

COMING INTO THE COUNTRY

Government and Mineral Exploration

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THERE ARE ONLY 10 KINDS OF PEOPLE IN THIS WORLD:
THOSE WHO CAN READ BINARY AND THOSE WHO CANNOT.

Please raise your hand if you get this joke.

Don't feel badly if you don't get it,
I will explain in slide 15

The point is that not all of us see things in the same way,
and there are some things that even intelligent and educated
people cannot see at all.



ALASKANS ARE FAMILIAR WITH OPPOSITION

Seward's Folly

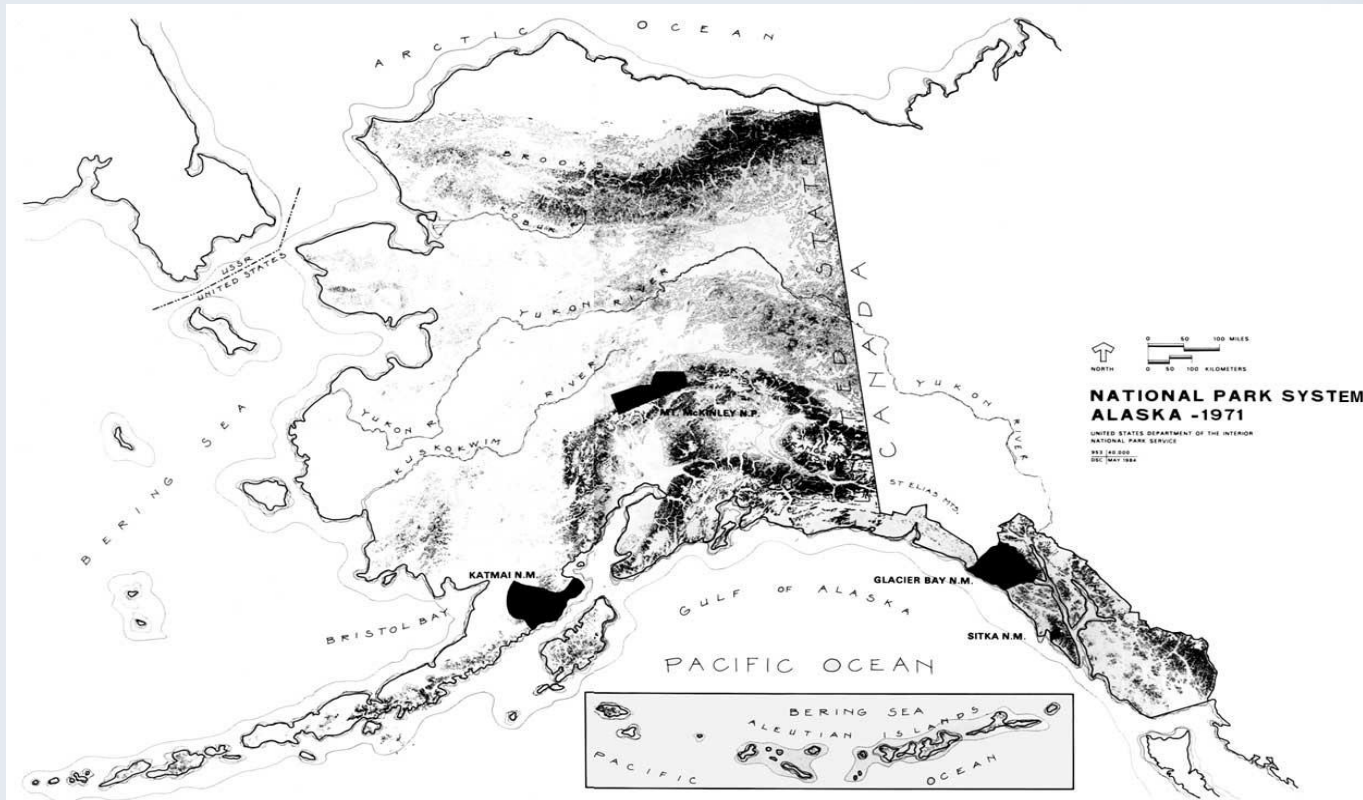
Statehood

TAPS

ANILCA



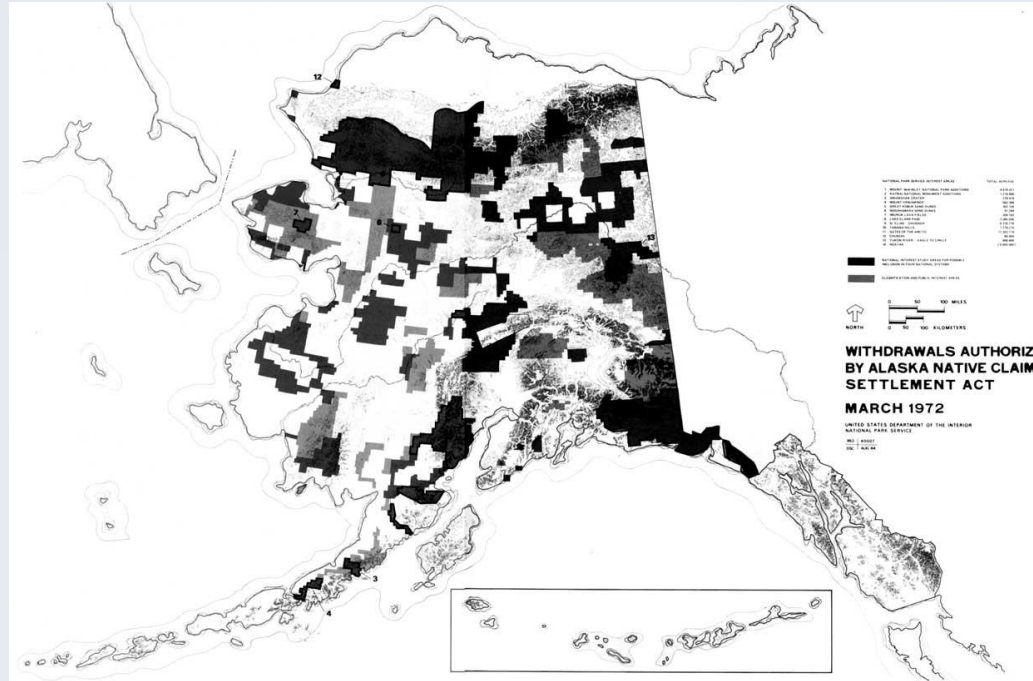
Here's the Alaska that many of us saw in the early 1970's.



Three National Parks, two National Forests and a vast potential.



Here's what ANCSA Section 17(d)(2) brought us.



Huge withdrawals from state selection and entry for multiple use, reduced access to remote sections of the State and the elimination of major transportation corridors.



The No More Clause

§1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation areas or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.



In the hands of dedicated land managers,
The “No More” clause is a mere technicality.

The “No More” clause, however, is not the only
ANILCA section that has been honored In the breach.

Some see two where others see ten.



Inholders

Access and land use

Inholders are the people who held ownership interests in Alaska land when ANILCA was passed that were suddenly surrounded by new land managing agencies such as the National Park Service with administrative authority over the surrounding lands and a revised mandate.

Under ANILCA inholders are guaranteed a statutory right to access and use their land; however, the NPS has long felt that it is in the “Public Interest” to acquire those inholdings, or at a minimum restrict the access to and use of such land to practices that are not inconsistent with the adjacent Park values.



Buffer Zones

Wandering wildlife

Jackboots on the Yukon

Showdown in McCarthy



Navigability and Wetlands

The fully laden raft.

Adjudications to come.

Wetlands galore



RS 2477

This land is your land, this land is my land.

Access based on usage and acceptance.

A conflict between terrain and political boundaries.

