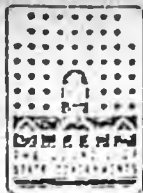


551
STRES
SB 141

The Council of State Governments



WESTERN OFFICE

85 POST STREET
SAN FRANCISCO, CALIFORNIA 94104
(415) 986-3760

February 18, 1977

John B. Chenoweth
Legislative Counsel
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

RE: In lieu Land Section request

Dear Mr. Chenoweth:

Yours is a particularly interesting and timely request, and while this letter will partially answer your questions, I hope to have supplemental information within the next week. (Please find enclosed Utah HJR 38)

The activity of the states in regard to legal action against the federal government for return of public lands has been generally minimal in the last few years. Tensions have grown in Utah, however, to the point of litigation presently underway in Appellate Court. The Bureau of Land Management is claiming that the lands Utah is selecting in lieu of Sections 16 and 36 under 43 U.S.C. 851-852, and Revised Statutes 2275-2276 are prime lands containing oil shale and should, therefore, not be remitted to the State of Utah but remain federal land for purposes of development. Utah is, of course, not in agreement with BLM. BLM argues that Lands 16 and 36, which would have passed to state ownership, were not prime lands so the State may not now take prime lands in lieu of 16 and 36. I hope I am not misinterpreting this case; but you may check with BLM in Utah for further information. (BLM, Division of Technical Services, Adjudication Division --801-588-5340)

As far as activities in other Western States, there appears to be growing interest in this area from California. An important consideration is that BLM has not surveyed all the land eligible for selection, according to BLM's Regional Office in Sacramento. (per Joan Russell, BLM, Federal Building, 2800 Cottage Way, Sacramento, Ca. 95825, 916-468-4431) I do not know the school lands California selected in lieu of Sections 16 and 36, but am aware that the state wants to claim some national park land as a part of the state indemnity. Again, the federal government is not pleased with the state's selection. Litigation in California has not occurred to date. In addition, there is not much interest from a legislative standpoint in Sacramento as far as I can tell.

Support asked for suit against feds over Statehood violations

The Fairbanks chapter of Citizens for the Management of Alaska's Lands (C-MAL) will ask the statewide group to support a move by Sen. Jay Kerttula to sue the federal government, charging violations of the Statehood Act.

The group had its second organizational meeting this morning to consider selection of its board of directors and to discuss the position it will take on Alaska land issues.

Acting on a motion from Jim O'Sullivan, the group voted to ask the statewide group to support Kerttula's efforts to get a \$500,000 appropriation for a lawsuit against the federal government. Kerttula claims the

state's rights to select land under the Statehood Act have been violated by the federal government.

C-MAL was initially formed in Anchorage by representatives of mining, business, forestry, Native, fishing, labor, and other interests. Its immediate goal is to secure a unified Alaska position on d-2 land classifications.

The Fairbanks group will act as a regional chapter to the Anchorage body, which now claims membership statewide. Six directors from the Fairbanks chapter will serve on the statewide board of directors.

Thirty-seven persons were nominated for the local board, but final action was not taken. Nominees will attend a board of directors meeting Tuesday morning, however, and the slate may be narrowed at that time. Nominees represent conservation interests, mining, the Native community, business and industry, agriculture, local government land agencies, fish and game interests, forestry, and rural residents.

After a general discussion of the state's right to choose and use land, the group voted to ask other western states to join in any assertion of state's right, including possible litigation.

Ernest Wolff, vice-chairman of the group, said he believes court action will be the only way for the state to gain control over lands within its boundaries. Others suggested that lobbying and education programs could also be used.

C-MAL plans to meet every Friday at 7 a.m., at the borough assembly chambers. One of the first orders of business will be to establish a list of goals and priorities.

Members agreed that they might not be able to come up with a position all could support unanimously, but most felt they could come up with at least a general direction agreeable to everyone.

The C-MAL board will meet Tuesday at 7:30 a.m. at the assembly chambers for a more specific discussion of issues, and the entire group will continue to meet Friday mornings.

*3/6/77
JAY - THIS
ACTION PASSED UNANIMOUSLY BY ENVIRONMENTALISTS, CONSERVATIONISTS, MINERS, BLACK, CHURCH, NATIVE, GOVERNMENT, BUSINESS, WERE PRESENT AT MEETING. GREAT DEAL OF SUPPORT ACROSS THE BOARD. ALL FED UP WITH VIOLATIONS OF STATES RIGHTS. J.W.*

Editorial Opinion and Comment of

FAIRBANKS

Daily News - Miner®

"Independent in All Things . . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

A better idea

Some time ago we said Sen. Jay Kerttula, D-Palmer, had a good idea with his bill to pursue a lawsuit against the federal government over its various efforts to water down the promises it made in the Alaska Statehood Act. Now it's an even better idea.

Sen. Kerttula is circulating a draft revision of the bill to expand its earlier legal research and include the executive branch in this important decision.

The changes in the new draft eliminate an outright charge against the Hammond administration's land selection record, and replaces it with a call for a review of current state policies and practices in land selection.

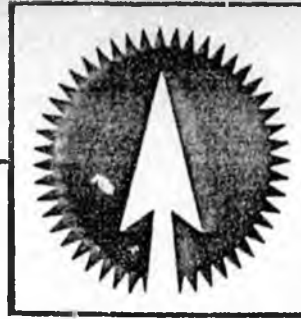
"The determination of selection policy and resolution of the legal questions involving the rights of selection under the Statehood Act as against the continuing efforts of the federal government to restrict selections by withdrawal or reservation of public land is of immediate concern to the people of Alaska and to the future development of the state and its resources," the bill states.

The duties of the special legislative commission created in the bill are expanded in the draft to include research of the history of federal land selection management "to determine the degree of diligence with which the Bureau (of Land Management) has completed action on state selections."

The draft also directs the commission to research the legal status of tentatively approved state selections, and the effects of the federal government's inertia on these.

While the bill and the draft specifically exclude valid land selections by Native corporations under the Alaska Native Claims Settlement Act, the draft does call for a review and report on the effects of the Native

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200
KETCHIKAN, ALASKA 99901
Phone 907-225-6114

March 28, 1977

The Honorable Jalmar Kerttula
Alaska State Senate
Pouch "V" State Capitol Bldg.
Juneau, Alaska 99811

Dear Senator Kerttula:

Enclosed for your consideration is resolution number 77-3 passed by the Directors and members of the Alaska Loggers Association at their scheduled spring membership meeting in Juneau on March 19 and 20, 1977. Your careful consideration of the resolution is requested.

