1) mining and mineral leasing shall be subject to the requirements set forth in 43 U.S.C. 1701 Et. Seq.

(2) The Mineral Leasing Act of 1920 (30 U.S.C. 181 et. seq.) and the Act of July 31, 1947 (30 U.S.C. 101 et. seq.) shall apply with respect to said lands classified pursuant to Title I of this

Act. The exploration and development of minerals currently subject to location under General Mining Laws (30 U.S.C. 21 et. seq.) shall be governed by the system provided for in Title \_\_\_\_\_ (Note H.R. 5931)

(e) In holdings:

(1) The Secretary is hereby directed to administer and attempt to see that the Clean Air Act (42 §1857 et. seq.) and Water Pollution Control Act (33 U.S.C. §466 et. seq.) and other Environmental Acts are administered in a manner that would not frustrate the development of valid existing claims within areas included within the systems described in §\_\_\_\_.

(2) 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.

(3) If the development of a valid existing claim is prevented by the denial of access or other restrictions imposed by the federal government in its management of areas surrounding the claim, the amount due the holder of the claim should be calculated on the basis of net profit to be realized on the mineral deposit defined at the time the forced sale occurs.

Section 303:

ACCESS FOR TRANSPORTATION AND UTILITY PURPOSES

(a) Existing law shall govern the establishment of corridors and the issuance of rights-of-way and easements for transportation and utility purposes across the units of the system referred to in Title \_\_\_\_ of this Act. (National Forest).

(b) The establishment of corridors and the issuance of rights-of-way and easements for transportation and utility purposes across the units of the systems referred to in Titles \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of this will be governed by the following process:

(1) The Commission may at its own initiative or pursuant to a request may recommend the establishment of a corridor, issuance of a right-of-way or easement across a system described in §303(b) to the Secretary of Interior and the Secretary of Transportation when he is involved pursuant to existing law.

(2) If the Commission considers a proposal pursuant to a request a decision on said request will be given by the Commission within 120 days from its receipt.

(3) If an access request is denied by the Commission, the right of appeal directly to the Secretary is preserved.

(4) If either the Secretary of Interior or the Secretary of Transportation (when applicable) fails to veto a proposal of the Commission within 120 days of its receipt, the proposal will be deemed accepted and the Commission will issue the necessary permits.

(c) Notwithstanding existing law, the factors to be taken into consideration by the Commission and both the Secretaries of Interior and Transportation when making access decisions as outlined in §401(b) are as follows:

- (1) State wide and regional transportation plans.
- (2) A need for access.
- (3) Alternative routes and modes of access.
- (4) Feasibility of including different transportation and/or utility functions of the same corridor.
- (5) Short and long term social, economic, environmental impact.

**COMPARISON AND ASSESSMENT  
OF  
STEERING COUNCIL POSITIONS  
VERSUS  
H.R. 39 AS REPORTED  
OUT OF  
SUBCOMMITTEE ON FEBRUARY 7, 1978**

**RECEIVED**

**JAN 10 P.M.**

**STEERING COUNCIL  
FOR ALASKA LANDS**

## Minerals

The position of the Steering Council is that in National Parks there be no mining except on existing claims; lands identified as having mineral potential should not be included in parks. Within National Park Preserves, oil and gas leasing and hardrock mineral exploration and development permitted, subject to reasonable regulation promulgated within 180 days from the date the Act takes effect. Lands in a Fifth System open for mining unless specifically closed by the Land Use Commission. Regulations and requirements for mining on these lands should be similar to the BLM Organic Act. Valid existing rights are upheld in all systems and reasonable access should be guaranteed. If a particular access route is more expensive but more environmentally sound, the in-holder should be compensated for any excess costs provided that the original access route was feasible and applied for in good faith.

The Subcommittee adopted a new Title IV which contains the following principles:

1. The Secretary shall continue mineral assessment programs in the State in order to expand the data base with respect to the mineral potential of all public lands.
2. Areas subject to the minerals access process are national preserves and national wildlife refuges and ranges, except for those portions designated wilderness. (Which, of course, in the Subcommittee's bill is the vast majority of the acreage; and may be all of it depending on wilderness study designations.)
3. Mineral exploration, development and extraction may be carried out on public lands within the exterior boundaries of a conservation system unit "subject to the process provided in this title only in accordance with this title." The "process": before recommending exploration, development or extraction within a unit, the Secretary must find that there is, or is projected to be, within the ensuing 15 years a serious national need for additional sources of such mineral; that the national need outweighs the potential adverse effects of the unit; and that the need for such mineral cannot be

not from commercially viable resources elsewhere in the U.S. (using current technology, current conservation or recycling methods), foreign sources, feasible diversion of exports, or the use of known practical alternative materials or processes. Within one year after receiving an application, the Secretary shall make a recommendation. If he approves, he shall transmit the application to Congress, along with an environmental impact statement. The recommendation shall take effect only upon the enactment of a joint resolution of Congress within the first period of 120 calendar days of continuous session. If Congress approves the application, then the exploration, development and extraction of a mineral which is subject to the Mineral Leasing Act of 1920 or the Alaska Coal Leasing Act of 1914 shall be carried out in accordance with the applicable provisions of that Act, plus the National Wildlife Refuge System Administration Act, the Migratory Bird Conservation Act, with the regulations promulgated by the Secretary and other provisions of law applicable to such mineral.

4. The Secretary shall promulgate regulations requiring exploration permits for the exploration for minerals in areas within units opened for exploration under the process provided in the title; permits shall be for five years and may be extended for one additional five year period.
5. Holders of valid existing mineral claims or leases located within the boundaries of a unit may continue to carry out activities related to the exercise of their rights and in accordance with regulations promulgated by the Secretary to insure to the maximum extent possible the activities are compatible with the unit. Except for mining claims on lands subject to the Mining in the Parks Act, all mining claims on public lands within the boundaries of a unit are subject to the provisions of Section 314 of the Federal Land Policy Management Act of 1976.

## Comparison

As in Title X, (Transportation and Utility System Corridors), the process for reviewing applications has been shortened. According to the Committee Print of October 28, 1977, once an application had received final approval, the Secretary would promulgate regulations to provide for the exploration, extraction and development of the mineral. Now under the new title, once the application has received final approval, the exploration, extraction and development is to be carried out in accordance with the applicable provisions of numerous Acts and with regulations promulgated by the Secretary. Other differences between the Committee Print of October 28, 1977 and the bill reported out include: mining claims no longer have to be recorded with the Secretary and the reference to transfer of Federal lands has been deleted.

The Subcommittee's bill coincides with the Council's position as to honoring valid existing claims (although in-holding access is not equal to the Council's stance). The only other areas where the Subcommittee and the Steering Council agree regarding mineral exploration, extraction and development are in National Forests and National Parks.

The remainder of the Seiberling minerals provision is totally contradictory in both concept and impact to that of the Steering Council. In short, the Council tolerates the possibility of reasonable oil, gas and hardrock exploration and extraction (subject to environmental safeguards) in d-2 lands outside parks, whereas Seiberling's bill effectively eliminates the opportunity for exploration or extraction in all d-2 lands.

## Access, Transportation and Utility System Corridors

The Steering Council proposed that existing law control access into National Forests; access into other conservation system units could be obtained by making a request to Land Use Commission, or by this Commission making a recommendation to either or both the Interior or Transportation Secretaries. If the application for an access permit is denied by the Commission, the applicant can appeal to the Secretary and if the Secretary fails to veto the application within 120 days then the permit shall be issued. The party requesting the access permit has a right of appeal to the Secretary if the Commission rejects the application.

The Steering Council further recommends that the access provision use the same criteria found in the Federal Aid to Highways Act for transportation system decisions. Furthermore, the Council recommends that existing procedures for permits for electrical transmission lines not be changed. However, other utility access will be obtained through the permit system discussed in the above paragraph.

According to the Subcommittee's reported bill, the provisions of law generally applicable to conservation system units (including wilderness preservation) regarding easements, rights-of-way, use permits, leases and licenses shall apply to units in Alaska. Applications for rights-of-way on public lands within a conservation system unit for which the Secretary has no authority under provisions of the law generally applicable to such system shall be considered by the Secretary and processed in the following manner:

1. He shall weigh the local, regional, State and national interest involved, determine whether there is a feasible and prudent alternative and whether it can be constructed in a manner compatible with the conservation system unit;
2. within one year of receipt, the Secretary shall submit a recommendation to Congress along with an environmental impact statement, a report from the Council on Environmental Quality and the conditions and stipulations under which the use of a right-of-way will be permitted, if Congress approves, and the extent and duration of the right-of-way.

Any recommendation to Congress shall take effect only on enactment of a joint resolution within the first period of 120 calendar days of continuous session. If Congress approves the right-of-way for a transportation system or utility transmission system, no permit shall be granted unless the permittee pays to the U.S. an amount equal to the fair market value of the right-of-way subject to such permit.

## COMPARISON

This new title is not as restrictive as the title which appeared in the Committee Print of October 28, 1977. In the latter it took two years plus approvals by the Secretary, the President and Congress before a permit could be granted. Another major difference between the new title and the title which appeared in the Committee Print of October 28, 1977 is that reference to transfer of Federal lands has been deleted.

The new title does not involve the Secretary of Transportation in the application process as the Steering Council proposes nor does it involve a Land Use Commission. (Seiberling's Subcommittee has rejected the Council's Land Use Commission concept. The Subcommittee's transportation and utility corridor access provision, although slightly better than the October 28th print, still is worlds apart from the Steering Council's position.

## Fishing, Aquaculture, and Wilderness

No difference between the bill that the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

## Wildlife Management

There is no difference in the bill the Subcommittee reported out and the Committee Print of October 28, 1977 with respect to lands and management within the National Park System. The Subcommittee bill does clarify that taking of fish and wildlife in all other conservation system units be subject to applicable Federal and State law. The Council's position is that taking of fish and wildlife on all lands subject to the Act be regulated by the State.

## Yukon-Porcupine National Forest

No difference between the bill the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

## Fifth Systems and Land Use Commission

The bill reported by the Subcommittee did not vary from the Committee Print of October 28, 1977 except that reference to the Chairman of the Subsistence Council being a member of the Alaska Advisory Coordinating Council is deleted because there is no longer a Subsistence Council.

## Access: In-Holdings

The Subcommittee Print adopted the Steering Council's position. Title XII, Section 1202(c) basically states where State, privately or native owned lands, valid mining claims or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the Secretary shall give the occupier such rights as may be necessary to assure adequate access. (This has been called the Cowper-Colletta amendment by Representative Seiberling and represents the Council's most substantial individual contribution to improving H.R. 39, to date.)

## State and Native Selections

The Steering Council proposal extends the State's time limit on land selections to January 3, 1994. Subject to valid existing rights and to conveyances made pursuant to Sections 21(a) and (b) of ANCSA, the Council proposes all tentative approvals of State land selections be satisfied and confirmed. Further, the Council would conform and treat as valid State selections all State applications for selection of Federal lands which were or are not on the date of application vacant, unappropriated, unreserved Federal lands.

The bill reported out of the Subcommittee conforms with some of the recommendations of the Steering Council. The bill grants to the State, subject to Native selection rights and valid existing rights, most lands which have been selected by the State and selections which have been tentatively approved. The Subcommittee did not feel the State needed an extension on land selections and provides a process whereby the State will receive land selections expeditiously. The reported bill still does not give the State its full Statehood entitlement. Alaska d(2) areas conflict - there appear to be about 6-10 million of high priority State selections in conflict - these lands will go into d(2) Federal areas and not go to Alaska.

Before the Subcommittee began mark-up on this title, Congressman Seiberling stated that if there was anything in the title which was not acceptable to the State or natives, then it would not be included. It can be assumed that this will be the case when this title is brought before the full Committee.

## ANCSA Amendments

The Steering Council proposed deleting Section 22(e) of ANCSA which states that if a village corporation selects lands within a National Wildlife Refuge, then the Secretary shall add other public lands in the State to that refuge to replace those which the village corporation has selected.

In the recent Subcommittee Print, there is no reference to deleting this provision. On February 2, Mr. Udall proposed an amendment, which was adopted on February 3, to the substituted Title VIII, Section 805 which states:

"Any other provision of the law to the contrary notwithstanding, all lands withdrawn pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act which are not included within the boundaries of conservation system unit and which are not selected by or conveyed to native corporations shall be added to the units within which such lands are located and shall be administered accordingly." [At this time d-1 withdrawals total approximately 103 million acres.]

The intent behind the Udall amendment is to prevent "checker boarding". According to the House Interior Committee staff, any present State d-1 land selections would be honored. From the Udall amendment it appears that the Subcommittee has acted the opposite of what the Council proposes, in that the Subcommittee provides for additional lands to be added to conservation system units; the amendment appears to strengthen Section 22(e) of ANCSA.

