

# THE GREAT TERRAIN ROBBERY



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*Congressman for all Alaska*  
Since 1973

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Land owned by the government but open and available to its citizens for homesteading, farming, mining, and other activities, are a unique American contribution to the world. We abandoned the feudalism of Europe -where the ruler owned and controlled the land and chose, instead, to place lands in the hands of our citizens. Unfortunately, our federal government appears intent on abandoning this system, which has produced unparalleled personal liberty and prosperity. We now are witnessing a return to the days when distant rulers - be they kings or czars - dictated what citizens could and could not do on the land. Although we have not coronated anyone recently, the Carter Administration and leading elements of Congress have set up the secretary of interior as a twentieth-century land czar.

This trend is apparent throughout the West, when millions of acres of the public's lands are now tied up by some form of legislative or executive withdrawal. No longer do ordinary citizens decide what can and cannot occur on public's lands; the decisions are all made by our modern land czars ensconced in Washington, D.C. Bureaucrats are now empowered to make a broad range of decisions from whether one can prospect for minerals to whether one can hunt and fish. It is no wonder that the growing power of appointed federal officials has spawned an uprising in the West called the "sagebrush rebellion."

Any excessive concentration of power Thomas Jefferson labeled tyranny, and nowhere else is the modern-day tyranny of our federal agencies more clearly demonstrated than in Alaska. Federal authorities have systematically ignored statutory commitments and agreements, imposed massive land freezes to demonstrate their pique, and pursued courses of action contrary to the interests of Alaska and the nation. The culmination of all this is the Carter administration's attempt, with the assistance of the Democrat-controlled Congress, to pull off the land heist of the century by enacting a preservationist's Alaska lands bill (the Udall bill).

This measure - also known as the **Great Terrain Robbery** - represents a concerted effort to put roughly forty percent, or 150 million acres, of Alaska under a federal lock and key. For some perspective, 150 million acres equal the entire East Coast from Maine to North Carolina. Such a lock-up will destroy the Alaska lifestyle, deny the nation of needed resources, severely damage the Alaska economy, prevent sportsman from using many of these lands, and violate the promises codified in the Statehood Act of 1958 and the Alaska Native Claims Settlement Act of 1971.

A seemingly innocuous provision of the Native Claims Act, Section 17(d)(2) gave rise to the Great Terrain Robbery. It originally authorized the secretary to "withdraw up to but not to exceed 80 million acres" of land in Alaska to be studied for possible inclusion in our parks, refuge, wild and scenic river, and national forest systems. There is no denying that Alaska is replete with magnificent scenery, unspoiled wildlife habitat pure rivers, and sweeping forests.

Accordingly, Section 17(d)(2) was looked upon as a reasonable means of ensuring that deserving lands would be set aside and conserved for the use and enjoyment of all citizens. However, the Carter administration and its allies in Congress have chosen to reject a reasoned approach, have ignored the acreage limitations contained in the original law, and have focused their efforts on designating Federal Wilderness Areas - the most restrictive land classification available, which was not to be included within Section 17(d)(2).

Of course, the disposition of millions of acres of public lands in Alaska was not an issue that arose overnight. It began with Alaska's 1959 admission to the Union as the forty-ninth state. Alaska was admitted pursuant to the Alaska Statehood Act of 1958, which also entitled the state to select approximately 104 million acres of land. The land entitlement or statehood "*dowry*" was to enable the state of Alaska to acquire a land base to make itself economically self-sufficient.

Shortly after the state initiated its selection, Alaska's native people protested that some of the state's choices overlapped areas important to the natives. Since the purchase agreement with Russia promised that the native claims would be settled, the natives contended that some land selections should be stopped until the aboriginal claims were resolved. Secretary of the Interior Stewart Udall found this argument persuasive and instituted the first of many land freezes in 1965. This federal freeze stopped most state selections until the native land matter was decided.

The impetus for settlement of the aboriginal land claims came in 1968 with the discovery of oil at remote Prudhoe Bay on Alaska's North Slope. It was soon realized that no right-of-way for a pipeline could be issued because of the unsettled land status along the proposed route caused by pending state and native claims. Hence, the wheels were set in motion to settle the land status and permit the pipeline to proceed.