Sincerely,

Donald A. Bell
General Manager
ALASKA LOGGERS ASSOCIATION

DAB/mjh
Enclosure

RESOLUTION NUMBER 77-3

RESOLUTION OF THE ALASKA LOGGERS ASSOCIATION
REGARDING THE KERTULLA BILL

WHEREAS, the Alaska Statehood Act authorized selection by the State of 102,550,000 acres from the unreserved public land of the United States; and

WHEREAS, selection of lands by the State of Alaska pursuant to the said Act was delayed for the settlement of Native Claims which is now nearly complete, and

WHEREAS, S17(d)(2) of the Alaska Native Claims Settlement Act provides for the withdrawal of up to 80 million acres of unreserved public land for inclusion in the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Forest Systems, which withdrawals will add extensive additional acreage to the land already closed to selection by the State of Alaska; and

WHEREAS, the State of Alaska should have available for its selection lands having actual or potential economic value; and

WHEREAS, the continuing withdrawal of public lands in Alaska by the Federal government restricts State land

selections which is of concern to the people of the State of Alaska and to the future uses of the State's resources for the benefit of the people of the State;

NOW THEREFORE BE IT RESOLVED that the Alaska Loggers' Association endorses CSSB 141 introduced by Senator Jalmar Kertulla which would appoint a Joint Legislative Commission to review State land selection practices and the policies of the Federal government concerning reservation, withdrawal or disposition of public land in Alaska.

February 24, 1977
2020 Lake Otis Pkwy.
Anchorage, Alaska 99504

Senator Jalmar Kortulla
Co-Chairman State Affairs Committee
Alaska State Senate
Pouch V, Juneau, Alaska 99811

Dear Jalmar:

As you know, I have been active in Alaskan mineral exploration and development for about 30 years. I am writing to express my alarm at recent Congressional proposals to set aside up to 116,000,000 acres of our state lands for additional parks and wilderness.

It is my opinion that these same lands many contain the petroleum potential of Iran, the coal potential of West Virginia and the metal potential of Montana. Our federal government should, at the very least, conduct some intelligent in depth mineral evaluations of these lands. The state of Alaska should seek title to some of these lands under provisions of the statehood act.

I want to applaud and support your efforts to have the land grant provisions of the Alaska Statehood Act reviewed. The legislature should determine if, infact, Alaska's land grants have been denied or thwarted by acts of Congress.

Best personal regards,
Sincerely,

Leo Mark Anthony
Leo Mark Anthony

Walter J. Hickel

907-279-9401
935 THIRD AVENUE
ANCHORAGE, ALASKA 99501

February 28, 1977

Honorable Jalmar Kerttula
Senate Majority Leader
State Capitol
Juneau, AK 99801

Dear Jay:

Thank you for your note and the copy of Senate Bills #141 and #142. Your bills clearly express both the intent and the thrust of an all-out bid to protect Alaska's state lands.

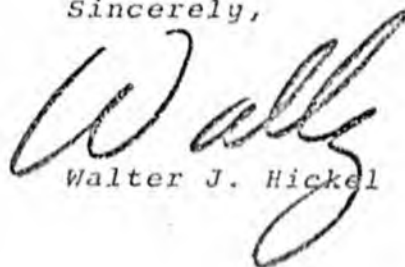
I was deeply involved in this particular issue in the Statehood Act, and I worked with Senator Robert Taft, Sr. and his staff in Washington, D.C. to recommit the Statehood Bill in 1952 because of the lack of acreage it provided the state.

One of the reasons of our overwhelming ratification of the Statehood Act was that the bill in 1958 promised us over 100,000 acres, thereby allowing us to become a viable, economic unit. You remember how it was the anti-statehood forces who said we couldn't sustain ourselves, and we can't without the land.

The only suggestion I have for the language of Senate Bill #141 is that Section 1 Subsection (1) should use the word contract instead of compact. A contract is more understandable to the average American and lends strength to the entire legal argument.

With best regards.

Sincerely,


Walter J. Hickel

*Keep up the
fight*

C

MOENING-GREY & ASSOCIATES, INC.
GEOLOGISTS AND ENGINEERS

715 L STREET, SUITE 8 ANCHORAGE, ALASKA 99501

TELEPHONE 274-2314

March 9, 1977

Honorable Jalmar Kerttula
Senate Majority Leader
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Your proposed legislation, Senate Bill No. 141, has merit. The State's posture of showing maturity and the ability to act timely, has waned to the point of being a "mass of mush". Those persons having the responsibility to protect the State's rights and exercise its prerogatives seem to be fully occupied in learning how to do their job, re-inventing the wheel, and being unaware of the forces that are preempting our statehood rights.

Presently, those now formulating a State land selection program are setting up a rating system on which to justify each acre for selection. Along with this, as presented in the Department of Natural Resources public meeting on selections, the Department appears to be unsure of what they are doing. They want each movement blessed by the public exposure, and being able to say, you the public said it should be this way. I ask, what are we hiring all those experts for if they cannot make a decision.

The proposed Joint Legislative Commission, though probably to be criticized for meddling in the administrative arena, may provide the hammer that can get things back in perspective. The Commission could provide the leadership and set the goals to be attained.

A question in my mind is the ability of the Commission to act timely. While we are all concerned about the many D-2 bills that affects the final acreage, more harm is done to the State through public land orders published in the Federal Register. It is through this vehicle that the public domain lands are

Honorable Jalmar Kerttula
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March 9, 1977

withdrawn from State selection by a five line paragraph. These notices require timely, often less than 30 days, responses and would be the basis of most legal action. Can such a Commission be responsive on a day to day crisis situation? The State selection process is not all that complicated. There are X number of acres to be selected within a known time frame. The time frame may be a basis for legal action because of the various land freezes. With 30[±] million acres remaining to be selected, you cannot go too far astray with what is left to pick from. It is kind of like taking a bath--95% of the job can be taken care of by just jumping into the water. When it gets down to cleaning the finger nails and cleaning the ears is when the special tools are needed.