## Subsistence

The Council's position is that the State be authorized, except where provided by Federal law on this section, to manage and regulate the taking of fish and game on Federal lands. In carrying out this responsibility, the Council proposes that within 18 months of enactment of the Act, the State establish a program to permit subsistence uses of fish and wildlife resources within designated subsistence management zones. The program shall include a definition of subsistence use, conditions under which subsistence uses may be permitted, factors for determining who is qualified for subsistence uses within zones, creation of regional and local advisory boards to assist the State in carrying out its responsibilities under the section, and giving subsistence uses preference over any other competing consumptive uses within zones. The Council advocates that the Secretary who has authority over a conservation system unit designate subsistence management zones within 18 months after enactment of the Act.

After consultation with the State, the appropriate Secretary may close zones or portions thereof for reasons of public safety, protection and management of the lands and habitat which support living resources, administration, or public use enjoyment of the area. If the Secretary determines that the State has failed to comply with the requirements of the section, he must give the State a reasonable period, but not less than 120 days, to correct the purported deficiency. If the State refuses to do so, then the Secretary must initiate a hearing in order to ascertain the propriety of the State's actions. If the State refuses the regulatory responsibility, then the appropriate Secretary shall carry out the functions assigned to the State.

The Council further proposes that snowmobiles, motorboats and other means of transportation traditionally used for subsistence purposes be permitted.

The Subcommittee adopted a new subsistence title which states that during an interim period of 18 months beginning on the date of enactment of the Act, the State is authorized to regulate the taking of fish and wildlife for subsistence uses on public lands. At the end of the interim period, the State will be given authority, if it so desires, to regulate

the taking of fish and game for subsistence purposes on public lands. Within 18 months after the date of enactment of the Act, the State shall submit to the Secretary a program which shall include the following: A management plan which has as its central elements the maintenance of the continued viability of the populations of fish and wildlife species and a system capable of monitoring subsistence and other consumptive uses of such species; the establishment of not less than 5 or more than 12 fish and game management regions; a State law or regulation which gives priority for subsistence uses over other consumptive uses; and a system of local and regional fish and game councils within each management region. If the Secretary finds that the State does not comply with the requirements of the section, he shall notify the State and give the State an opportunity to modify its program. The new title provides that the State, in consultation with the Secretary, natives and other interested and affected parties or determine the number and boundaries of management zones. If the State fails to accept the regulatory responsibility then the Secretary of Interior shall carry out the functions assigned to the State.

Snowmobiles, motorboats, and other means of surface transportation traditionally used shall be permitted.

To assist the State in developing and implementing the program the Federal Government shall reimburse the State up to 50% of the costs of the program.

#### COMPARISON

This new subsistence title is more reasonable than the one which appeared in the Committee print of October 28, 1977. The new title gives the State the authority to regulate the taking of fish and game and set up local and regional fish and game councils.

The differences between the Subcommittee and the Steering Council are minor. The Council proposes that if the State refuses regulatory responsibility then the appropriate Secretary assumes the responsibilities while the Subcommittee would give the responsibilities to the Secretary of Interior. Additionally, the Council proposes the appropriate Secretary designate subsistence management zones while the Subcommittee gives the State, after consultation, this responsibility.

There is a noteworthy problem with the Subcommittee's subsistence structure. The Subcommittee may delegate too much authority to local and regional councils as opposed to state. The bill stipulates that regional councils be assigned adequate and necessary staff to carry out their responsibilities, but if a regional council's recommendation is rejected by the State agency, the regional council has direct access to the Secretary of Interior who can overturn if the State is not in compliance with the State program or the requirements, purposes or policies of the Act.



STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

INTER-AGENCY ROUTING SLIP

TO

Warren C. Silby

REMARKS:

Senate President's Office

FROM

Jed

DATE

3-15-78

LAA 25



# LAWS OF ALASKA

1977

Source

Chapter No.

SCS CSHB 233 am 3

47

## AN ACT

Relating to selection of state land and federal land withdrawal and classification; and providing for an effective date.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. PURPOSE AND STATEMENT OF POLICY. (a) Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Department of the Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act . . . up to, but not to exceed, eighty (80) million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems."

(b) Congress is now considering bills calling for at least 114 million acres for inclusion in three of the four systems described in (a) of this section. The legislature finds it essential that Alaska be provided an opportunity to affect the system and nature of public land management in Alaska in order to insure that the rights of the state under the Statehood Act are fully recognized and that the intent of the Alaska Native Claims Settlement Act that Alaska Natives be provided an economic base in their land be fully implemented.

\* Sec. 2. STEERING COUNCIL FOR ALASKA LANDS. There is created the Steering Council for Alaska lands consisting of 11 members as follows: the state co-chairman of the Joint Federal-State Land Use Planning Commission for Alaska, four members appointed by the governor, three members of the house of representatives appointed by the speaker of the house, and three members of the senate appointed by the president of the senate. The steering council is part of the Department of Natural Resources for administrative purposes only. The steering council may select one of its members as chairman.

**Chapter 47**

\* **Sec. 3. DUTIES.** (a) The steering council shall develop a unified lobbying and informational effort to insure that the land selection rights of the State of Alaska are fully recognized, that Alaska Natives are provided an economic base in their land, and that Alaska's needs and future requirements are made known to Congress.

(b) The steering council is to provide a forum for Alaskans to develop recommendations to protect Alaska's present and future needs.

(c) The steering council shall review the status of state land selection rights by directing research into the following areas:

(1) the Alaska Statehood Act and relevant judicial decisions;

(2) Bureau of Land Management processing of state land selections;

(3) legal status of land "tentatively approved" for state selection and the effects of the failure of the federal government to act in a timely manner on these selections;

(4) any other factors limiting satisfaction of the state's full land entitlement as intended by the Alaska Statehood Act;

(5) the effect of various proposals under the consideration of the United States Congress pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act on the state land selection process and on the use of selected land by the State of Alaska.

(d) The steering council may, based upon the results of its review under (c) of this section,

(1) make recommendations to the governor and the Legislative Council for further action, including but not limited to legal action, to assert the rights of the state to select land as provided in the Alaska Statehood Act;

(2) work with the Alaska congressional delegation to develop recommendations to the governor and the Legislative Council for appropriate state legislation relating to congressional decisions under section 17(d)(2) of the Alaska Native Claims Settlement Act.

\* **Sec. 4. COMPENSATION.** Members of the steering council receive the same travel pay and per diem as provided by law for boards and commissions.

\* **Sec. 5. STAFF.** The council may employ those persons necessary to carry out the purposes of this Act, including but not limited to permanent or temporary employees, consultants or other experts.

\* **Sec. 6.** This Act takes effect immediately in accordance with AS 01.10.070(c).

## STEERING COUNCIL FOR ALASKA LANDS

Created by Chapter 47, Session Laws of Alaska 1977, attached administratively to the Department of Natural Resources, and it consists 11 members:

State co-chairman of the Joint Federal-State Land Use Planning Commission - Walt Parker, Anchorage

Four Members Appointed by the Governor:

Bob LeResche - Juneau  
Chuck Hawley - Anchorage  
James Hoffman - Bethel  
Dave Cline - Juneau

Three Members Appointed by the Speaker of the House:

Representative Steve Cowper - Chairman  
Representative Alvin Osterback  
Representative Joseph Hayes

Three Members Appointed by the President of the Senate:

Senator Chancy Croft  
Senator Joe Orsini  
Senator Mike Colletta

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**Scenery, Minerals - a Classic War:**

# The Alaska Lands Issue: Our Last Frontier

Interior Secretary Cecil D. Andrus told a congressional committee early this spring, "You have before you the most important land conservation program in the history of this country."

At a House hearing April 25, Andrus added, "In Alaska, this nation should exercise the opportunity lost forever in most of the areas in the contiguous 48 states to protect whole ecosystems, intact hydrographic systems in pristine settings. The future of millions of acres of federal land that belong to the citizens of all 50 states will be decided by this 95th Congress."

Andrus spoke of the approaching decision on what are called the d-2 lands in Alaska—up to 80 million acres of "national interest" lands to be selected by the end of 1978 for permanent protection. The 1971 Alaska Native Claims Settlement Act (PL 92-203) gave Congress the responsibility to determine which public lands should receive special protection as national parks, wildlife refuges, scenic rivers and national forests.

Carter administration officials, members of Congress, Alaskans, conservationists and developers, lobbyists for many interests—all emphasize the importance of the issue. The current Congress must decide how much protection to give to how much of Alaska, literally the last frontier of this frontier nation.

Three congressional committees are considering bills to deal with selection and management of the d-2 lands. More legislation is being drafted. Proposals would give federal protection to as little as 25 million acres or as much as 115 million acres. The most important plan, the Carter administration's recommendations being prepared by the Interior Department, will not be ready until autumn, perhaps mid-September.

The stakes are very high. The nation is only now evaluating Alaska's wealth, fabled since "Seward's Folly" was purchased from Russia in 1867. The 49th state contains 365 million acres of land plus 10 million acres of inland waterways. It has 38 per cent of the nation's shoreline and 65 per cent of the total U.S. continental shelf.

Oil has just begun to be pumped from Alaska's North Slope. The state is rich in minerals of all sorts, forests, rivers, fisheries, birds and wildlife, including many threatened species. Scenery is spectacular.

The amount of land the federal government can choose for preservation is shrinking. Under existing law, the state and the Alaska natives are busy selecting nearly 150 million acres of public lands for their own use.

Moreover, mineral extraction, logging, coastal development, construction and destruction of all sorts are accelerating and bringing pressures to keep the total permanently protected area small. The state's population is only 400,000 but growing rapidly—up by 100,000 since the 1970 census. Alaska's developers are aided by technology and power unimagined by the miners, loggers, hunters, farmers and businessmen who exploited the frontier of the "lower 48" states.

An Alaska specialist for the Interior Department said part of the controversy over the d-2 lands can be stated simply: "Very high scenic value, very high mineral value—classic war."



Tongass National Forest Typifies Alaska's Beauty

## Background

The United States purchased Alaska for \$7.2-million by treaty with Russia in 1867, only four years before gold was discovered at Sitka. In the early years the federal government provided for mining and settlement, set aside national forests and wildlife reserves, surveyed the land, built the Alaska Railroad, made some agreements with the natives, and established Alaska's three national parks by 1924.

When Alaska became a state at the beginning of 1959, more than 99 per cent of the total area was owned by the federal government. However, the Alaskan Statehood Act of 1958 (PL 85-508) provided for the transfer of 103 million acres of federal unreserved lands to the state government over a 25-year period. At the time, 95 million acres were within various federal withdrawals or reservations. The state also was given 45 million acres offshore.

Other grants brought the state's land total to 104.5 million acres, about 28 per cent of Alaska. In both area and percentage, it was by far the largest federal grant to any public lands state.

About 23 million acres had been transferred by December 1966, when Interior Secretary Stewart L. Udall (1961-69) imposed a freeze because of conflicting claims between the state and Alaska natives—Eskimos, Aleuts and Indians. Udall asked Congress to settle the claims. The land freeze was modified in 1969 to make way for the pipeline from Prudhoe Bay, where oil was discovered the year before.

The Alaska Native Claims Settlement Act (PL 92-203), signed Dec. 18, 1971, gave to 60,000 natives \$462.5-million in federal grants, \$500-million in state and federal mineral

revenues and 40 million acres of land. The act specified that native villages would choose 22 million acres, 12 regional corporations would choose 16 million acres, and the Interior Secretary would confer 2 million acres on villages and corporations. Villages hold only surface rights, but regional corporations hold mineral rights to all 40 million acres. Together with lands they already had, the act brought the natives' share of Alaska to 44 million acres.

The act permitted the state to continue its selection of lands, and made important provisions for other federal lands.

Section 17 (d)(1) set a category of federal "public interest" lands that were open to some development unless specifically closed. It gave the Interior Secretary the option to withdraw those lands for further study and possible reclassification for their use. That option was given to prevent any land rush that might follow passage of the claims act and the lifting of the land freeze. The basic d-1 classification includes 60 million acres, but in practice almost all federal lands not withdrawn for some specific purpose are d-1. Nearly all Alaska lands under the Bureau of Land Management (BLM) are d-1 lands.

Section 17 (d)(2) authorized the Secretary to withdraw up to 80 million acres of "national interest" lands to be closed to development; they would be studied for protection under the "four systems" of federal management—national parks and monuments, national wildlife refuges, wild and scenic rivers, and national forests. Within five years of the Secretary's recommendations, Congress was directed to establish the areas officially and set their boundaries. These are the so-called d-2 lands.

In December 1973, after two years of specific evaluation, Secretary Rogers C. B. Morton (1971-75) recommended establishing 83 million acres in 28 areas as additions to the four systems. It included 17 million acres of land also classified as d-1.

## Complications

Morton's withdrawals are scheduled to expire Dec. 18, 1978, giving Congress ample time to act. But the final selection and designation of d-2 lands is more complicated than that. Questions remain over the total size of the lands, their many locations, and the degree of their protection. In many instances the state, the natives and the federal government want the same land for different purposes.