The Alaska Native Claims Settlement Act (ANCSA) was enacted in 1971 following a stormy fight. It did provide a means for resolving the land status in Alaska and ultimately permitted the construction of the Trans-Alaska Pipeline, although it too required separate legislation in 1973. As noted earlier, ANCSA also contained Section 17(d)(2), which authorized additional land studies for environmental purposes. It was inserted into the bill by the Senate after a similar provision had been rejected by the House.

Following passage of ANCSA, three land settlements were proceeding simultaneously: (1) to secure for the state its 104-million-acre Statehood Settlement Act entitlement, (2) to secure for the native corporations their forty-four-million-acre land grant, and (3) to decide which lands to set aside per Section 17(d)(2).

Two years after ANCSA was passed, Secretary Rogers Morton made the formal D-2 recommendation: he proposed the set-aside of eighty-three million acres, which included nineteen million acres of multiple-use forests and no wilderness areas. There were, of course, inevitable conflicts as some of the areas proposed as conservation units by Morton were also selected by the state and the natives. Nonetheless, agreements were reached between the parties to settle certain disputes and a resolution of D-2 proceeded apace.

Reason was tossed to the wind with the installation of the [Democrat] Carter administration and his interior secretary, Cecil Andrus. In January 1977 Congressmen Morris Udall (D-AZ) and John Seiberling (D-OH) introduced the now infamous HR 39. That outrageous measure sought to designate 147 million acres in Alaska - forty percent of the entire state - as instant Federal Wilderness Areas.

It would have effectively revoked the land grants in the Statehood and Native Claims acts. It would have locked up the best oil and gas areas in Alaska. It would have prohibited the development of every major find in Alaska. It would have eliminated hunting and trapping on over sixty million acres of land. It would have abrogated the state's right to manage fish and game. The litany of its outrages was enormous but the Democrat leaders pressed ahead with it and promised enactment by October 1977.

The history of the Ninety-fifth Congress's legislative struggle over Alaska lands is a long tale but suffice it to say that a handful of reasonable representatives came forward - from both sides of the aisle - and delayed the preservationists' wilderness juggernaut. The House ultimately passed a watered down version of HR 39 in mid-1978. However, it remained a **Great Terrain Robbery**; it imposed a federal lock on over 140 million acres of land, and did great damage to Alaska's statehood rights, its right to manage fish and game, and its ability to develop nationally needed oil and gas, mineral, and timber resources. Although the Senate never acted on the Alaska lands bill in 1977-78, Senate and House leaders did work out an informal compromise bill which died the last day of the Ninety-fifth Congress.

Following the demise of this compromise, The Carter administration perpetrated the worst abuse of executive authority regarding public lands ever seen. Acting on the flimsy pretext of an emergency, the secretary of interior unilaterally withdrew 120 million acres of land in Alaska and closed it to state selection, native selection, homesteading, and mineral entry. He stated that the emergency existed because the Democratic chairman of the House Interior Committee wrote him a letter suggesting the existence of an emergency. Never in the history of the United States has an unelected official locked up so much of the public domain with the stroke of a pen. Nevertheless, the Democrat-dominated preservationist bloc in Congress hailed this abuse of executive power.

However, the Carter administration was not through punishing Alaska. On December 1, 1979, Jimmy Carter acted to withdraw permanently fifty-six million of the 120 million acres as national monuments. The pretext for this action was the need to protect "*scientific values and artifacts of antiquity.*" The authority used to justify this executive land grab was the 1906 Antiquities Act - an obscure law designed to protect Indian gravesites from robbers in the southwestern U.S., an act intended to permit limited withdrawals not exceeding 10,000 acres. Somehow, the Carter administration managed to fabricate a justification that fifty-six million acres - an area larger than all of [ ME, NH, VT, MA, CT, RI, ] New England - had to be further locked up to protect scientific values. Of course, the Democrat dominated preservationist bloc in Congress praised Carter's terrain robbery.

The withdrawals were damaging and included five major mineral discoveries (a copper strike, a uranium find, a silver discovery, a lead-zinc find and the world's second largest

molybdenum deposit) within the monuments to stop their development. The administration's withdrawals also prevented the state from selecting certain lands per the Statehood Act, *and* included millions of acres of lands already owned by the state.

There was a punitive aspect to the withdrawals too. The monuments were purposely situated in the finest big-game hunting areas in Alaska, an act which closed them to hunting. It didn't matter that hunters had been using these areas for years. It also didn't matter that hundreds of guides, outfitters, and air charter services derived their economic livelihood from this traditional sport - the administration and its congressional allies pandered to anti-hunters and shut out sportsmen and took away the jobs of hundreds of people.