The State selection process is a known quantity. All we have to do, is do it before it is too late. It costs \$10.00 for filing fees for each 1/4 township of land or portion thereof. The selections must meet compactness criteria and other tests as published in the BLM regulations. My thoughts here are:

1. Set up an account or fund that is readily available for selection fees, publication costs and fees for legal action.
2. Identify the bulk of the lands that are worthy of state selection and give notice to the BLM. Presently all D-1 lands are withdrawn from selection and will require a public land order to make them available for the State's 90 day selection preference right.
3. Make the U. S. Forest community grant selections. These will probably require a law suit to break the Forest Service administrative hold on what they think is proper for the State to select.
4. Assign a watchdog to stay on top of the withdrawals that infringe on the State's selection rights and provide meaningful counteraction when injury is evident.
5. Keep control on administrative deals that bargain away land selection rights or erode the State's sovereignty for land management jurisdiction.
6. Set some target dates for the administration to meet. State selections is not a new program and should not warrant the cry of manpower shortage. Lets get things back in prospective and not get exploited with outside expertise and the fast shoe shuffle.

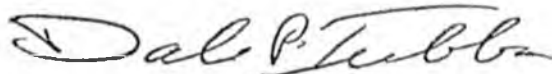
Honorable Jalmar Kerttula
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March 9, 1977

I am enclosing some material that provides some of the history of the State selection process. This type of material is readily found and should not get studied to death. The former directors, commissioners or myself could sum it up very readily.

Your invitation for me to testify on the bill is gratifying. My concern gets down to my position with my employer. It would constitute a financial burden, especially now when revenues are low. I can, however, provide additional comment as requested and meet with you or members of the State Affairs or Resources Committees if they get to Anchorage on other matters.

Sincerely,

MOENING-GREY & ASSOCIATES, INC.



Dale P. Tubbs

DPT/lv
encl.

FRANK H. MURKOWSKI

S. R. BOX 10459
FAIRBANKS, ALASKA 99701

February 17, 1977

Senator Jay Kerttula
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

I was extremely pleased to learn of your proposal to file suit against the federal government for breach of our Statehood Act. I think you are on the right track and for what it is worth, you certainly have my support.

This matter came up under discussion with a group of the Alaska State Chamber of Commerce board members and they too enthusiastically support your efforts.

Should you feel it appropriate, we would be happy to be called upon. Keep up the good work.

Sincerely,



cc: Don Dickey

P.S. Enclosed is a copy of my testimony given recently on a D-2 Lands hearing in Anchorage.

ANS.
2-21-77
AH/

James D. Rhodes, Esq.
717 K Street
Anchorage, AK 99501
February 14, 1977

Representative Jalmar M. Kerttula
Box Z
Palmer, AK 99645

Dear Representative Kerttula:

I was very much interested in the newspaper article which reported that you are intending to introduce legislation which will permit a suit to be brought against the Federal Government for breach of its obligations to allow the State of Alaska to select a certain amount of land pursuant to the terms of the Alaska Statehood Act and the corresponding compact.

At the outset, let me say that I wholeheartedly agree that the Federal Government has not only breached the Alaska Statehood Act, it has simply ignored the respective obligations contained within the Act and in my opinion has continued to treat the State of Alaska as though it were nothing more than a possession of the United States or at the very best, as still a territory.

Although I have only lived in Alaska for eleven years, I became intimately familiar with the problems of the State of Alaska vis a vis the Federal Government during a four year period of time when I worked as an Assistant Attorney General under Governors Hickel, Miller and Egan. During the years 1968 through 1971, we were engaged extensively in the issue of ownership of Cook Inlet, the Native Land Claims Settlement Act and many disputes concerning federal/state ownership of navigable waters, tide and submerged lands. We were also involved extensively in litigation to attempt to render the "Udall Super Land Freeze" unconstitutional. It was during this period of time that I came to the ultimate, unequivocal conclusion that the Federal Government, in general, and Mr. Udall, in particular, could not give a damn about what Alaskans want in the way of self-determination or self government, much less what the

Representative Jalmar M. Kerttula
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February 14, 1977

law is or what the obligations of the government are to the State of Alaska. It is my considered opinion that many of the current leaders in Congress, especially Mr. Udall and even our now Vice President Mondale, resent very much that Alaska was given Statehood and are now actively pursuing a course of conduct which will in effect circumvent statehood and perhaps effectively render Alaska a state in name only.

I believe that your idea of bringing suit is a good idea and should be done even though, sadly to say, I believe ~~that it is doomed to failure from the start.~~ I say that with deep personal regret because, in my opinion, I believe that we Alaskans have allowed our "leaders" to ~~barcain away Alaska's sovereignty in exchange for very short term political gains or economic expediencies which seemed vitally important at the moment, but which in reality, and over the long haul, are relatively unimportant.~~

Even if Alaska has retained some of its sovereign powers, which I honestly doubt, it must assert that sovereignty in the most forceful and meaningful manner available to it. I firmly believe that if you are to succeed in a challenge to the Federal Government's gross abuse of its obligations under the Statehood Act, you would have to have the unequivocal backing of a courageous declaration of unity from both the people of the State of Alaska and its leaders equal to, at the very least, the courage of the men who founded this country 200 years ago. Without such a display of strength and determination, your challenge in the courts would be looked upon by the Federal Government with about as much alarm as the troops in Camp Pendelton, California, would look upon a single person walking into Camp Pendelton with a pea shooter and demanding the surrender of the First Marine Division.

Unfortunately, the judicial branch is the only vehicle by which a challenge of the type you contemplate may be peacefully made this day and age. I say unfortunately because the courts are the very entity that has fostered the erosion of the concept of individual State sovereignty, and have by judicial fiat reduced our once sovereign, but United States, into fifty quivering little political subdivisions who send

Representative Jalmar M. Kerttula
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highly paid "lobbyists" called Senators and Congressmen to Washington, D.C. to bargain away whatever vestige of sovereignty is left in exchange for monetary grants or favors which ultimately take the form of simply redistributing the wealth from one section of the country to another, or from one community to another.

In short, I believe that the forum you have chosen to make your challenge, although the only one available, is hostile to the very notion that a state should be able to assert a claim against the United States any more than a child should be able to reprimand its parents.

The newspaper also reported that you would retain the services of a Washington, D.C. law firm to bring the suit and I am therefore assuming that such suit would be brought in Washington, D.C. If I have accurately characterized the courts in general as hostile to the philosophy that would be advanced through the type of challenge you proposed, I would be also correct in describing the federal courts and judges residing within the District of Columbia as downright hatefully vindictive towards such a notion and in all likelihood will seize your challenge as an opportunity to write law which would not only defeat your purpose, but will take the final step of divesting Alaska of any right to even speak out against federal control and domination of our state. In my opinion, the battle would be lost the day you filed the complaint and it would simply go downhill from that point on.