The state of Alaska filed for 77 million acres of its allotment immediately after enactment of PL 92-203, including many d-2 lands subsequently withdrawn by Morton. The state then sued Morton, who chose an out-of-court settlement in September 1972 that gave the state half the acreage it had selected and provided that many other lands would



*The Alaska lands issue constitutes "the most important land conservation program in the history of this country."*

—Interior Secretary  
Cecil D. Andrus

not be available for inclusion in the d-2 classification. Some conservationists, who worked hard to get the d-2 provision into the 1971 act, still regard the state's action as an illegal raid on national interest lands.

State selections have continued. By spring of 1977 the state had filed for 71 million acres, of which requests for 49 million acres were pending.

The natives, in the meantime, have over-selected. Village and regional corporations have made tentative choices of nearly 100 million acres. They are working with the Interior Department to reduce the selections to the 40 million acres that they were given under PL 92-203.

In all the land selections there is considerable duplication. Any map of one selection or classification overlaps with another. Existing ownership patterns are scattered. When the final decisions are made by the state, the natives, the Interior Department and Congress, even the boundaries of long-established federal holdings may be changed.

## Plans for d-2 Lands

Legislation to locate and provide permanent protection for d-2 lands has been introduced in Congress for the past few years but did not receive extended consideration. But with the 1978 deadline approaching, several plans are now being actively considered by Congress; more are in preparation. The major proposals are described below.

**Alaska Coalition.** The d-2 plan that would provide the most protection for the most land is supported by the Alaska Coalition, a loosely-knit organization of 17 Alaskan and national conservation groups. The coalition's basic bill (HR 39) was drafted in cooperation with the staff of Morris K. Udall (D Ariz.), chairman of the House Interior and Insular Affairs Committee.

"I think there's a real feeling that this is a most important high-priority issue for all the conservation groups," said Cathy Smith, the coalition's Washington coordinator.

It is an ambitious plan, encompassing 115 million acres. It would establish 13 new or expanded units for the National Park System and 14 units for the National Wildlife Refuge System, designate 20 National Wild Rivers and three National Scenic Rivers, enlarge the two national forests and protect their wilderness areas, and place the North Slope's 23 million acre National Petroleum Reserve under management of the U.S. Fish and Wildlife Service. To provide immediate maximum protection, it would designate all units under the legislation as wilderness and make them components of the National Wilderness Preservation System.

Although the 1971 act called for a maximum of 80 million acres of d-2 lands, the coalition bill would raise the total through the Interior Secretary's standing authority to increase protective management of any public lands. The Alaska Coalition insists the extra lands and extra protection are necessary.

"The state began selecting land in 1958, the natives got second choice, and the national interest is coming last," said Smith.

Udall has 80 cosponsors for HR 39. In the Senate the coalition bill was introduced first as S 500 by Henry M. Jackson (D Wash.), chairman of the Energy and Natural Resources Committee. But it was modified and re-introduced as S 1500 by Lee Metcalf (D Mont.). S 1500 includes about 1 million additional acres that are in immediate danger of being logged.

## LAND ALLOCATIONS IN ALASKA (Total Land Area - 365 Million Acres)

**NATIONAL PARKS AND MONUMENTS**  
7 mil. acres

**NATIONAL WILDLIFE REFUGES**  
22.2 mil. acres

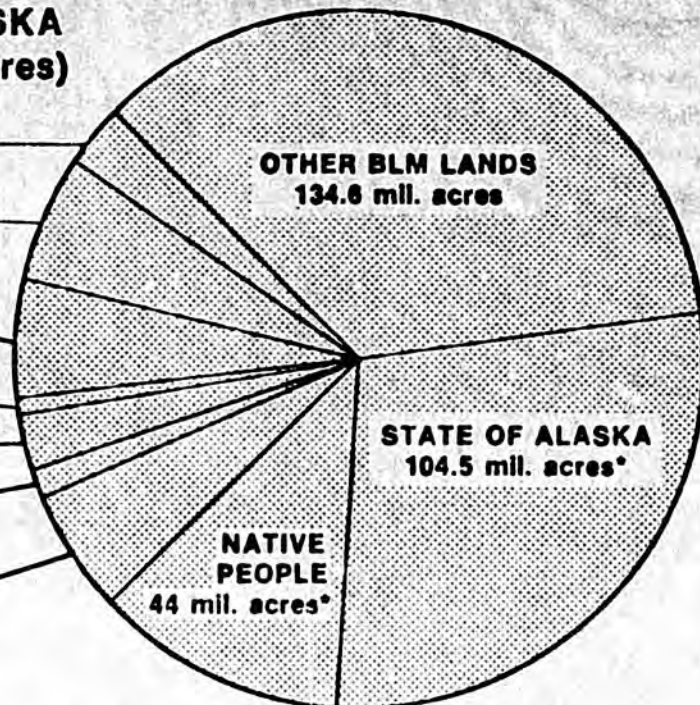
**NATIONAL FORESTS (USDA)**  
20.7 mil. acres

**PRIVATE HOLDINGS**  
1 mil. acres

**PIPELINE CORRIDOR (BLM)**  
5.5 Mil. acres

**DEPARTMENT OF DEFENSE**  
2.5 mil. acres

**NATIONAL PETROLEUM RESERVE †**  
23 mil. acres



\* When final selections are made.

† Managed by U.S. Geological Survey and Bureau of Land Management.

SOURCE: Department of the Interior

ATKINSON

**State Plan.** The d-2 interests of the state of Alaska are represented in S 1787, introduced June 30 by the state's Republican Sen. Ted Stevens. It is a refinement of earlier state plans and, like them, was drafted by Stevens, Rep. Don Young (R) and Gov. Jay Hammond (R). It is at the opposite end of the d-2 scale from the Alaska Coalition plan.

S 1787 would add a bit more than 10 million acres for national parks and monuments, 8 million acres for wildlife refuges, 5.7 million acres for national forests, and three wild rivers that total 1 million acres. In addition, it would place 57 million acres into a new category called Federal Cooperative Lands to be managed by existing federal agencies but in conjunction with lands managed by the state and private landowners. The bill would establish a federal-state commission to classify the cooperative lands.

Conservationists are wary of the cooperative lands idea, and of any plan to establish a new management system that would give developers a stronger voice. Stevens said that at first he was opposed to the idea, which was promoted by Gov. Hammond. But Stevens then saw it as a way to postpone decisions on what to do with some d-2 lands.

"I know of no other state where we have had such a wholesale attack on its lands," Stevens said at a June 30 press conference. "We would have been better off," he said, with separate bills for each major parcel of land. Stevens has suggested delaying the d-2 decision beyond 1978, but did not include that in S 1787.

"I'm sure we're very much in conflict with some members of Congress and some environmental groups," Stevens said.

**Planning Commission.** PL 92-203 established a 10-member Federal-State Land Use Planning Commission to

study the d-2 lands and offer recommendations. The commission's plan, which is tentative and is not in the form of legislation, fits between the proposals of the Alaska Coalition and the state's Republican leaders.

The commission recommends allocating 43.3 million acres to the four federal systems—19.7 million acres to the national parks in eight new or additional units, 18.8 million acres to wildlife refuges in 18 units, 4.8 million acres to national forests in seven additions, and partial protection for more than 50 rivers.

An additional 46.7 million acres would be given a new classification as Alaska National Lands. They would be managed by four federal agencies, including 22 million acres under the Fish and Wildlife Service and 6 million acres under the BLM. Unlike the cooperative lands in Stevens' bill, the Alaska National Lands would be closed to development unless specifically opened.

The commission's plan includes a permanent federal-state commission to classify the Alaska National Lands subject to congressional guidelines for environmental protection. The new commission would have more than advisory powers and would emphasize statewide planning. Its powers would be subject to veto by the state and federal governments within their respective areas of ownership.

One member of the present commission, Celia M. Hunter, has some reservations about the plan. The executive director for the Wilderness Society, Hunter said the Alaska National Lands concept may be risky because it postpones ultimate use of some of the d-2 lands. She said the joint commission concept also is "touchy" because it is too easily affected by the politics of state and federal appointments. She suggested "some sort of citizen review."

But Hunter said the commission was "very much concerned about the preservation of natural values" in its recommendations. For example, major mineralized areas were not enclosed in d-2 reservations. Hunter noted that national forests and BLM lands do not protect lands as fully as conservation groups would like.

**Interior Department.** The Department of Interior, overseeing the transfer of 40 per cent of Alaska from the federal government to the state and natives, is preparing its final d-2 recommendations. The review has continued since Morton made his recommendations in 1973.

In House testimony April 25 on d-2 legislation, Andrus said, "The establishment and protection of large land areas in Alaska as units of the four systems...is the highest environmental priority of this administration." He said the department would submit a detailed report on HR 39 and other proposals "this fall. At that time," Andrus said, "we will be ready to recommend specifics concerning proposals, boundaries and managing agencies."

## Alaska Geography

With a total area of 586,412 square miles, Alaska is bigger than the three next largest states combined—Texas, California and Montana. Its geography is almost as varied as that of the 48 contiguous states far to the southeast. Alaska contains several major regions, each with lands that are part of the d-2 controversy.

**Southeast**—The coastal extension that comes closest to reaching the "lower 48" is rich in timber and minerals. It includes the 16-million acre Tongass National Forest.

**South Central**—The area south of the Alaska Range includes the state's population center around Cook Inlet, forests and glaciers near the Gulf of Alaska, copper and other metals.

**Alaska Peninsula and Aleutian Islands**—Steep mountains and volcanic islands, notable for scenery, ocean resources, wildlife, sulfur and grazing lands.

**Bristol Bay Area**—North of the Alaska Peninsula is one of the richest marine resources in the world, with the major salmon runs, other fisheries, marine mammals and wildlife populations.

**Delta Region**—The Yukon and Kuskokwim Rivers flow southwest to the Bering Sea, where delta lowlands support waterfowl, wildlife and the largest concentration of Alaska natives. It also has minerals and some platinum.

**Northwest**—Seward Peninsula is one of the most productive mineral regions, where gold and base metals have been mined extensively. Rivers to the north flow into Kotzebue Sound.

**North Slope**—North from the Brooks Range wilderness to the Arctic Ocean are the tundra and permafrost environment, enormous coal and petroleum reserves, and the beginning of the oil pipeline at Prudhoe Bay.

**Interior Alaska**—The heart of Alaska is by far the largest region, between the Alaska and Brooks Ranges. It includes spectacular mountains, lowlands and hills, river systems, lakes, birds and wildlife, and reserves of gold, mercury, silver, tin, lead and other metals.

Andrus appointed his special assistant, Buff Bohlen, to be responsible for the department's final review of d-2 lands. Bohlen is spending part of his time in Alaska and is keeping in close contact with congressional committees. Guy R. Martin, Interior's assistant secretary for land and water resources and Alaska's former commissioner of natural resources, is giving much attention to the d-2 recommendations. Andrus himself began an on-site survey of the lands July 19.

The department has had little to say about its intentions. Andrus, commenting on HR 39, said he did not support the immediate wilderness designation for all lands in that bill. He also saw no need to change the interim management of the National Petroleum Reserve. Andrus promised a complete assessment of Alaska's mineral resource potential, and recommended that traditional subsistence uses such as hunting and fishing be allowed on most d-2 lands.

Ted Bingham, special assistant to Martin on Alaskan issues, noted that Morton used the law's d-2 figure of 80 million acres, and said, "This is probably the way Secretary Andrus is going to look at it." Bingham said there was general agreement in most d-2 proposals that the key areas needing fullest protection "probably rest around 25 million acres."

Bingham said nearly all proposed d-2 areas had been studied for years and many management alternatives had been offered. Andrus suggested, for example, that the Lake Clark area be managed by three or four federal agencies providing varied protection.

The department's autumn recommendations "will include the Secretary's decision on the so-called trade-off between the conservationist side and development," Bingham said. "When you key down to a lot of it, it's not new. But now somebody really has to focus on it and make a decision."

**Other Proposals.** These four plans are not the only d-2 proposals to be considered by Congress. S 499 is the "Morton bill" with the 1973 d-2 recommendations. HR 6564 is a similar comprehensive bill. HR 1652 would establish 68 million acres in Alaska as national wildlife refuges. S 1546 and HR 5605 would give permanent protection to Admiralty Island, now part of the Tongass National Forest.