The omnipotent secretary of interior gleefully acknowledged that this was intended to coerce Alaskans into accepting a preservationist Alaska lands bill.

The Ninety-sixth Congress tackled the Alaska lands matter too. Reason prevailed in the early going when all the Republicans on the House Interior Committee were joined by seven Democrats to support a balanced compromise Alaska bill; this coalition defeated a bloc of twenty-one Democrats following the Democrat committee chairman. A similar coalition prevailed in the House Merchant Marine and Fisheries Committee, which had jurisdiction over the bill, to report a similar compromise measure. Unfortunately, the Democrat House leadership, working in concert with the Carter forces, was able to defeat the bipartisan product of two committees and pass the preservationists' bill (*the Udall bill*) - another terrain robbery.

This Measure was merely one more demonstration that the present Congress is not serious about increasing domestic energy production; it is blind to efforts to head off a looming minerals crisis; its actions are exacerbating unemployment; and it continues to trample on states' rights. Our dependence on foreign oil has permitted OPEC to raise prices with impunity; it has prompted oil-producing nations to hold our citizens hostage; it has contributed to the precipitous decline of our dollar; and the threat of another embargo hangs over America like the sword of Damocles.

Despite this legitimate crisis, the Carter administration and its congressional allies are seeking to lock up the most promising onshore oil and gas area in the U.S., the coastal plain of the Arctic Wildlife Range. This area is only seventy-five miles east of the Prudhoe Bay oil field - the largest in the U.S. - which contains ten billion barrels of oil. To the east of the range, the Canadians have recently made major oil strikes. Accordingly, geologists estimate that up to fourteen billion barrels of oil underlie the Arctic Range. Nevertheless, Carter and the Democrat Congress have insistently pushed to designate this as a Federal Wilderness Area and thereby bar any oil and gas exploration or development. They have rejected alternative proposals urging careful oil and gas exploration by private industry and the government prior to making a development decision.

The United States is edging toward a minerals crisis that will dwarf our oil problems. Minerals experts have been sounding this warning for years and were recently joined by the Government Accounting Office (*an arm of Congress*). The facts revealed by these experts and the

GAO report are that we are dangerously dependent on foreign nations for many critical minerals (for example: cobalt, ninety percent dependent on Zaire; chromium, ninety percent dependent on the Soviet Union and South Africa). Overall, we import over fifty percent of twenty-three of the thirty-seven key minerals. In contrast, the Russians are self-sufficient in minerals. It is obvious that prudent national policy dictates that mineral exploration be facilitated and major discoveries be developed as rapidly as possible.

Alaska is known to contain thirty-three of the thirty-seven minerals regarded as strategic by the U.S. government. Moreover, because of Alaska's vast size very little of it has been intensively explored for minerals. But we do know that its mineral potential is awesome. The Russians are feverishly developing the minerals in Siberia to the west of Alaska and the Canadians are developing the mineral-rich Yukon Territory to Alaska's east. Since the mineral belts that are supporting this activity in Russia and Canada also traverse Alaska, geologists know that Alaska has similar potential.

A recent study done by the Stanford Research Institute indicated that development of just seven existing discoveries could produce enough mineral to reduce our annual balance-of-trade deficit by *\$1 billion*. However, the Udall bill statutorily prohibits mineral exploration on 145 million acres, forty percent of Alaska. In addition, approximately seventy percent of the areas rated "HIGHLY FAVORABLE" for minerals by the U.S. Bureau of Mines are locked up by this ill-considered bill.

This [anti-]Alaska bill passed by the Democrat Congress is not content to barring examination of unexplored lands, it also prohibits development of existing major mineral finds. As noted, the Stanford Research Institute (SRI) identified seven world-class mineral finds in Alaska - the world's second largest molybdenum find, two associated copper-lead-zinc discoveries valued at over \$8 billion, a nickel-cobalt strike, and a silver deposit. The Udall bill includes two of these world-class discoveries in Federal Wilderness Areas where development is effectively prohibited. It also surrounds two of these finds with wilderness parks and effectively blocks the construction of roads or railroads necessary to permit development to occur. Last, it includes two other major mineral discoveries not studied by SRI (a large uranium deposit and a copper strike) in a park and in a wildlife refuge, which also render mine development practically impossible. Accordingly, the bill stops development of six major mineral discoveries. When the mineral crisis strikes this nation in the years ahead and Americans demand to know why nothing was done to avert it, the public need only to look at the irresponsible [anti-]Alaska bill passed by the Democrat House of Representatives in 1979.