I strongly urge you to consider legislation which would require the Governor to instruct the Attorney General to bring suit in the District Court for the District of Alaska, coupled with the type of declaration mentioned above, and a strongly worded resolution unanimously adopted by our Legislature directed to the Federal Government and to those whom you indicated would be defendants, that the gaurtlet has been thrown down with a fight to the finish to follow.

Finally, although I greatly admire the action you are taking, I believe that you will find that the halls of the Capitol literally "abound" with opponents of your bill and the implications that would flow from a successful conclusion on behalf of the State of Alaska. I believe that you will

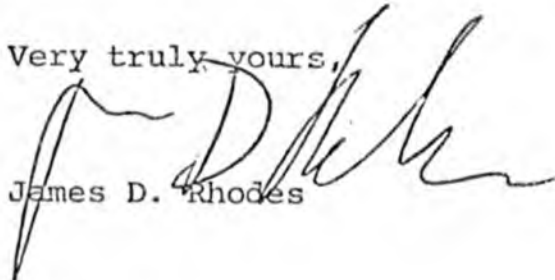
Representative Jalmar M. Kerttula
Page Four
February 14, 1977

find that Senator Gravel will strongly denounce such
action as well as Senator Stevens although perhaps less
so. I believe you will also find that Governor Hammond's
philosophy of government very closely parallels that
suggested by implementation of Udall's proposals.

Be that as it may, you have one ardent supporter at
least in the undersigned and one who will watch with
great interest the progress of the challenge.

Kindest regards.

Very truly yours,


James D. Rhodes

JDR:ce

W EUGENE BLESS, 1932-1975

ROBERT C. ELY
JOSEPH BLESS
THEODORE E. FLEISCHER
FRANCIS E. SMITH, JR.
HERBERT BERGOWITZ
MICHAEL G. BEGGES
DAVID H. GUNBY
HARRIS SANDY
PHILLIP J. EISE
GARY A. ZIFKIN
MARGARET J. FAWCETT
SARAH ELIZABETH FUSNER
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JOSEPH M. WILEON
PAUL DESTEFANO

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NORMAN C. GORSUCH
JOSEPH A. McLEAN
STEPHEN J. PEARSON

March 15, 1977

Senator Jalmar Kerttula
Senate Majority Leader
Pouch Y
Juneau, Alaska 99811

Dear Jay:

I received your letter of March 4th last Thursday and had a chance to consider it over the weekend. I think the objective of Senate Bill No. 141, particularly as expanded in the Committee Substitute, very worthwhile. Many others besides myself have been concerned from time to time with the slowness of the federal government's processing of state selections, the apparent view of the Interior Department that it may reject selections even after tentative approval for its "public purposes", and the Secretary's leniency in allowing Native corporation over-selections and other matters which serve to delay filing and processing of state selections. In addition, and the Committee Substitute addresses this, there is concern about the rate at which state selections are made and the criteria employed by the Division of Lands in making those selections. At present the only criteria stated in AS 38.05.290 is provision of "the maximum benefits to the people of the state."

I have a few specific suggestions regarding Committee Substitute for Senate Bill No. 141 which you may wish to consider. In §1(4) insert "up to, but not to exceed," before the figure "80". This would conform with the language of §17(d)(2) of the Settlement Act and would point out that the Secretary has exceeded his authority and thereby withheld some land from state selection.

Section 1(5) might be rewritten as follows:

(5) the state has not completed selection of the land which it is authorized to select under the Statehood Act, seven years remain to the state to complete its selections, and the continuing action on the part of the Congress in effecting, authorizing, or considering the withdrawal or reservation of land constitutes a serious threat to the state's ability under the Statehood Act to make timely selection of and promptly receive title to land [UNDER THE STATEHOOD ACT OF LAND] having actual or potential economic value;

The so-called BLM Organic Act (Public Law 94-579, October 21, 1976) completely revamped the laws under which BLM operates. Among other things, it authorizes a variety of new types of classifications or withdrawals which might interfere with state selections. In addition, one of the problems in the slowness of state selection processing is the change of law and policy which occurs in the interim and which sometimes results in rejection of selection -- most notably, the provision of the Settlement Act making some tentatively approved selections available to the Native corporations. I am not sure how badly the state was actually affected by that provision, but state selections made in the early 60's might never have been subject to it if they had been processed promptly.

Section 5(a)(3) might be rewritten as follows:

(3) research the legal status of lands which have been selected and which have been "tentatively approved" for conveyance to [SELECTION BY] the state and the subsequent resultant effects of the failure of the federal government to recognize that status and to complete action on tentatively approved selections in a timely manner;

It has been argued that the Statehood Act grant was effective as of January 3, 1959, subject only to identification by the state of the lands it wished to be subject to the grant. Once a selection has been filed on land available for transfer to the state, the grant is fixed and must be conveyed to the state. This argument has never truly been tested under the Alaska Statehood Act although

similar grants in other states have been construed in that manner. As noted above, BLM does not seem to accept that position.

In §5(b) I am unclear as to exactly what is intended. Subsection (1) does not contain any authority for the commission, or direction to the Attorney General, to commence or join in actions. It seems to be authority merely to review and consider. In any event I would add at the end of subsection (1) "and the actions of the federal government preventing prompt conveyance to the state;". The added language might encompass the problems of overselection by Native corporations.

A degree of over-selection is legitimately permitted so that if portions of the original selections are found to be under navigable water owned by the state or otherwise unavailable for selection, the Native corporation will not be shorted. Some corporations, however, have over-selected to the extent of 50 or 60 percent and, in the case of the village corporations in Southeast, they selected everything which had originally been withdrawn for them which may be an over-selection of several hundred percent. In order to determine the amount of over-selection to which the Natives are actually entitled, it is first necessary to determine how much of the original selection may be unavailable and may even require surveys. All of this may cause delay which could result in additional changes of law or policy cutting off selection rights.

By the same token subsection 5(b)(2) seems unclear as to what participation there may be by others. Normally the Attorney General should be expected to represent the state's interest by commencing or by intervening in lawsuits. Should the Joint Legislative Commission hold views which differ from the Attorney General's, you may wish to authorize employment of outside counsel, though that may raise serious problems between the branches and in defining to the court the position of the state as a whole. I am sure that's a matter you will give consideration to.

I would be happy to testify before a committee if I can arrange for a trip to Juneau at the proper time. For obvious reasons a hearing on a Friday, Saturday or Monday would be most convenient for me. Certainly I would be happy

Senator Jalmar Kerttula

March 15, 1977

Page 4

to discuss this further with you by telephone or correspondence. Please note my new address.