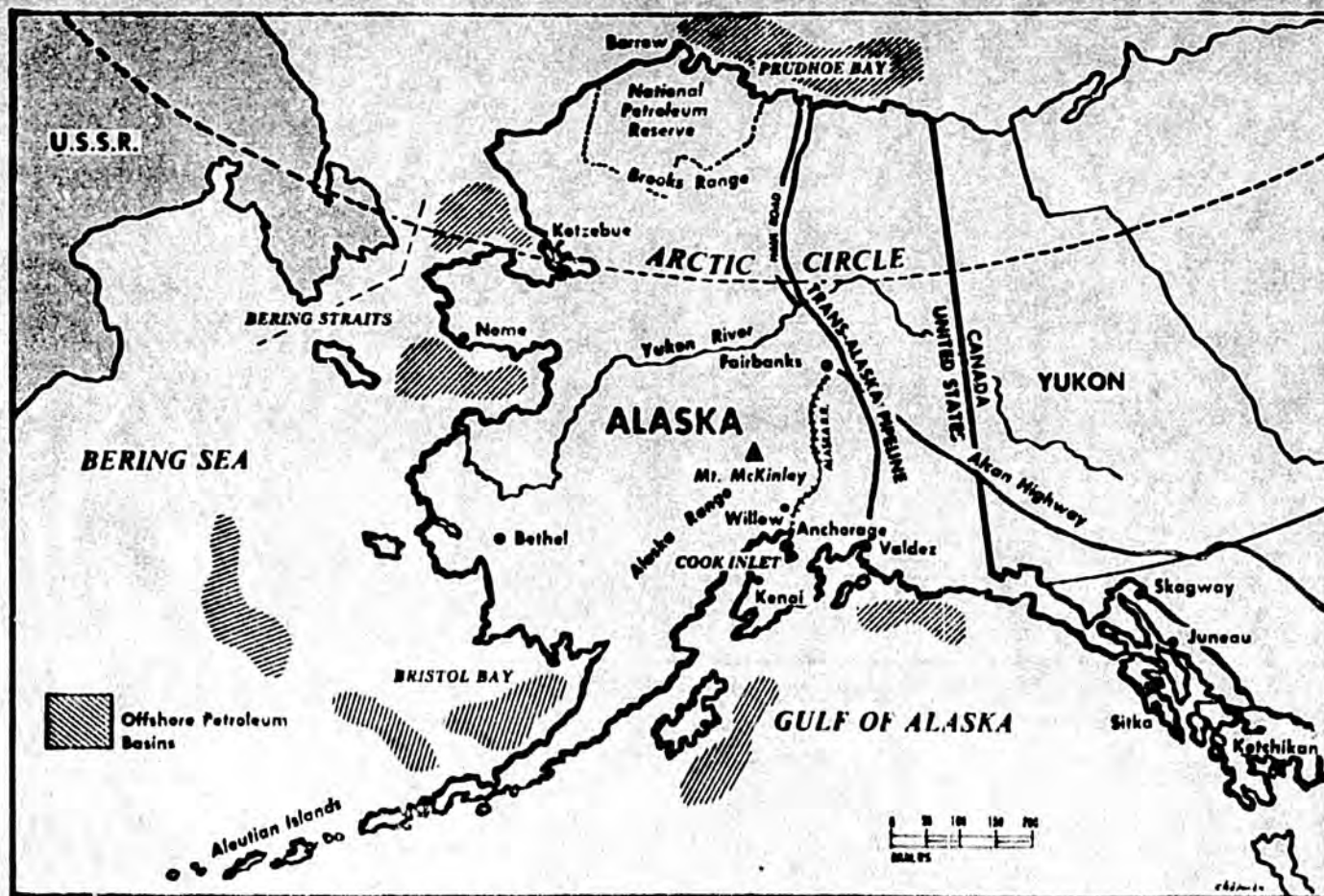
## Legislative Outlook

Two House committees and one Senate committee have jurisdiction over the d-2 lands issue, and all have at least begun hearings. The House is moving at a faster pace.

**House Interior.** Udall, as the chief sponsor of HR 39, hopes to report the bill by the end of 1977. Most of the work thus far has been done by the Interior Subcommittee on General Oversight and Alaska Lands, headed by John F. Seiberling (D Ohio).

Using HR 39 as the primary bill, the subcommittee has held or scheduled almost 20 days of hearings. They began in Washington in April, and continued in Chicago, Denver, Atlanta and Seattle. The subcommittee held three hearings in Alaska in early July and planned two more in August. In addition to the formal hearings, members scheduled a dozen meetings with local people to discuss land issue. The informal meetings were held in smaller towns and remote settlements in nearly every region of Alaska.

On a related matter, the subcommittee held oversight hearings in Washington July 21-22 to explore delays in transferring lands to the Alaska natives.



Seiberling intends to begin the subcommittee's markup of d-2 legislation in mid-September. The schedule could be delayed by release of the Interior Department's recommendations. However, Udall is strongly committed to HR 39.

**House Merchant Marine and Fisheries.** The Subcommittee on Fisheries and Wildlife Conservation and the Environment, headed by Robert L. Leggett (D Calif.), is concentrating on the wildlife management aspects of d-2 lands. It held three days of hearings in June and scheduled more in Alaska for the second week in August.

HR 39 was not referred to the subcommittee, which is considering three other bills. Leggett is making an effort to keep up with Udall's schedule, however, so that House action on d-2 lands will not be separated. A subcommittee staff member said the subcommittee basically is "waiting on Andrus to come out with his proposal."

**Senate Energy.** The decision on Alaska's national interest lands is an issue for the full Energy and Natural Resources Committee, headed by Henry M. Jackson (D Wash.). But the preliminary work is being handled by Lee Metcalf (D Mont.), chairman of the Subcommittee on Public Lands and Resources. Metcalf and other members held two days of hearings in June and planned a 10-day field trip to Alaska in late August.

In early September the committee staff will hold field hearings for a week or two in Alaska's more sparsely settled areas. The staff will conduct Washington workshops this winter to complete detailed studies of the d-2 areas under consideration.

Jackson, the sponsor (by request) of both the Morton bill (S 499) and the Alaska Coalition bill (S 500), may

become more active as d-2 legislation moves through the Senate. His committee is busy now with energy legislation.

Supporters of nearly all the d-2 proposals want to avoid a congressional logjam near the statutory deadline of Dec. 18, 1978. The House, in particular, would like to complete its work many months in advance.

**Administration Study.** Andrus spent much of his July 19-23 trip to Alaska working on the d-2 lands issue. His itinerary included visits or flights to the Lake Clark area, Katmai National Monument, Kamishak Bay and other sites. He held meetings with the Federal-State Land Use Planning Commission, Gov. Hammond, native groups and environmental organizations based in Alaska. Before he left Washington, Andrus conferred with both Stevens and Sen. Mike Gravel (D).

Andrus concentrated on southern Alaska in July, but he planned to see more of the state soon. A return visit was planned tentatively for late August.

The Interior Department, now in its sixth year of studying d-2 lands, is moving deliberately, taking extra care in making its final recommendations for Alaska. Buff Bohlen told the Seiberling subcommittee March 3: "We have the opportunity to provide the level of protection which we were seldom able to do in the lower 48. We can avoid the mistakes which we are now having to face up to in places like Redwood National Park and in the watershed of the Everglades National Park. We are having to spend hundreds of millions of dollars to protect our national treasures because we failed in the past to understand the need to protect complete ecosystems." ■

—By James R. Wagner

THE (d)(2) LANDS

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CITIZENS FOR MANAGEMENT OF ALASKA LANDS, INC.

P. O. Box 3256-DT, Anchorage, AK 99510

The head-on collision course between "development" and "maintenance of the status quo" is unavoidable as long as both philosophies are completely polarized as they appear to be at the moment. This is tragic because, if a real conflict occurs, development will triumph in the long run, but probably without the values that conservation groups are trying to maintain. I say that development will triumph because when the choice has to be made between food for the body and food for the soul, food for the body will win almost every time.

Charles Logsdon, 1974

## THE (d)(2) LANDS

### CHAPTER I

#### AN OVERVIEW OF THE PROBLEM

#### INTRODUCTION

After decades of public neglect, Alaska has finally attained "most wanted" status. As the largest, most rugged and most climatically inhospitable state, Alaska is recognized as the great depository of wild lands. Partly for the same reason, it is the main largely untapped domestic locale of nature resource wealth.

There are those who hold that the existence of wild lands and the development of resources are incompatible. We hold, however, that both can and should exist in Alaska, and that the framework for their simultaneous existence is present in multiple-use management.

The overriding issue is the future of one-third of the public lands of the United States. Preliminary surveys of the agricultural, forestry, mineral, and public recreation uses of these lands show potentials of sustained yields of billions of dollars of new wealth per year, surely an

important consideration. But more important is the impact on the people of the state of Alaska. Will these individuals be allowed to use their intelligence and resourcefulness in making the many choices between preservation and development? Can they be allowed to make some mistakes? Or will most options be closed?

The direct issue--that of the (d)(2) lands--has nation-wide impact in itself. If the Congressional settlement involves only 80 million acres, it still directly affects an area larger than the combined states of New York, Pennsylvania, and New Jersey--or Ohio and Michigan. If it involves 106 or 120 million acres, it directly affects an area the size of California and, because of secondary efforts on management of adjacent lands, on transportation and communication options, on life styles, it becomes a dominant influence on the rest of Alaska.

This study was prepared by groups and individuals involved mostly with use of the lands, ranging from traditional use of living and subsistence, through recreation, to the more intensive uses of agricultural, forestry, and mining. It is, therefore, biased in approach. This bias is, however, believed necessary to restore a balanced view of "national interest lands."

Two views pervade the presentation. First, because of increased pressures on the available land, the thrust of management of most public lands must be toward multiple, not single, use; and, second, because we believe that economic health is the main safeguard of the conservation-

environmental movement, we do not regard our approach as being other than conservation oriented.

#### THE (d)(2) LANDS--ORIGIN AND DEFINITION

The Alaska Native Claims Settlement Act (P.L. 92-203) of December 18, 1971, provided mainly for settlement of the aboriginal land claims of natives and native groups in Alaska. As part of the settlement, Sec. 17(d) (2)(A) of the Act directed the Secretary to . . .

withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, and from selection by Regional Corporations pursuant to section 11, up to, but not to exceed, eighty million acres of unreserved public lands in the State of Alaska, including previously classified lands, which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems.

Further sections of the act gave the Secretary of Interior guidelines on the withdrawal process and mandated Congressional action by December 18, 1978.

The Secretarial recommendations are in the proposed "Alaska Conservation Act" which proposed 32.26 million acres (hereafter m.a.) for National Parks, 31.59 m.a. to Wildlife Refuges, 18.80 m.a. to National Forests, and 0.82 m.a. to Wild and Scenic Rivers for a total of 83.47 m.a. Subsequently, other bills have been introduced or are under preparation. The bills thus far introduced propose a range of direct land disposition ranging from 33.1 to 106.1 m.a.

Several of the bills, including the proposed Alaska Conservation Act, adopt a narrow interpretation of the Act--that is, they only recommend additions to the four systems, but at least three bills or proposals take a broader mandate from the (d)(2) section and from the part of Section 17, which created a Land Planning Commission. The Commission was specifically authorized (in 17(a)(7) to:

(A) undertake a process of land-use planning, including the identification of and the making of recommendations concerning areas planned and best suited for permanent reservation in Federal ownership as parks, game refuges, and other public uses, areas of Federal and State lands to be made available for disposal, and uses to be made of lands remaining in Federal and State ownership.

The broader proposals, including HR-6848 (Young, Alaska) and draft outlines prepared by the State of Alaska and the Federal-State Land Use Planning Commission (11/10/75), propose that some lands be added to the four systems, but that other lands be jointly managed by the State of Alaska and the federal government, or that entirely new land-use management systems be set up.

#### A NATIONAL LAND-USE PERSPECTIVE

In contrast to 1900 when nearly 90 percent of the population in the U.S. was engaged in agriculture, less than 5 percent of the present population is engaged in food production, but agricultural uses still occupy about 50 percent of the national land (Table 1.1). The other dominant land

uses, in order, are forestry, urban use, and grazing. The minor uses which include National Parks and Historic Sites, Wildlife Preserves, and military use together total only about 5 percent.

Actually, much more land is involved in parks and wildlife habitat than is read from the statistical record because state and municipal parks are mixed in with urban and forested lands and much prime wildlife habitat is on agricultural, forested, grazing, and even urban land.

To put the size of the present (d)(2) withdrawals (4 percent of the U.S.) in easily comparable units, the present withdrawal is about two-thirds the size of California, the third largest state, or larger than the middle Atlantic states of New York, New Jersey, and Pennsylvania by about 10,000 square miles. In terms of midwestern states, the (d)(2) withdrawal area is slightly larger than the combined areas of Ohio and Michigan. It would encompass more than 37 Yellowstone National Parks, currently the nation's largest. If the National Interest Reservation Act (HR-2063 or S-1688) would prevail, the area directly affected would exceed five percent of the total U.S. lands, or an area roughly the size of California.