The State has seen fit to dedicate some significant resources and weigh in on this controversy.

(Finally!)



The Environmental Conflicts Industry “ECI”

Strong and healthy.

Brings new money into the State from grants and private contributions.

Occasionally awarded attorneys fees at taxpayer expense.

Use a tool that is generally underused by the pro-development community.



Political Solutions

All roads lead to Washington.

Delegation has limited tools –

1. ask questions and
2. shine a light into dark places.

State administration and Legislature

Exceptionally pro-active



Local Politics

Local Assemblies make a difference

The City and Borough of Juneau, for instance, has been very supportive of mining activities over the years, and that has resulted in the opening and operation of two great mines, the Greens Creek and the Kensington Mines and from time-to-time, Juneau has taken steps to encourage the re-opening of the A. J. and Treadwell Mines, as well.



Education

I know many very well educated people who simply lack the understanding as to where the commodities upon which their lifestyle depends come from and who lack the foresight as to how to acquire those commodities in a reasonable and benign way.

Given that our society demands electricity and plumbing in every home, where is there a better place to recover the constituent commodities than in the most highly regulated environment in the world – Alaska?

Nonetheless, some think there are 1010 kinds of people in this world where there are only 10.



POURING SOME NEW WINE INTO AN OLD BOTTLE.

This background sets the stage for a new opportunity.

I don't wish to propose a new idea, but rather identify a way to reinvigorate the relationship between the United States and the State of Alaska with regard to the management of at least the Federal land resources in the State.

The authors of ANILCA envisioned an **Alaska Land Use Council** composed of two senior officials as Co-Chairmen; by statute, the Governor was the State Co-Chairman, and a person appointed by the President served as Federal Co-Chairman. Other members were: the State Commissioners of Fish and Game, Natural Resources, Environmental Conservation, and Department of Transportation (DOT), and the Federal Regional Directors of the National Park Service, Fish and Wildlife Service, Forest Service, BLM, NOAA and the Federal DOT.



The Alaska Land Use Council ...

Two representatives of the Alaska Native Peoples were also members of the Council.

This composition was designed to support a forum to bring together all the players in managing the natural resources, wildlife and public lands in Alaska, plus representatives of the Native corporations which owned 44 million acres.

The mission was to seek harmonious implementation of ANILCA by reducing the harmful rhetoric and conflict, which had characterized the relationship between the federal and state land and wildlife management agencies prior to statehood.

A major goal of the Council was to recognize and protect Alaska's historical use of the land, be it sport hunting, subsistence hunting and fishing, mountain climbing, wilderness hiking, mining, timber harvest, or just "enjoying" the outdoors.



The Alaska Land Use Council ...

In my view, and speaking only for myself, it would appear that now would be a very good time for this concept to be reconsidered by our Congressional Delegation.

First, it appears that the major federal land managing agencies Alaska are experiencing a diminution in stature in DC, primarily because of a continuum of policy decisions that have been made, and

Second, because many of the fires that were blazing when ANILCA was passed in 1980 have been banked to the point that they no longer justify the same level of attention that was once required.



The Alaska Land Use Council ...

Mineral patents are no longer an issue on Federal lands.

The character of the Forest Service and the Bureau of Land Management has changed.

The State has matured in its management skills.



Conclusion

Roughly one-third of Alaska is managed by the State; another third is dedicated to restricted uses such as National Parks, Wildlife Refuges, and wilderness-like areas; forty million acres are owned by the Regional Corporations – essentially private property; and the balance is public domain managed for multiple use by the Bureau of Land Management or National Forest - land that is theoretically open to mineral entry.

Although much of the State and Native land was selected because of its resource potential, and those parts of the public domain and National Forests that are open are likewise attractive, the large swaths of the remainder are simply out of bounds, irrespective of their content.

The companies I represent, when they come into Alaska need to be instructed on the legal hurdles that they must overcome. Land status and governmental regulation are major factor that requires their careful attention.



Thank you for your attention.