Yours very truly,

ELY, GUESS & RUDD



Joseph Rudd

JR/mcv

Alaska's concern is that the process of state land selections, unless separated entirely from the proposed general land classification regulations, may be compromised or impeded by the ambiguous or inconsistent language of the proposed regulations, or by any redraft which may be undertaken to meet the presumed requirements of the 1976 Land Policy Act. As you are no doubt aware, Section 701(g)(6) of that act preserves the Statehood Act Grant from infringement under the new act. The proposed regulations ignore this distinction entirely, and confusion and delay will certainly result if they are adopted in the present form. Since state selections need not be dealt with in new regulations pursuant to the 1976 Act, and since regulations exist under which the State has made selections to date, what seems to be required now is an agreement implementing Alaska's selection rights in light of the developing land ownership pattern in the State. My staff is anxious to work closely and soon with your department to outline the process by which this goal may be reached. Given the often divisive atmosphere that prevailed between Alaska and the Department for years past, few endeavors would have our greater priority or enthusiasm.

I would appreciate a response at your earliest convenience regarding the points I have raised in this letter, and particularly my request that the comment period regarding the proposed regulations be extended to June 22, 1977.

Sincerely yours,

JAY S. HAMMOND
Governor

Dec 2, 1977

Sen. Jay Kerttula,
Alaska State Legislature,
Pouch V, Juneau, Ak. 99801.

Dear Sen. Kerttula -

I would add my name to the list of those Alaskans who agree with you that it appears that a suit against the federal government is the only choice we have to acquire the acreage promised by the Alaska Statehood Act. Although U.S. Senator Stevens, Congressman Young and our governor Hammond had to come up with some plan it doesn't have enough Alaska character in it - Of course, Udall's dream would be a real nightmare - entirely unacceptable.

You have many people in the Fairbanks area who concur with you regarding the Statehood Act land grant, and will support you.

Respectfully yours -

Carl O. Niack,
Box 80509,
College, Ak. 99708.

Alaska



STATE CHAMBER of COMMERCE

208 National Bank of Alaska Building

Juneau, Alaska 99801

Phone 586-2323

TO: Walter J. Hickel
Jalmar Kerttula
Lew Williams
Bill Snedden
Bill Tobin

FROM: Frank H. Murkowski

DATE: March 22, 1977

SUBJECT: Alaska State Presentation in the Congressional Record

Enclosed is a copy of a letter from Representative Don Young, along with a copy of the Congressional Record for March 1, 1977, covering the State Chamber's position on the D-2 Lands.

March 21, 1977

The Honorable Jalmar Kerttula
Senate Majority Leader
Alaska State Senate
Pouch Y, State Capitol
Juneau, Alaska 99811

Daer Senator Kerttula:

I wholeheartedly endorse your efforts to establish a Joint Legislative Commission on the selection of State land through Senate Bill 141. Your approach is realistic and forthright and it deserves the support of the administration as well as all Alaskans. We are certainly not asking for anything more than we were led to believe was our consitutional right under the Statehood Act and the Constitution of the State of Alaska.

I am sorry that I was unable to visit with you when you were in Fairbanks last week, but I was out of town.

I would be pleased to testify on behalf of the Bill, however, I am going to be traveling from the 23rd of March through about the 5th of April. You may contact me through my secretary, Jan Stroffolino, at this address or 479-6566. I will be in contact with her during my absence.

Keep up the good work.

Sincerely,

Frank W. Murkowski
President

FHM:js

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:
INTERIOR AND INSULAR
AFFAIRS
MERCHANT MARINE AND
FISHERIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE
1219 LONGMOUTH BUILDING
TELEPHONE 22/23-5753

DISTRICT OFFICES
115 U.S. FEDERAL BUILDING
ANCHORAGE, ALASKA 99501
TELEPHONE 927/27-1587
202 U.S. FEDERAL BUILDING
FAIRBANKS, ALASKA 99701
TELEPHONE 927/45-5543

March 7, 1977

To:
W. H. ...
Lee ...
Stewart ...
Jim ...
Sally ...

Dear Frank:

I took the liberty of inserting your statement on the d-2 land issue in the Congressional Record on March 1. I have enclosed a copy for your records.

I will also be sending copies of it to various interest groups throughout the state such as state legislators, state officials and Chambers of Commerce.

We need to do everything within our power to inform Alaskans and other Americans on this issue. In a recent television interview I publicly urged Alaskans to write friends and relatives in the lower 48 and have them write their Congressman. The more voices that are heard expounding Alaskan's views, of course, the better.

I fully appreciate your stand on this vital issue and am working here in Congress to see that Alaskans get a fair shake. Thank you for your help.

Sincerely,

Don Young
Congressman for all Alaska



ALASKA
BANK OF COMMERCE

MAIN OFFICE: POUCH 7012, ANCHORAGE, ALASKA 99510

March 16, 1977

Senator Jalmar Kerttula
Senate Majority Leader
Alaska State Legislature
Pouch Y State Capitol
Juneau, Alaska 99811

Dear Jalmar:

Thank you for sending me a copy of your proposed SB141. As I have stated before some such action has been long overdue. I am far removed from being an attorney or an authority on proper wording for an act to start the ball rolling on relief from what Congress has done and about to do to the people of Alaska.

By unilaterally changing the intent of the Statehood Act I couldn't agree with your reasoning more. We all realize that no action could or should be taken to upset the Native's claim of 40 million acres, whether we agree with it or not. However, to further break faith with the people of Alaska with D-2 and further lock-ups I firmly believe is wrong.

In answer to your question as whether I could qualify as an expert on the proposed legislation, I doubt that I am one of the people you need. May I suggest the following names:

Bill Arnold	Joe Keenan
Chuck Herbert	Phil Holdsworth
Ed Merdes	Dean Earl Beistline
Irene Ryan	Roscoe Bell
Kirk Stanley	(Peanuts) L. T. Main
Bill Waugaman	Bert Silcock
Bob Hartig	Dick Pettinger - A.G.C. Staff
Cameron Edmondson - CMAL	(278-3837)

Page 2
Senator Jalmar Kerttula
March 16, 1977

There are probably many more persons who are knowledgeable on this subject.

In closing I think your proposal is a good one, and I will do whatever I can within my capacity to help you.

Kindest regards.

Sincerely,



A. C. Swalling
Chairman of the Board

ACS:il

Kerttula will ask for statehood suit

JUNEAU (AP)—A prominent state lawmaker said Friday he plans to introduce legislation appropriating at least \$500,000 for the state to sue the federal government for breach of Alaska's statehood act.