Although most of the land-use figures of Table 1.1 are not surprising, the relatively small amount of mined land does appear incongruous, especially against the context of controversy caused by surface mining. Another estimate of this problem was provided by the U.S. National Commission on Materials Policy (1973, p. 7-6 and 7-7). Based mainly on Department of Agriculture figures, they show that the amount of disturbed land is

TABLE 1.1

LAND AREA AND USE IN THE UNITED STATES <sup>1/</sup>

	Thousands of Acres	Approximate % of Total U.S.
BASIC UNITS		
United States	2,091,562	100
Total Public Domain (1970)	756,000	36
Alaska	375,303	18
d-2 Lands, Alaska	83,470	4
LAND USES		
Agriculture	1,087,000	52
Forested Lands	503,771	24
Urban Land	248,056	12 <sup>2/</sup>
Grazing	163,562	7.8
Parks and Historic Sites	30,000	1.4
Wildlife and Refuges	30,000	1.4
Military	15,727	.8
Mining and Energy Lands	6,274	.3 <sup>3/</sup>
Roads and Highways	24,000	1.2

<sup>1/</sup> Most data are from Statistical Abstracts, 1970.

<sup>2/</sup> The urban area shown is the so-called SMSA or Standard Metropolitan Statistical Area, the area which has dominant urban flavor.

<sup>3/</sup> The figure is that of all lands used since 1776 for mineral extraction in the United States, including oil and gas production, sand and gravel, non-metals, and metal mining (American Mining Congress, 1972). About one-third of this land has been converted to other uses, and as stated by Carlson (1975) about 0.2 percent of the land is used for mineral production at any one time.

increasing gradually, as:

<u>To date</u>	<u>Percentage of Land Area</u>	<u>Thousands of Acres Disturbed</u>
1965	0.16	3,200
1972	0.20	4,000
1980 (projected)	0.25	5,000

It is estimated that about 45 percent of the disturbed land needs no further treatment to protect against continued environmental damage, and that eventually most can be returned to other uses, dominantly as forest, range, and wildlife habitat.

#### AN ALASKA LAND-USE PERSPECTIVE

The impact of d-2 lands in Alaska is in reference to a total land and water area of about 375,304,000 acres (Table 1.2). Although the state can ultimately, but perhaps now only theoretically, select over 104.5 m.a., the dominant present status of Alaska land is determined by the Alaska Native Claims Settlement Act. In round figures the total acreage currently involved in the Act is about 250 m.a., or 67 percent of the state; this includes 120 m.a. withdrawn for native selection, 80 m.a. for d-2 study, and over 44 m.a. subject to other restrictions.

Currently only about 0.3 percent of Alaska is in private ownership and, even after all native selections, only about 12 percent of the land in Alaska will be privately owned.

TABLE 1.2

ALASKAN LAND AREA AND MANAGEMENT STATISTICS-OVERVIEW <sup>1/</sup>

<u>Status</u>	<u>Thousands of Acres</u>	<u>Approx. % of Total AK</u>
Est. total area of Alaska	375,304	
Est. total area - land	362,516	
Est. total area - inland waters	12,787	
<u>Federal Reserves</u>		
National Park System	7,535	2.0
National Wildlife Refuge System	19,906	5.3
National Forest System	20,723	5.5
Naval Petroleum Reserve No. 4	23,152	6.2
Other Military Reserves	3,019	0.8
Transportation and Utility Corridors	5,516	1.5
Department of Transportation	111	-
National Interest Lands (d-2)	78,095	20.8
Replacement lands for Wildlife Refuges	2,130	0.6
Remaining Federal Public Lands (d-1) for classification and management and selection of remaining state entitlement (approximately 35,447,000 acres)	101,451	27.0
<u>State and Private Withdrawals</u>		
Native selections (expected total)	43,698	11.6
Private lands patented	965	0.3
State selections to date	69,003	18.4

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<sup>1/</sup> Federal-State Land-Use Planning Commission, Press Release 11/10/75.

Parks and wildlife refuges, both state and federal, currently total about 31.4 m.a. (Table 1.3) and under all current (d)(2) proposals, this will at least double.

#### GROUNDINGS FOR CONFLICT

Population growth compounded by a well-developed national transportation system and an affluent society have drastically increased pressures on the land. Agricultural lands are sought for industrial use and urban expansion. Urban lands have intense social pressures, and Public Lands are a reservoir, real or fictive, to hopefully be used to solve a variety of problems.

A conflict for actual use of land exists because of the general purpose of the 17 (d)(2) withdrawal--which can be paraphrased as limiting the possible uses of a very large portion of Alaskan and National Public Land.

Most of the proposed (d)(2) legislation, compared in detail in Appendix 1, takes a broad view of Section 17 and gives a general aim--again paraphrased . . .

to protect and preserve nationally significant natural, historic, cultural, and recreational values through inclusion of land in the Four Systems or in jointly administered Federal-State agencies.

Of the four systems, only National Forests are mandated to operate under multiple-use philosophy, so potential conflicts exist with special uses of Alaskan land considered in more detail in the following sections.

TABLE 1.3

PARKS AND WILDLIFE REFUGE LANDS IN ALASKA,  
FEDERAL AND STATE, AS OF 1975

	<u>Thousands of Acres</u>
Parks and Recreation Areas	
State	1,402
Federal	7,535
Wildlife Refuges and Critical Habitat Areas	
Federal	19,906
Federal, replacement lands	2,130
State refuges	106
State critical habitat areas	<u>360</u>
TOTAL	<u><u>31,439</u></u>

FORESTRY: The main potential conflict is caused by the existence of potentially commercial forests in several of the (d)(2) withdrawals of Interior Alaska. A preliminary reconnaissance survey of the interior forests indicated that there were 22.5 million acres of potentially commercial forests (Hutchison, 1967). More intensive surveys now in progress indicate that the acreage estimated by Hutchison is too high, but there is a substantially higher timber volume per acre, and that the volumes and quality are comparable to or exceed those of the Lake States which have a thriving, sustained timber industry.

To establish potential only, managed development of Alaska's interior forests could provide over 36,000 jobs in Interior Alaska. If this resource is available in National Forests, a combination of land-use planning and market conditions can dictate the extent of its use. However, if it is managed for preservation entirely, its economic function of availability does not exist.

Although the interior forests have definite present potential, research by the Forest Service shows that management would increase yields, as the natural growths of the non-managed forests stop short of potential, due to crown closure and consequent upper encroachment of frost levels. Surely some of this land meets the basic criterion for (d)(2) section . . . "unreserved public lands . . . suitable for . . . (national) forest . . . systems."

AGRICULTURE: Like forestry, the agriculture of Interior Alaska is largely potential and only recently identified and quantified (Alaska Rural Development Council, 1974). This recent survey shows that Interior Alaska is one of the few places world wide where vast acreages of virgin tillable soils exist, and much of the estimated tillable lands of about 16 m.a. are in or near the (d)(2) withdrawals (see Chapter 5).

Unlike farming in the more temperate parts of the United States, development of successful farms in Interior Alaska will not depend on plots of only several hundred acres; hence, the possibility that agricultural potential will never be realized unless recognized before the land is split into three or four management systems.

MINING: It can be estimated from national figures that land used for metalliferous mining will constitute 0.1 percent or less of any sizeable area of the earth's surface. If we use the (d)(2) lands as a basis, we can say--with a great degree of certainty--that at a maximum some 80,000 acres would be disturbed by mining over the next hundred years. The potential conflict is, therefore, different in degree than almost all other uses--succinctly, mineral exploration needs large acreages so that a small acreage will ultimately be used, while other single proposed uses (such as, wilderness, recreation, agriculture) need a larger land base for operation without conflict.

Of the four designated systems, only the U.S. Forest Service has recognized mining as a legitimate land use, and although mining can

theoretically be permitted in some National Parks or Wildlife Refuges or near Wild and Scenic Rivers, past policy has been to actively discourage mining. As shown in detail in Chapter 3, the mineral potential of many withdrawn (d)(2) lands is high and many active explored prospects are very near the present (d)(2) boundaries, thus a need to consider minerals in making (d)(2) policy.

**WILDLIFE AND GRAZING:** Conflicts involving wild and domestic animals are multiple. Sports fishing and hunting may run counter to subsistence use of animals, and introduction of managed animals--such as, reindeer, cattle, or even musk oxen--will mean further controls or conflicts on competing species. The issue also involves who controls wildlife population and, as we have seen time and time again in recent years, is highly emotional.

Some of the conflicts go to the heart of the Alaska Native Claims Settlement Act. People of the Yukon-Kuskokwim Delta regions have argued eloquently that their very culture depends upon their subsistence relation with the native wildlife (Yupiktak Bista (Staff), 1974). On the other hand, many other Americans use or appreciate wildlife and, since animals do not recognize manmade boundaries, there are international competitions involved with wildlife management.

**TRANSPORTATION:** Although transportation is not mentioned specifically in Section 17 (d)(2), easements are considered specifically in Section 17 (b)(1,2,3) of the Settlement Act, and access is generally

recognized as a key conflict element. Persons who have no disagreement with mining, for example, may recognize a transportation route and its attendant people impact as a major problem. On the other hand, controls on people conflicts may be had outside the (d)(2) settlement legislation.

Policy on transportation is partly conflicting. The Federal-State Land-Use Planning Commission for Alaska (1974) proposed, first, that land use must determine transportation, but that transportation must minimize environmental damage and that impact area residents must be able to participate in transportation decisions. A first attempt to come to grips with transportation was made by the U.S. Bureau of Land Management (1974).

LAND VALUATION: Somehow all uses must fit generally with rational land valuation. The appraisal of lands can be carried either theoretically in terms of assigning a highest and best use, or in terms of their market value as real estate. The multiple-use concept depends on determining a highest and best use, then interweaving other land uses with it. For large tracts of public lands in the traditional systems, forestry and grazing constitute highest and best use. But, traditionally, because of their scarcity, economic mineral deposits have been recognized as constituting very valuable lands.

Although subject to difficulties, it is possible to assign quantitative values to forest, grazing, agricultural, and mining land; other public lands offer more problems.

Since the late 1900s and increasingly since World War II, public lands have also been withdrawn for recreational purposes. In the early years it was assumed that most of these areas would be people oriented "parks," but with increased crowding of the urban areas and decimation of wild lands, needs for solitude and preservation of samples of wild systems were recognized, forming the basis of the Wilderness System.

As stated legally <sup>1/</sup>:

A wilderness . . . is . . . an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain . . . . An area of federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions . . . .

The assignment of quantitative value to these lands in terms of both real estate and intangible values is difficult, if not impossible. Nevertheless, aesthetic and other intangible values have been weighted for qualitative use.

Regardless of difficulty, there must be a better and more realistic attempt made to quantify values. In a rational land-management system, wilderness must be weighed against other competing uses. The classification of land into preservationist systems prior to study is the antithesis of good land-use planning.

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<sup>1/</sup> USC 16, Chap. 23, Sec. 1132 (c).

## RESOLUTION

An intense amount of study must be put into the (d)(2) question by all Alaskans--not just those involved to this point--and until this process is further along, no exact recommendations should be made. In principal, however, we propose that a (d)(2) settlement act work to resolve four main problems at least.

- (1) Identification of some unique lands for preservation.
- (2) Identification of multiple-valued lands for addition to the main multiple-use systems.
- (3) A statement of principal concerning transportation and easements for future transportation systems.
- (4) An attempt to address the complex issue of wildlife management, including subsistence.

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## Alaskans talk about National Interest Lands in Alaska





The report from Alaska on the  
title and population.

The report on the Alaska  
the Alaska Title and Claims Settlement  
Act of 1966 requires this analysis of  
the Federal and State lands in Alaska.

After the State completely  
under the Statehood Act and  
the Nation people complete their  
work under the Claims Settlement  
Act, the Federal government will  
control two hundred million acres of  
land in Alaska.

The values which are reflected in the  
education of these lands is what the  
title issue is all about. Thus, the report  
from Alaska.

28. Have you visited any of Alaska's national forests since living in Alaska? (And if yes) Which one?

- 41.1% Yes, have visited Chugach National Forest
- 11.1 Yes, have visited Tongass National Forest
- 24.2 Yes, have visited both
- 23.6 No

29. Have you ever flown into the Alaskan wilderness?

- 62.3% Yes
- 37.7 No

30. Have you ever taken a trip down an Alaskan river?

- 51.4% Yes
- 48.6 No

31. (If "no" to either Q. 29 or Q. 31) Have you ever wanted to do such a thing?

- 36.0% Yes
- 14.8 No
- 2.4 Unsure
- 46.9 Not applicable

32. (If "yes" to Q. 31) Why haven't you?

- 63.8% Not applicable
  - 21.4 Not enough time and/or money
  - 3.4 Never had opportunity
  - 3.0 Small children
  - 1.9 No equipment
  - 1.3 Inaccessibility
  - 1.5 Just haven't
  - 2.8 Other
  - 0.9 No response
- Other comments in numbers; not percents: Usually go outside for vacations (2); Other priorities; Didn't think of it until now; Not enough knowledge Haven't been here long enough (2); Plans didn't work out right; Never got it together; Too cold; Too chicken to go alone; Husband doesn't want to.