Sen. Jay Kerttula, D-Palmer, said he thinks the federal government has violated the act by not allowing Alaska the promised 25 years to select the state's 100 million acres of land.

"When we bought statehood we didn't buy it on the basis we had mountaintops to choose from," Kerttula said. "We recognized some rboriginal claims (Native land claims) but we must not be third in line" behind the federal government, he added.

"They're just literally taking it away from us and we're letting them."

Kerttula said his proposed action has been prompted by the introduction of Rep. Morris Udall's d-2 land proposal in Congress.

On the floor of the Senate Friday, Kerttula, who is majority leader, urged his fellow lawmakers to join him in deciding how to proceed with the suit.

"But as an alternative I'm going to introduce legislation to sue and to fund

the suit," he said.

He estimated the suit would cost a minimum \$500,000 and "will request a cease-and-desist order and tell the feds we must have the balance of the 25 years to do our selections." He said the suit would at least be a stalling tactic, although he insists that he thinks the state could win.

"We're about to lose the ball" in Congress, Kerttula said, and he predicts the Udall legislation has a good chance for Congressional approval.

Udall's bill is supported by a coalition of Alaska and national conservation groups and would set aside 110 million acres of Alaska land, including a good chunk of Southeast's Tongass National Forest, for parks, national monuments, wild and scenic river systems and wildlife refuges.

Kerttula criticized the Hammond administration for "showing no interest" in suing the federal government.

A spokesman for the attorney general's office said he could not comment on the administration's position without knowing the details of Kerttula's plan.

Fairbanks News-Miner
5 FEB. 1977

FIDC



DR. WILLIAM R. WOOD
EXECUTIVE VICE PRESIDENT

FAIRBANKS INDUSTRIAL DEVELOPMENT CORPORATION
Phone 907 452-5400 619 Eleventh Avenue Fairbanks, Alaska 99701

February 7, 1977

Senator Jalmar M. Kerttula
Alaska State Legislature
Juneau, Alaska

Dear Jalmar:

Let me join the thousands who by now should be applauding your proposal to bring a "Statehood suit" against the Congress. I have argued privately for some time that since the Statehood Act had to be ratified by the vote of the Alaska people, any modification of that Act would also require a vote of the people of Alaska.

This, you will recall, did not happen when former Governor Egan challenged the Federal Government on the D-2 lands withdrawals, and later settled out of court with the Secretary of Interior. It has been my contention that the out-of-court settlement was illegal because there was no such authority to act contained in the Statehood Act.

This should take us back to the Statehood Act itself wherein the State of Alaska has the specific right to select up to 104,000,000 acres of land before any additional withdrawals can be made by anyone other than those whose aboriginal rights were recognized in the Statehood Act.

Whenever I discuss this matter with members of our Congressional delegation, or with local newspaper editors, or with representatives of the State administration, I find them all in agreement that the Congress can and will do as it pleases. This, I find very difficult to swallow.

The Alaska Statehood Act amounts to a treaty obligating the Federal Government forever if its position of integrity is to be maintained. Should the Congress at some future time wish to cancel the treaty, it could not do so unilaterally without destroying the confidence of the people through a violation of what amounts to a sacred trust.

On purely legal grounds, it seems clear to me that you do have a sound case to make on behalf of all Alaskans. If the

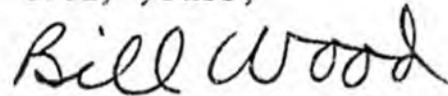
February 7, 1977

Supreme Court cannot determine this matter, then an International Court of Law should be given an opportunity to hear it.

Tentatively, I am scheduled to be in Juneau on Wednesday and would like to see you. You may be interested in seeing how the Fairbanks people are treating the various land issues. I hope that you will take the time to read the statements which I have made to the Governor during the past year on certain aspects of our State selection process.

I do hope that I can see you while I am in Juneau, for I do have to talk with you about the agricultural matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill Wood".

William R. Wood
Executive Vice President

WRW/kb
encl.

P. O. Box 80148
Fairbanks, Alaska 99708
March 11, 1977

The Honorable Jalmar Kerttula
Senate Majority Leader
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Jay:

Thank you for your letter of March 5, 1977, and the copies of SB 141 and CSSB 141, and congratulations on your taking the initiative toward resolving problems surrounding selection and utilization of Alaska's lands. It is a forward-looking action and one of great importance to the State, both on a short-term basis, as well as for many years in the future.

Overall, I believe the following points are paramount.

True multiple use of the land is essential.

Private ownership by the individuals rather than government ownership is fundamental to the way of life of our American people.

A minimum of government regulations for developing the resources (renewable and non-renewable) of the land is desirable.

Clarification of State rights vs. Federal rights of land selection between units such as the State, ANLCSA, D-2 lands, D-1 lands, State withdrawals, Federal withdrawals, etc., needs to be clearly established.

Access to "land units" within the State is needed for utilization of land regardless of status.

Several thoughts have been made on the accompanying copy of CSSB 141 for your consideration.

I would be happy to testify on this bill by letter or in person if you believe the thoughts that have been expressed herein are not duplications and will be helpful in the passage of your bill. Any additional information that you may have on the subject of your bill will be appreciated.

Best regards.

Sincerely,


Earl H. Beistline

EHB/jc

Enclosure



ALASKA LUMBER & PULP CO., INC.

Sitka Office: P.O. BOX 1050 • SITKA ALASKA 99835 • TELEPHONE 747-0265

March 21, 1977

The Honorable Jalmar Kerttula
Senate Majority Leader
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Jay:

Thank you for your letter of March 3, 1977 inviting me to comment upon CSSB 141. Enclosed you will find a copy of resolution passed by the Alaska Loggers Association with respect to your bill which I sponsored at the Association's Board of Directors Meeting on March 19, 1977. I think this demonstrates my personal belief in the wisdom of what you have suggested. I also would not object to passage of the Act in its present form.

However, I believe that you may want to consider joining your bill with HB 231 and HB 232, which create a steering commission on D-2. Such action would recognize the close interrelationship between adequate opportunity for land selection under the Statehood Act and the impact that D-2 proposals in Congress would have upon that. The steering commission idea could have grafted into it the findings, intent and duties set forth in Sections 1, 2 and 5 of CSSB 141. This would then result in a commission made up of legislators and the public whose duty it would be not only to form a consensus position, and lobby for that position before Congress with respect to Section 17 D-2 issue, but to formulate such a consensus with due consideration for the requirements of the Alaska Statehood Act.