33. Are there parks, refuges or other scenic areas of Alaska you would like to visit, but which are generally inaccessible to you because of the cost of getting there?

- 61.9% Yes
- 32.8 No
- 5.4 Unsure

34. How important is the scenic beauty and frontier ruggedness of Alaska to you, in terms of living here as opposed to another state?

- 80.3% Very important
- 16.3 Somewhat important
- 2.6 Unimportant
- 0.9 No opinion

35. Here are two statements about Alaska's role. Tell me which one comes closest to your view, or if you feel these statements can be combined without contradiction.

15.6% Alaska is America's energy breadbasket, and its major purpose is to supply the nation with oil, gas, minerals, timber and other resources, without despoiling its natural environment.

26.3% Alaska is America's last wilderness, and its major purpose is as a habitat for undisturbed nature, the protection of migratory wildlife, recreation, and scenic values, and without despoiling its economy.

48.5% Feels statements can be combined without contradiction.

8.4% Other comments

3.2% No opinion/unsure

**Other comments in numbers; not percents:** We don't have that much oil here and we need to preserve the wildlife more. We need industry for the people already here; Wilderness is more important than minerals; Leave it the way it used to be before pipeline; We should preserve as much as possible-slow down progress; It is America's last frontier-don't wreck it; Alaska should exist as wilderness area-renewable should be developed; I feel if properly done, energy resources can be used while leaving nature to renew itself. It doesn't need to spoil the environment; There can be a compromise of wilderness interests and commercial interests with major interest in wildlife preservation and limited exploration; There will have to be a trade-off between the two standards; Our purpose is not to supply the nation's oil and you can't leave the whole state as wilderness. You have to have a happy medium; Alaska is a "state of mind", not a "breadbasket" for the gluttenous American economy, nor a "park" for the affluent society. We need to approach our own lives with frugality and emphasize the rewards of spirit rather than things; Statements could be combined, but I don't think they will. Disagree with first statement — should not exist for the Lower 48; Keep as close to nature as possible and get what is needed; Alaska is America's largest renewable and non-renewable resource state. The development of all the resources would have a small environmental impact on the state, but it is inevitable that the resources will be drawn from the state and the best that can be hoped for is that the amount of destruction to the property is controlled. Also the wilderness should be left for hunting, fishing and use of renewable resources and recreation; Why do they think we have to have a role in this game? Why can't we be free to develop our resources without any burden of bureaucracy; Alaska is my home and whosoever desires anything should contact us too, along with the state; If Alaskans were allowed to, they could develop their own resources better than the federal government; Feds should leave Alaska alone — some development, some preservation; Some areas of Alaska should remain undisturbed. Also feel the resources should be used; I feel Alaska has already shared its resources without benefit. Any in the future should be determined by Alaskans; Feel we should make judicious use of renewable resources and wise use of our non-renewable resources; If we can't use the resources of Alaska we should give it back to Russia; Neither statement — Alaska need not be raped to supply the rest of America and need not be locked up for birdwatchers; What was the agreement between Russia and U.S. when Alaska was purchased by U.S. Isn't one going a little far off at times?; Don't agree with either — you have to have roads to build any sort of state; Statements must be combined — and there is contradiction. Moderation is advised; They are boating a dead horse by getting progress up here. Save it for later; We should be able to drive to all places in Alaska. We need more roads. We also need the oil. I'm against more parks; Oil rigs and exploration might ramrod into wilds without proper planning — d(2) bill is not a danger — U.S. will use resources if necessary; States do not have purposes. People here are obligated to supply energy. Do it without screwing up our state; Should be available for use by people; Both a bunch of malarkey; Someplace in the middle — both statements are too extreme (2); It is not possible to have either one without contradiction (3).

- 12.3 751 - 1000 miles
- 3.0 1001 - 1250 miles
- 4.3 1251 - 1500 miles
- 0.9 1501 - 1750 miles
- 3.9 1751 - 2000 miles
- 0.2 2001 - 2250 miles
- 0.6 2251 - 2500 miles
- 0.2 2501 - 2750 miles
- 1.1 2751 - 3000 miles
- 1.5 Over 3000 miles
- 1.1 No answer

13. (For those who answered Question 12) ...And how did you travel?
- 9.7% Air
  - 6.0 Water
  - 35.6 Surface/road/railroad
  - 27.7 Combinations in numbers; not percents: Air-surface (17); Air-water (13); Surface-water (51); All (13).  
Not applicable
14. Do you feel satisfied with how much of Alaska you have so far actually seen and experienced, or are you interested in experiencing much more of it?
- 12.2% Feels satisfied
  - 65.5 Satisfied, but wants to experience more
  - 22.3 Wants to experience more, is unsatisfied
15. What would be your favored means of traveling to remote areas of Alaska in the future?
- 28.4% Air
  - 6.9 Water
  - 21.9 Surface/road/railroad
  - 42.8 Combinations in numbers; not percents: Air-surface (36); Air-water (52); Surface-water (36); All (66).
16. Do you feel certain public lands in Alaska deserve receiving permanent protection as national parks or wildlife refuges even though you may not be able to visit all of them?
- 61.0% Yes, deserve permanent protection
  - 20.8 No
  - 7.7 No opinion/unsure
  - 10.5 Yes, though not in amounts reported

Here are a number of National Park lands either existing or proposed in Alaska, and this map shows where they are. Tell me in each case if you have already been to each park, and if so, if you intend to go back sometime, and if not, if you ever intend to go.

	Intend to return	Won't return	Intend to go	Won't go	No Opinion
17. Denali National Park (Mt. McKinley)	59.3%	4.9%	28.3%	4.3%	3.2%
18. Glacier Bay National Park	22.3%	3.2%	49.7%	18.8%	6.0%
19. Kobuk Valley National Park	5.4%	1.7%	53.7%	29.1%	10.1%
20. Lake Clark National Park	12.2%	0.9%	53.1%	21.6%	12.2%
21. Gates of the Arctic National Park	7.1%	1.7%	54.0%	28.3%	9.0%

- |  | Intend to return | Won't return      | Intend to go | Won't go   | No opinion |   |     |                                |     |                 |     |   |     |                      |     |  |     |            |  |             |   |
|--|------------------|-------------------|--------------|--|------------|---|-----|--------------------------------|-----|-----------------|-----|---|-----|----------------------|-----|--|-----|------------|--|-------------|---|
| 22. Katmai National Park   | 12.4%            | 1.7%              | 63.0%        | 14.6%  | 8.4%       |   |     |                                |     |                 |     |   |     |                      |     |  |     |            |  |             |   |
| 23. Wrangell-St Elias National Park  | 17.1%            | 3.4%              | 54.0%        | 16.3%  | 9.2%       |   |     |                                |     |                 |     |   |     |                      |     |  |     |            |  |             |   |
| 24. Do you believe roads, railroads or some other form of surface transportation should be built to these parks to provide easy access to large numbers of people? | 30.5%            | Yes, to all parks | 47.9         | Yes, to some parks   | 20.6       | No parks  | 1.1 | Depends (on which parks, etc.) |     |                 |     |   |     |                      |     |  |     |            |  |             |   |
| 25. Tell me the name of any national wildlife refuge you visited for recreational purposes since you have lived in Alaska?   | 41.5%            | None              | 25.8         | Mt. McKinley (Denali National Park)                                | 14.8       | Kenai Moose Range (or named Kenai, Kenai area, etc.)                                  | 1.9 | Potter Marsh/Flats             | 3.7 | Glacier Bay     | 1.9 | Chugach area  | 0.9 | Katmai               | 1.3 | Mendenhall Peninsula/Flats                                 | 8.2 | Other      | Other comments in numbers; not percents: 66 Mile Steese (2); St. Lazarus Bird Refuge (3); Kodiak (3); Admiralty Island (2); Wrangells; Afognak (3); Katchemak Bay; Fonreslerr Island; Portage; Prince William Sound; Aleutians; Arctic Wildlife Refuge (2); Eklutna; Copper River Water Fowl Refuge (2); St. Paul's; Susitna Flats; Chukchi (2); Tongass (2); Sheep Mountain (2); Kualinie Wildlife Refuge; By Tustumena Lake; Taliana Flats; Kobuk area; Minto Flats. |             |   |
| 26. (If a wildlife refuge is named) What was your main reason for visiting the refuge?   | 42.8%            | Not applicable    | 16.1         | Recreation/vacation (to get away; fun; something to do; an outing) | 15.7       | Sightseeing (scenery; taking visitors; to visit; see what was there; to check it out) | 6.9 | Fishing and/or hunting         | 4.5 | Camping         | 6.9 | To see wildlife (animals; birds; flora and fauna; nature) | 2.6 | Passing through area | 1.7 | Other specific sport (backpacking, hiking, canoeing, etc.) | 1.7 | Other      | 1.1  | No response | Other comments in numbers; not percents: Closest and most convenient (2); On the job information (3). |
| 27. How far from this home do you have to go to be in a real wilderness experience?  | 61.3%            | 25 miles or less  | 13.3         | 26 - 50 miles  | 3.4        | 51 - 75 miles   | 8.2 | 76 - 100 miles                 | 0.2 | 101 - 125 miles | 1.5 | 126 - 150 miles   | 2.6 | 151 - 200 miles      | 2.6 | Over 200 miles   | 6.9 | Don't know |  |             |   |

# The Survey Data

1. Are you a resident of Alaska?
  - 99.8% Yes
  - 0.2 No
2. How long have you lived in Alaska?
  - 17.6% Lifetime (born in Alaska)
  - 11.6 25 years or more
  - 26.8 10 - 25 years
  - 35.0 2 - 10 years
  - 9.0 Less than 2 years
3. (If "Not Born in Alaska") Why did you come to Alaska?
  - 17.8% Not applicable
  - 35.6 Job/work opportunities (transferred; in service; husband's job)
  - 17.6 Moved with family (came up with parents, relatives)
  - 8.4 Lure of Alaska lifestyle (wilderness; adventure; the outdoors; scenery; hunting and fishing; the last frontier, etc.)
  - 4.7 To get away from Lower 48 (away from rat race, steel and concrete, big cities, pollution; better quality of life here, etc.)
  - 3.4 Visited Alaska — decided to move
  - 4.7 Always wanted to/just wanted to
  - 6.0 Other
  - 1.7 No opinion

Other comments in numbers; not percents: Health reasons; Own property; It was first point North on the money I had; Just like it here (2); To investigate the country; Immigrated from Denmark; Immigrated from Europe; To go to school; Because of religious beliefs (2); Born here, decided to come back; Wa. getting a divorce; Good schools.
4. What do you like about Alaska — in other words — why do you live here rather than someplace else?
  - 11.0% Natural surroundings (scenery; wilderness; beauty; the land; geography; ruggedness; openness)
  - 9.7 Outdoor life (hunting; fishing; camping; opportunity to enjoy the land)
  - 4.1 Climate
  - 5.4 Work/job
  - 6.0 More opportunities (business; economic; job)
  - 4.9 Good wages/money
  - 8.8 Less crowded (Not so many people)
  - 9.5 Quality of life (casual; slower; no pressure; not as developed; less congested; quieter; lack of social problems; allure of the last frontier)
  - 5.2 The freedom
  - 7.7 The people
  - 11.6 It's home (have roots here; born/raised here; been nowhere else)
  - 5.2 Everything; just like it
  - 1.9 Family reasons (husband/wife likes it; married someone from here, etc.)
  - 6.0 Other
  - 3.0 No opinion

Other comments in numbers; not percents: The Lord wants us here; Don't like it — we're moving out of state (2); God has put me here. It is the geographical will of God that I stay here; No snakes or insects; I like anywhere the Lord sends me; Don't got money enough to get out of here; Have some input in the government; Still going to school; Health reasons (2).
5. In Alaska there are about 20 communities of a few thousand people or more. Of these major places, how many have you visited?
  - 15.5% All or almost all
  - 14.8 Three-fourths
  - 20.8 About half
  - 20.2 About one-fourth
  - 28.1 Only a few
  - 0.6 No opinion
6. In Alaska there are also about 300 communities of a few hundred people each, or less. Of these places, how many have you visited?
  - 1.5% All or almost all
  - 2.6 Three-fourths
  - 9.7 About half
  - 17.6 About one-fourth
  - 44.2 Only a few
  - 23.8 Virtually none
  - 0.6 No opinion
7. Do Alaska's 300 small communities desire to be part of the state's surface transportation system?
  - 32.4% Yes
  - 35.4 No
  - 28.5 No opinion/don't know
  - 3.6 Some do, some don't
8. Do you feel that existing access to Alaska's 300 small communities is adequate to meet their community needs?
  - 39.3% Yes
  - 28.2 No
  - 20.8 No opinion/don't know
  - 1.7 In some cases
9. Do Alaska's 300 small communities desire visits by large numbers of recreationists and sightseers?
  - 14.6% Yes
  - 61.6 No
  - 18.0 No opinion/don't know
  - 5.8 Some do, some don't
10. In all, there are 365 million acres of land in Alaska, most of it accessible only by plane, boat, or off-road vehicle, and some by road. Of it all, what would you estimate as the amount you have been able to experience?
  - 1.1% All or almost all
  - 6.0 Three-fourths
  - 8.6 About half
  - 17.4 About one-fourth
  - 13.7 Less than one-fourth
  - 50.4 A few percent or less
  - 2.8 No opinion
11. Have you ever taken a one week trip inside Alaska for recreation purposes?
  - 71.7% Yes
  - 28.3 No
12. (If "yes") The last time you did that, how far did you go? (Estimate in miles).
  - 27.8% Not applicable
  - 20.7 250 miles or less
  - 15.3 251 - 500 miles
  - 7.1 501 - 750 miles

visit all of them." This is a wide endorsement for protection of the lands, and is reflected by about the same proportion in each major area of the state.

Alaskans do favor, however, access to some parkland, even if they cannot personally visit those areas.

**Distribution of Alaskans who have experienced or who intend to experience national parklands in their homestate.**

(rounded to nearest %)

Parklands	Have been there	Intend to return	Haven't been there, intend to go there	Do not intend to go
Denali	64%	59%	28%	4%
Glacier Bay	25%	22%	50%	19%
Kobuk Valley	7%	5%	54%	29%
Lake Clark	13%	12%	53%	22%
Gates of the Arctic	9%	7%	54%	28%
Katmai	14%	12%	63%	15%
Wrangell - St. Elias	20%	17%	54%	16%

Note: this is a summary of Q. 17 thru Q. 23.

**Parkland Access**

While the idea of protecting these lands with parkland designations is not an issue in Alaska, the problem of access remains. Previous data indicates the wide ranging interest Alaskans have in experiencing the Alaskan wilderness and exploring its environment; in addition, each of the seven parks is an area which a majority of Alaskans intend to visit, if possible. How will they do so? Well, here's how Alaskans responded to the question:

"Do you believe roads, railroads or some other form of surface transportation should be built to these parks to provide easy access to large numbers of people?"

- 30.5% yes, to all parks.
- 47.9% yes, to some parks.
- 20.6% no, to any parks.
- 1.0% it depends.

Almost 4 out of 5 of all Alaskans believe that there ought to be some form of surface transportation to at least some of the national parks.

Now the Washington D.C. survey also found 68.2% in favor, 4.7% opposed (and the rest unsure) to "recreation access to, within or across National Parks, Refuges, or Wild and Scenic Rivers in Alaska." Even so, the d(2) legislation under active consideration in the U.S. House does not appear to contemplate recreational access in the way Alaskans speak of it.

Recreation to Alaskans is not basically the hunting and fishing variety, although that is there. When asked to explain what their activity was in visiting a wildlife refuge, those who had done so reported in 87.9% of the cases these kinds of activities: sightseeing, showing visitors to Alaska, camping, birdwatching, observing wildlife, flora and fauna, backpacking, hiking, canoeing, getting away from the city. It would appear that these are the kinds of activities national parks are in part created to support. (Note: in the National Park Service management policies, two criteria are noted for parks: (1) protection of lands, and (2) enjoyment of the recreational resource by people.)

The question of recreation access in national parks is raised by this survey data, and the desires of the Alaskan people have been delineated. In summary, the Alaskan people are in favor of the protection of the land and the provision of some reasonable means of some transportation into some of the parks.



# Alaskans talk about National Interest Lands

## Alaskan Community Contact

The State is so large that it is accurate to say "only a few Alaskans have ever seen the place." Only 15.5% of the Alaskan public report visiting all or almost all of the 20 major communities in the state, in their lifetime. This 15.5% tends to be upper-income, older, male, and resident in Alaska for twice as long as the average.

When asked about the 300 communities of a few hundred people each which are scattered around Alaska, only 1.5% of the population reports visiting all or almost all of those places, while 68.0% report visiting only a few villages, or virtually none.

## Recreational Travel in Alaska

If it is true that Alaskans have seen little of community life in Alaska, it is even more true that Alaskans have seen little of the land. Only 1.1% report experiencing almost all parts of Alaska's scenic land in their lifetime, while 50.4% say they have been confined to a few percent or less of the land. All the municipalities, boroughs, and incorporated villages which are home to 95% of the Alaskan people cumulatively occupy less than 1% of Alaska. Even so, Alaskans travel widely for recreation in their state:

- 71.7% report taking a one-week trip inside Alaska for recreation purposes.
- The average recreation trip of one week ranged from 500 to 750 miles.
- 62.3% have flown into the Alaska wilderness for recreational purposes.
- 51.4% report that they have taken a trip down an Alaskan river at some time in their life, for recreation.
- And, 75% of those who have not taken such a river recreation trip state that they would like to,

but have not, basically because there's not enough time or money to do it.

- A "real wilderness experience" is only 25 miles away from the homes of 61.3% of the Alaska population.
- 76.4% have visited one of Alaska's national forests.
- 58.5% name a national wildlife refuge they have visited for recreation purposes (Note: some of the named places are in fact parks, not wildlife refuges; some Alaskans are mistaken on that.)

In summary, these are people who experience the Alaskan environment and its scenic, wilderness features, if they have the time and money to do so.

The preferred means of travel to remote areas of Alaska is air (28.4%), car or railroad (21.9%), water (6.9%) or combinations of all three (42.8%). Alaskans are aware that it is impossible to get to most remote areas on the surface. Income is a major factor in choice of travel means; the lower the income of the family, the more likely that the transportation mode chosen will be car or railroad.

## Alaskan Experience in National Parks

With the exception of Denali (Mt. McKinley) National Park, Alaskans have experienced little of the existing or proposed parkland in their state.

The table on page 9 indicates Alaskan experience in the seven parks.

## d(2) Parkland Classifications

Alaskans feel by a ratio of 61.0% to 20.8% that "certain public lands in Alaska deserve permanent protection as national parks or wildlife refuges even though you (the respondent) may not be able to





## Alaskans talk about Alaska

When Alaskans are asked, "Why do you live here rather than someplace else", their responses read like a tourist brochure for Heaven. And just about all the remarks connect directly to the environmental setting they are in:

- 48.3% spoke of the natural wilderness, the scenic beauty of the land, the enjoyment of an outdoor life, the freedom, the casual life, the lack of congestion, crowdedness or development, and so on.
- 16.3% spoke of work, business opportunity or good wages they were earning.
- 26.4% spoke generally about Alaska being Home — and many of these people are lifetime residents.
  - with others making no remark or a statement which does not classify itself with any others.

Now these responses begin to define what it is these Americans who now reside in Alaska feel about the place. Two directions are clearly evident in the responses, one relating to environment, and the other to economic life.

While most people came to Alaska looking for work or because of work, most stay because of the quality of life one experiences living in such a setting. In only 2.6% of the cases do Alaskans report that the frontier ruggedness and scenic beauty of Alaska are unimportant to them. A feeling for environmental values appears to be part of what it means to be an Alaskan. Alaskans respect the experience of living in "the great land" and they all have a frontier attitude about it.

Casting environmental values and economic values in two statements about Alaska produced interesting results as a similar question did among Congressmen in Washington D.C. Here are the two statements and the responses of both the Alaskan population and the Congressmen:

Interviewer hands respondent a card with the two statements printed in tandem, and says:

"Here are two statements about Alaska's role. Tell me which one comes closest to your view, or if you feel these statements can be combined

without contradiction."

The Statements	Alaska Public	DC Leaders
"Alaska is America's energy breadbasket, and its major purpose is to supply the nation with oil, gas, minerals, timber and other resources, without despoiling its natural environment."	15.6%	11.9%
"Alaska is America's last wilderness, and its major purpose is as a habitat for undisturbed nature, the protection of migratory wildlife, recreation, and scenic values, and without despoiling its economy."	26.3%	23.8%
"The two statements can be combined without contradiction."	46.5%	21.4%
Respondent made other remarks, not answering directly.	11.6%	42.9%

Notice that the percentage choosing "energy breadbasket" is similar in Alaska and Washington D.C., also, the percentage selecting "last wilderness" is similar in Alaska and Washington D.C. And, just considering those who made such a choice in the statements, there were two "wilderness" people for every one "breadbasket" person in both Alaska and DC.

But the real story is told by the 46.5% of the Alaskan people who believe that the two statements can be combined without contradiction. Economies must be placed in an environmental setting, and Alaskans are reporting that the state can serve the nation with resources while still remaining a habitat for undisturbed nature. Only 21.4% of the Washington D.C. leadership believed that the statements could be combined without contradiction, and this finding more than any other single finding in the survey, suggests a line of thinking which Alaskans wish to pursue in Washington D.C.

# Steering Council Study

This is a report on the methodology used in the statewide survey of Alaska residents 18 or older, conducted by Rowan Group Inc. for the d(2) Steering Council for Alaska Land.

## Questionnaire

The questionnaire was developed to probe Alaskan use and interest in the land, general attitudes toward the classifications being considered in the Congress, and specific experience in the use and enjoyment of the state's land and environment. The exact wording of the questions is presented in the Survey Data section of this report. We



believe the questions are — on the face of it — basically statistical in nature. While the Steering Council suggested the issues to be raised in the study, Rowan Group Inc. designed and applied the questionnaire with complete independence, and respectful professional distance.

## The Sample

The sample plan produced a total of 465 completed interviews. Of these 441 were conducted by professional interviewers, face to face with the respondent, in the home of the respondent; in 24 cases, all in distant rural areas such as Wales or Point Hope, the questionnaire was self-administered.

The sample was distributed proportionately into four major areas of the state, based upon the population in each area. The firm's previous surveys indicate that this sample number is more than adequate to represent the adult population in Alaska.

## Respondent Selection

Each area was assigned its population-proportional number of interviews. Then, households or cluster points (such as an apartment building, the side of one street block) were selected based upon population-proportion of neighborhoods and random selection within the neighborhood. Only Alaska residents found at home were interviewed.

Rowan Group interviewers are experienced people who ask the questions in a uniform way and collect the respondent's information or opinions with careful attention to the exact words used by the respondent. Open-ended questions are reported in the Data-Narrative with the verbatim responses that were forthcoming.

## Electronic Data Processing

The survey was coded and data-processed by Rowan Group staff and in conjunction with Alaska Data Systems; using a Fortran package permits multi-variable crosstabulation presentation.

## Summary

An analysis of the sample's demography shows that the sample closely replicates the actual Alaskan population. The factors considered are age distribution, sex distribution, location of the respondent, racial composition, income of the family, and employment status of the respondent. Statistical certitude can be corroborated in several areas where these factors are known to government or other information sources. As a result of these indices, the sample distribution method, the reports of the interviewers who conducted these interviews, and the history of previous surveys based upon the identical sample plan, we feel certain that the responses coming from this sample are within  $\pm 2.7\%$  of the percentages one would achieve if all residents of Alaska 18 or older were interviewed using the same questionnaire during the same period. In sum, the data can be used by the Steering Council as evidence of the experience and opinion of the Alaskan adult population toward the issues and questions raised in the questionnaire.

— Rowan Group Inc.  
525 W. 3rd Ave., Anchorage, Alaska

## Parklands and People

Ask yourself this; if Congress created a new wilderness park in your state or ours, would you want to be able to visit and enjoy it? If your answer is yes, then you're in agreement with a majority of Alaskans, according to a recent poll. But many Alaskans are disturbed by what they see as excessive restrictions on the proposed new parks for Alaska. Some of the d(2) bills contain provisions which, if the law is interpreted as it has been in the past, would prevent a float plane from landing in a wilderness park for recreational purposes. Since many of the proposed parks have no nearby roads, it may be literally impossible to visit some of Alaska's new wilderness areas. Alaskans are deeply concerned about this. We, who take access to wilderness as a matter of course, urge Congress not to deceive the American people by telling them that these parks are created for this and future generations to enjoy, and then enacting restrictions which prevent most Americans from ever going there. Parks are for people.