The advantage of the above approach is that it would have both of these important issues in the same commission rather than two separate commissions. It would further allow funding to accomplish two missions at once--namely, send people from the State back to D.C. to work for the State's 17 D-2 position, and for the State's land selections as well.

Page Two
March 21, 1977

I would appreciate knowing whether or not you think this is a viable suggestion. If so, I would be glad to work with you on it. If you do not think it is viable, I'd be more than glad to support your original proposal.

Yours very truly,

Clarence Kramer

Clarence Kramer

RESOLUTION OF THE ALASKA LOGGERS ASSOCIATION
REGARDING THE KERTULLA BILL

WHEREAS, the Alaska Statehood Act authorized selection by the State of 102,550,000 acres from the unreserved public land of the United States; and

WHEREAS, selection of lands by the State of Alaska pursuant to the said Act was delayed for the settlement of Native Claims which is now nearly complete, and

WHEREAS, §17(d)(2) of the Alaska Native Claims Settlement Act provides for the withdrawal of up to 80 million acres of unreserved public land for inclusion in the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Forest Systems, which withdrawals will add extensive additional acreage to the land already closed to selection by the State of Alaska; and

WHEREAS, the State of Alaska should have available for its selection lands having actual or potential economic value; and

WHEREAS, the continuing withdrawal of public lands in Alaska by the Federal government restricts State land

selections which is of concern to the people of the State of Alaska and to the future uses of the State's resources for the benefit of the people of the State;

NOW THEREFORE BE IT RESOLVED that the Alaska Loggers' Association endorses CSSB 141 introduced by Senator Jalmar Kertulla which would appoint a Joint Legislative Commission to review State land selection practices and the policies of the Federal government concerning reservation, withdrawal or disposition of public land in Alaska.

w
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a.
se
st.
s

Mr. & Mrs. Robert G. Zorich
P.O. Box 335
Glennallen, Alaska 99503

March 15, 1977

Governor Jay Hammond
Pouch D
Juneau, Alaska 99811

Dear Governor Hammond:

I think it is a sad day for all of the United States when a state such as Alaska has so little say in such matters as how the land within its boundaries can be managed and used. But it seems as if people are best qualified to determine the destiny of Alaska if one has never lived here. A few articles read in monthly magazines makes one knowledgeable of this vast expanse of wilderness, and ^{if one} ~~was~~ fortunate enough for a visit during the pleasurable months of summer an unquestionable expert is born. Unfortunately a person living here must not be as astute as those viewing Alaska part-time or from afar, because Alaskan views do not seem to weigh as heavily about Alaskan land management policies now being proposed in our nation's capital (sounds similar to the cry of taxation without representation 200 years ago).

Many of the current land use proposals go way beyond the original intent of the total 80 million acre D-2 land proposal, with total disregard for the studies that both state and federal agencies did that cost tax payers millions of dollars. I am not suggesting that Alaska be thrown up for grabs; for that is what congress is virtually doing for its special interest groups now; but that a land policy be adopted that would provide the most benefits to all and I believe that is in multiple use. Parks are fine but don't let them confine us.

My wife and I just want you to know that we support your efforts in voicing Alaskan views and hope through your efforts we can shape our own future.

Sincerely

Mr. & Mrs. Robert G. Zorich

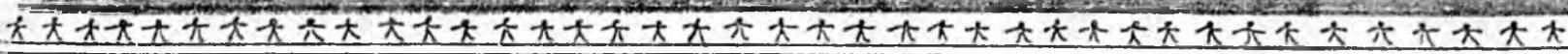
Mr. & Mrs. Robert G. Zorich

CC.
State Senator Jay Bertulia ✓
U.S. Senator Mike Gravel
U.S. Senator Ted Stevens
U.S. Representative Don Young

CMAL

CITIZENS FOR MANAGEMENT OF ALASKA LANDS

P.O. Box 3256DT
Anchorage, AK 99510



5141

February 21, 1977

Senator Jalmar M. Kerttula
Court Bldg. - Rm. 624
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

Here is some basic information about a new organization which has formed in Anchorage to deal with the (D)(2) land issue. I hope you will find it of interest as the outcome of this question is now shaping up as one which will mold Alaska's future for many decades to come.

The organization is mandated to seek a statewide consensus and is in the process of acquiring affiliates in all parts of Alaska.

If you have any questions, or if we may be of help to you in any manner, please call on us.

Sincerely,
CMAL

Cameron Edmondson
Executive Director

/jb

STATEMENT OF POLICY OF
CITIZENS FOR MANAGEMENT OF ALASKA LANDS

Citizens for Management of Alaska Lands (CMAL) is a broad-based coalition of Alaskans and others interested in the wise use of Alaska lands and resources. Its philosophy, to the extent it can be expressed simply, can be paraphrased as "land for peoples' needs."

CMAL believes in the multiple-use concept, wherein land can be managed to produce both the basic needs--such as, food and shelter--and important, yet secondary, needs--such as, recreation. CMAL believes that this concept makes sense for the bulk of Alaska's land which has strong multiple-values or potentials, as it allows use of the land to produce the greatest good for the greatest number.

By recognizing that peoples' needs also include solitude and aesthetic values, CMAL is also in favor of preservation of certain wild lands whose uniqueness is widely acclaimed in units of the National Park and Wildlife Refuge systems. It proposes, however, that all the resource values be professionally evaluated and inventoried, so there is a clear understanding of benefits and costs of those lands placed in restricted withdrawals.

It is the policy of CMAL that stable land ownership and management practices be paramount to any decision relating to Alaska's land and resources. Thus there must be no doubts about Alaska's statehood and Native entitlements, as new land decisions are made.

Finally, CMAL believes that the vast area of Alaska--if dynamically managed to take into account changing needs of man--will play an increasingly important role in the national destiny with room for recreation, wildlife, timber, energy and food production, mining, and human habitat.

CITIZENS FOR MANAGEMENT OF ALASKA LANDS

THE ALASKAN (D)(2) LANDS -- AN EXECUTIVE SUMMARY

The phrase "(D)(2) lands" is seen in the local and national press, heard on radio and television and in debates in the halls of Congress. Yet some Alaskans and most other Americans do not know what these lands are, or their significance to the entire nation. Although questions about (D)(2) lands cannot be answered completely in a short statement, CMAL, the newly-organized Citizens for Management of Alaska Lands, Inc., has prepared the following summary of the (D)(2) issue.

WHAT ARE THE (D)(2) LANDS? These are the roughly 80 million acres withdrawn under Section 17 (D)(2) of the Alaska Native Claims Settlement Act for possible "addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems." How much land is to be placed in each system is the question before Congress.

WHERE ARE THE (D)(2) LANDS? Lands are widely scattered throughout Alaska, with scenic mountain lands mainly in the Brooks Range, the Wrangell Mountains, and the Alaska-Aleutian Ranges; the hilly and lowland areas in northeastern Alaska, and in the Yukon and Kuskokwim River systems.

HOW LARGE IS 80 MILLION ACRES? It's big! It would make more than 37 Yellowstone National Parks or two-thirds of California--or more than the combined areas of New York, Pennsylvania and New Jersey.

WHAT ARE THE RESOURCE VALUES? Everything. Some of the (D)(2) lands are among the most scenic lands in the world. The low wet lands are breeding grounds for wild fowl; hilly country has caribou, moose, bear, and wolves. The (D)(2) lands also contain millions of acres of commercial quality timber, millions of acres of virgin tillable soils, and major resources of copper, molybdenum, gold, silver, antimony, strategic minerals such as chromium, nickel, tin and very probably uranium, oil and gas. And while it is often forgotten, people are our main resource. Many of the (D)(2) lands are near areas of chronic under-employment and, while no one has advocated forced development, the possible loss--or gain--of thousands of new private jobs has to be considered in the decision.

WHAT IS THE PROBLEM? The problem is to determine how an exceptional series of wild lands--some with an obvious prime value, some with multiple values--will be managed.

HOW SHOULD THE PROBLEM BE RESOLVED? Several approaches have been proposed. One extreme, that of the Alaska Coalition would place 147 million acres in wilderness National Parks and Wildlife Refuges. Together with existing withdrawals, this proposal places an area larger than the state of Texas out of bounds for all development and for most human uses. Several of the other proposals are also biased toward non-use of Alaska's land. In contrast, CMAL favors the use of "Land for peoples' needs." CMAL seeks a consensus on unique lands which most Alaskans and other Americans agree deserve protection; it is also identifying lands with a variety of values which must be managed under a multiple-use philosophy. Alaskans and, indeed, all Americans must be concerned--our state and national economy, our way of life, is involved, so great is the magnitude of the problem.

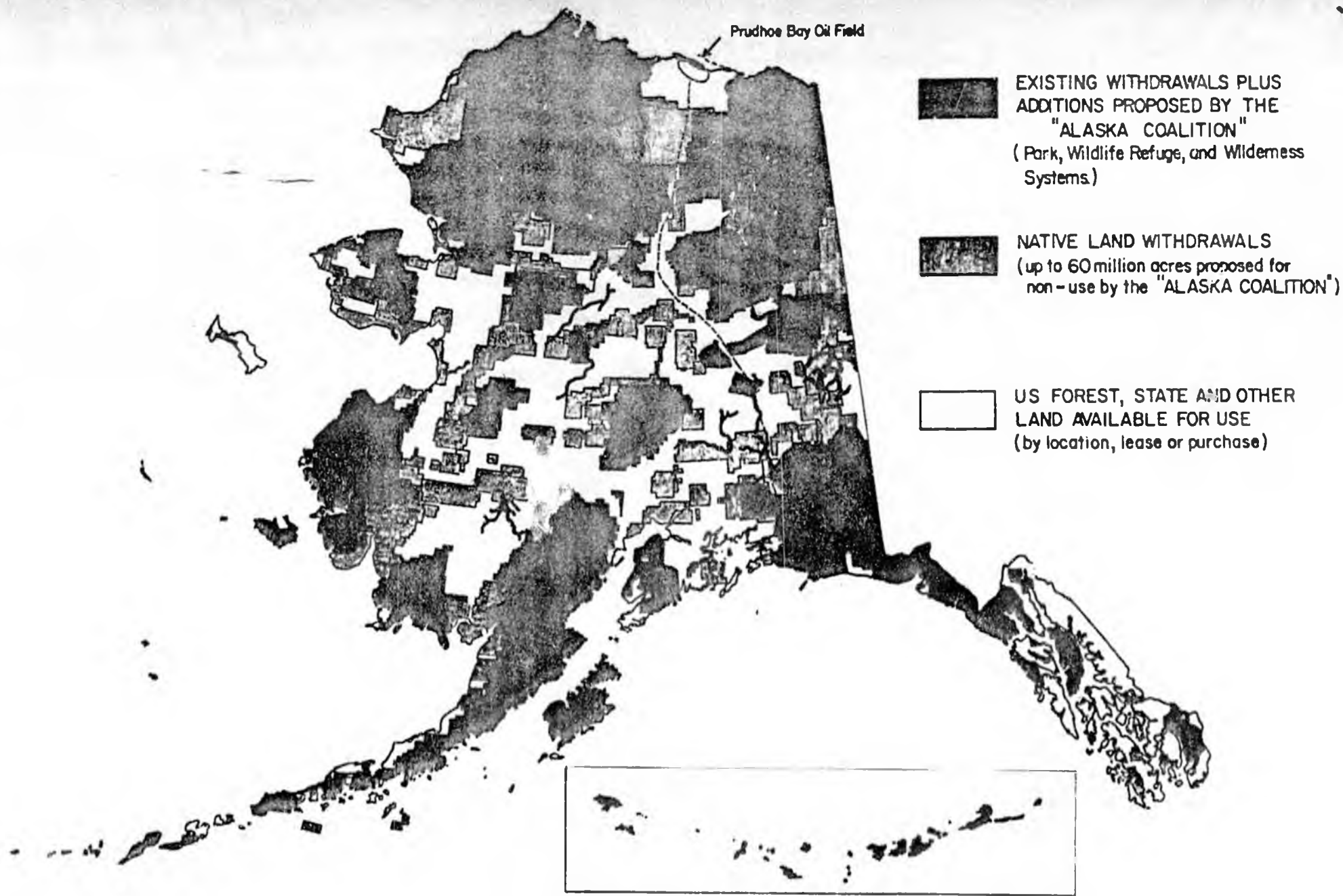
WHAT CAN BE DONE ABOUT THE PROBLEM? Individual citizens should immediately write their local members of Congress to express concern and to urge those officials to support retention of options from multiple use management for most of our lands and resources. To become more informed, more involved, and to help, write:

CMAL

Box 3256 DT

Anchorage, Alaska 99510

Membership dues are: Individuals \$10.00; Corporate \$100.00; and Association \$250.00. (There is also vital need for supplemental grants.)



THE PRESERVATIONISTS' BLACKOUT

STATE OF ALASKA
One Inch = 190 Miles