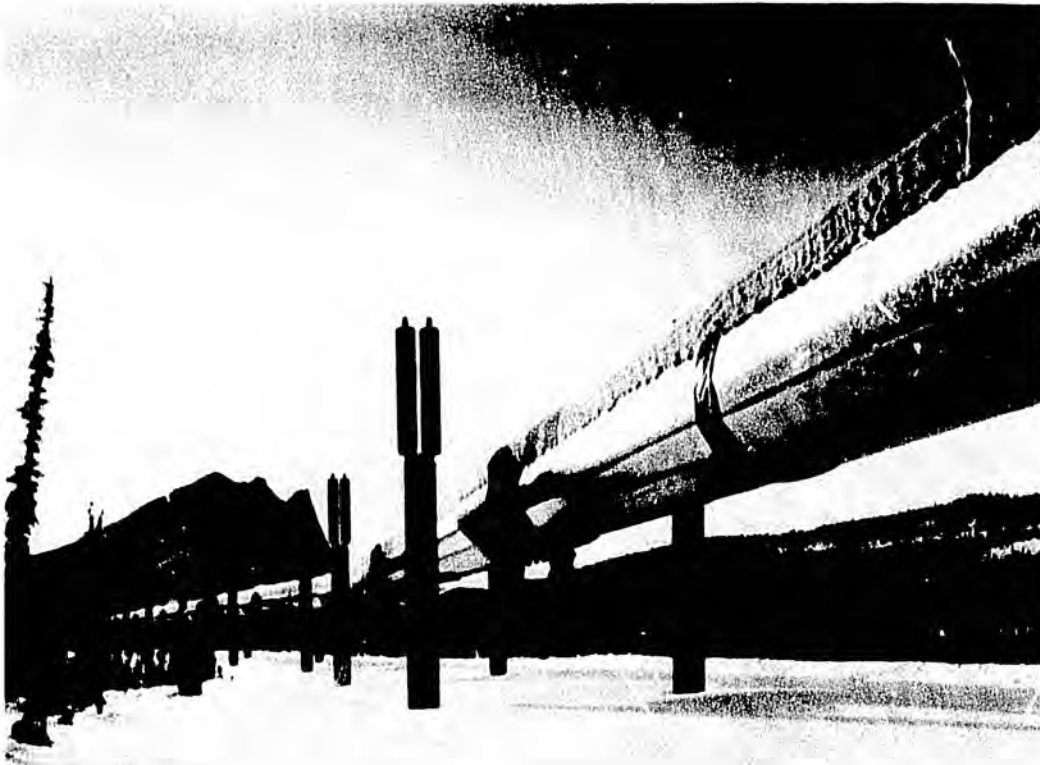


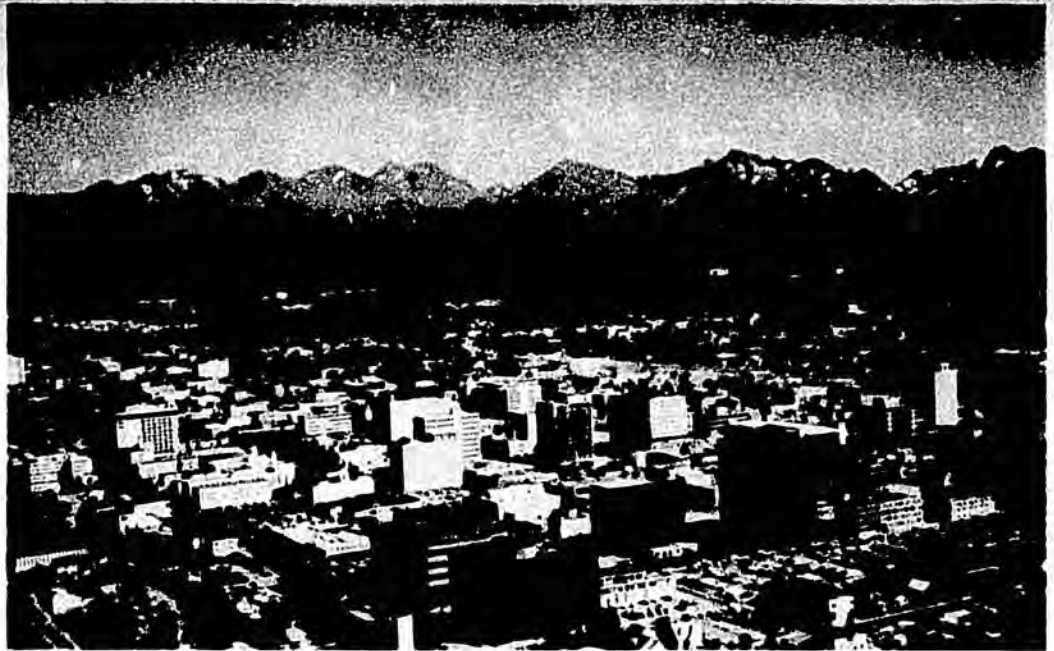
## Commitments to Alaska

In 1959, when Alaska became the 49th State, the federal government promised us 104 million acres of land. In 1971, with passage of the Alaska Native Claims Settlement Act, the federal government promised immediate transfer of 44 million acres of land to the Indian, Aleut, and Eskimo peoples of Alaska. The Natives are still awaiting title to most of their lands, and some of our Statehood selections are jeopardized by current d(2) legislation. The State is urging Congress to include a provision in d(2) legislation which recognizes the commitments made to us, and transfers those selected lands to the State and Natives. We feel that here, too, a balance is possible: between the federal government's desire to protect land, and the economic viability that was intended for Alaska and Alaskan Natives by that same government when they passed the Statehood Act and the Alaska Native Claims Settlement Act.

## Minerals Resources

If you were to list the metals and ores which are most important to America, you would find most — if not all — of those minerals in Alaska, sometimes in vast quantities. Much of our land still has not been thoroughly studied and inventoried. Knowledgeable people have said it will take until the year 2000 just to catalog Alaska's mineral resources. Many of these minerals are in short supply, and it is predicted that in our time others will be. The State of Alaska feels it is of critical importance to the nation to provide for orderly access to, and development of these resources should they become needed. We want Congress to consider minerals, too, as part of the "national interest" as it establishes boundaries and use limitations on the new parks, forests, and refuges which they are securing in the "national interest".





## Alaskans in the middle, our position:

The real issue in the d(2) legislation is **balance**. Alaskans, through their legislature, the Steering Council, and the State Administration are seeking a middle ground which protects both our wildlands, and our fragile economy. The state has developed policies and is offering amendments to the d(2) legislation in Congress which, if adopted, would achieve that delicate balance.

Few Alaskans would argue with the idea that our wildlands are a priceless natural heritage that should be preserved for future generations. At the same time, however, Alaska's rich deposits of minerals and oil and gas, as well as renewable fish and timber resources, are all of tremendous importance to the nation, and will become more so in the years to come. Is it possible, then, to do both? To preserve ecosystems and watersheds while providing for the development of the resources of our growing state — and nation — so desperately need? We are convinced the answer is **YES**.

We Alaskans know and love — and respect — the wildlands which surround us. It is a major reason for our having chosen Alaska as a place to live. But we are also here for the opportunities to earn a livelihood. Is it necessary to sacrifice nature at the expense of rational development, or vice versa? We think not, and we're doing everything we can to convince Congress that a balance between the two is possible — and necessary — not just for Alaskans, but for all Americans.

### Wilderness

The state of Alaska supports the creation of parks, forests, refuges, and scenic rivers for the enjoyment of all Americans, but in our search for balance we ask that the Congress draw the boundaries of these new areas so that nationally important resources can be available for future use. We ask that a reasonable means of getting across these federal lands to and from our own state lands, and lands belonging to our Native peoples, be provided. We ask that Congress not hastily designate these new areas "statutory wilderness" until proper study and inventory of those lands has occurred under the terms set forth in the Wilderness Act of 1964. Restrictions being placed on some of these areas are so stringent that they may actually prevent anyone from setting foot on them. We feel this is excessive, and urge Congress to consider mankind a part of — not separate from — the environment.

## Alaska comes to town

In January and February, 1978, many of the Council members and their representatives came to Washington D.C. to express their views toward pending legislation before Congress. Basically, the Council position is not to endorse specific bills under consideration, but to propose amendments to the most appropriate legislation sponsored by other interests.

In the House, this has meant providing a series of amendments to HR 39. Unfortunately, this position puts the Council in an easily misunderstood position in which their opponents can characterize — inaccurately — that the Council is opposed to the values expressed by Rep. Udall and other HR 39 sponsors.



The Council has been criticized by industry groups as being secretly a cover for protectionist interests; and on the other hand, by preservation interests who characterize the Council as being a front for developers. Rather than respond to these simplistic characterizations, the Council has chosen to go about its work directly with the federal government.

The Council asks that it be measured by what it says, not by what others say it says; by what it does, not by what others say it does. This rational approach may be unacceptable to the "true believers" on both sides, but the Council stands by it.

Over the year, we hope to deliver reports of this nature to the Congress expressing such a position. We hope that the Congress, for its part, will consider our amendments in the rare, contemplative moments offered to Representatives and Senators in the competing heat of debate generated by the d(2) issue. And we thank them in advance for doing so.

## The Steering Council for Alaska Lands

The debate over Alaska national-interest land designations has been dominated by highly-motivated individuals in and out of Alaska, who seek to protect these federal lands, provide for wilderness and wildlife, and create more national parkland in Alaska than exists in the rest of the 49 states combined.

Opposition to legislation reflecting these dominating values has been recorded largely in the private sector, among resource extraction corporations and those who seek multiple uses of potential wilderness land.

In Alaska, survey research has proven that the Alaskan public is committed to both protection of the environment and rational development of resources.

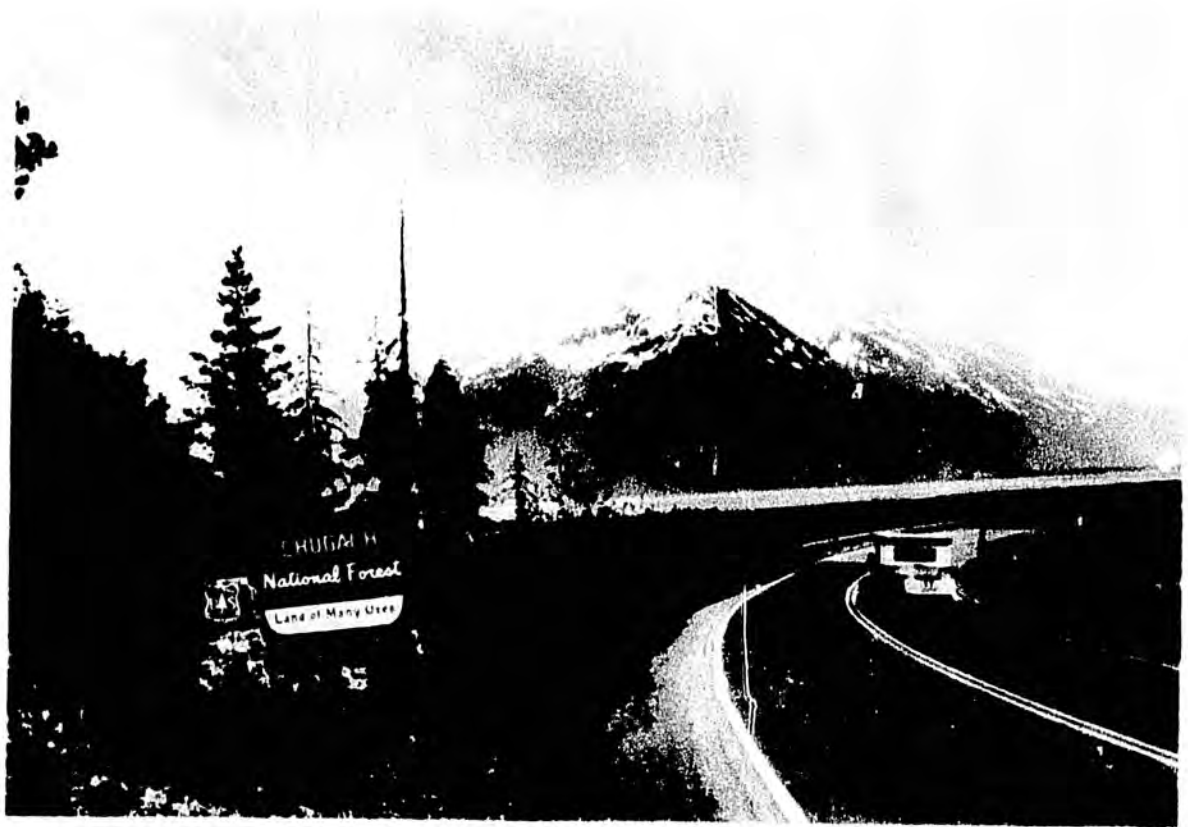
In 1977, the State Legislature created the Steering Council for Alaska Lands to develop and communicate the Alaskan position. The Council itself — like its position — is comprehensive. This is symbolized by the composition of the Council, which includes:

- Rep. Steve Cowper (D) of Fairbanks, Chairman
- Sen. Joe Orsini (R) of Anchorage, Vice Chairman
- Sen. Mike Colletta (R) of Anchorage
- Rep. Al Osterback (D) of Sand Point
- Sen. Chancy Croft (D) of Anchorage
- Rep. Joe Hayes (R) of Anchorage

The membership from the Legislature reflects not only a party balance, but an ideological balance as well. In addition, the law creating the Council provided for other members, and they are:

- David Cline, the Alaska Representative of the Audobon Society
- Chuck Hawley, Executive Director of the Alaska Miners Association
- Dr. Robert LeResche, a fisheries biologist, now serving as Commissioner of the State Department of Natural Resources
- Walt Parker, the co-Chairman of the Federal-State Land Use Planning Commission for Alaska
- Carl Jack, President, Association of Village Council Presidents





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