The nation suffers from the short-sightedness displayed by the Democrat Congress's decisions on Alaska's oil and gas and mineral resources. Alaskans suffer directly in other ways from the **Great Terrain Robbery**. The Tongass National Forest, created in 1907, is the largest national forest in the U.S. and dominates southeast Alaska. The Tongass encompasses sixteen million acres (equal to the state of West Virginia) and supports many activities, including a timber industry, which is the backbone of the areas private economy.

The [anti-Alaska] Udall measure designates over one third [over six million acres] of the forest as wilderness. Wilderness designations of that magnitude will reduce the allowed timber harvest by some thirty percent - and eliminate up to two thousand existing jobs. Southeast Alaska already suffers from a sixteen percent unemployment rate, and the elimination of more jobs to appease the preservationist [environmentalist] lobby is a cruel blow

to the people of Alaska. This injustice has been widely recognized and prompted [most] leading labor organizations, including the AFL-CIO, to oppose the Udall measure.

The rights of the state of Alaska have been trampled on by the bill passed by the Democrat Congress. First, the bill includes four million acres already owned by the state of Alaska inside the boundaries of parks, refuges, wilderness areas, etc. These in-holdings will be subject to a plethora of federal land-use restrictions that will prevent the state from using its land. Second, the bill prevents the state from obtaining lands it has selected pursuant to the Statehood Act. There are twelve million acres of land already chosen by the state now to be included in parks, refuges, and so on, which will be denied to the state. In essence, the state is being told "we (*the feds*) get first pick of the lands, you (*the Alaska people*) go to the end of the line." Overall, the Udall Alaska bill adversely affects sixteen million acres of Alaska's statehood lands. This is clearly a violation of the promises contained in the Statehood Act, which was passed by Congress and ratified by a vote of the people of Alaska. Is it any wonder that our citizens are disenchanted with the [*Democrat*] Congress?

Last, the traditional lifestyle of the Alaskan people is threatened by the Udall bill. In Alaska's "bush" country, people can practice a lifestyle no longer available in the forty-nine other states. Alaskans can still live off the land, construct a cabin in a remote area, and hunt, fish and trap with a minimum of regulation. The preservationist's [*anti-*]Alaska bill is likely to end this unique and cherished lifestyle. The instant creation of millions of acres of parks, wilderness areas, wildlife refuges, etc., will bring a host of federal regulations down upon Alaskan's citizens. Even if bush residents attempt to continue *permitted* activities, such activities are likely to involve filling out obscure federal forms in triplicate and to be fraught with the aggravation of trying to pry the necessary licenses, permits, etc., out of federal officialdom.

More important, many traditional activities (snowmobile use, trapping, cutting of firewood) are *prohibited* in units such as parks and wilderness areas. Although there are limited exceptions to some of these rules in the Udall bill, federal permits are still likely to be required. Moreover, there is no guarantee that a subsequent Congress or an arrogant secretary of interior, will not eliminate these vital exceptions. Accordingly, this bill permits the Alaska lifestyle to continue as long as the "*ruler*" in Washington deems it appropriate. This is cold comfort to the people of Alaska.

What we are witnessing is the time-honored concept of conservation being turned on its head. Conservation stands for the wise and prudent use of our resources. It means the careful management of renewable resources so they can be used and enjoyed by future generations. It means employing other resources in such a manner that our air is not fouled and our streams are still clean. It means that man should use the land but not destroy it in the process. But a mutant form of conservation is growing in power and has reached full flower in the Alaska controversy: preservationism. It holds that renewable resources such as timber should be, not prudently developed, but locked up to "*preserve*" the environment. It holds that other resources should not be developed because our air and our water may not be kept absolutely pristine - they must be "preserved." Worst of all, preservationism regards man as an interloper who has no place in the environment; it says that vast wilderness areas must be created and man locked out, reduced to an infrequent visitor.

In this era of growing shortages, we do not have the luxury of fencing off or locking up millions upon millions of acres to provide recreation or spiritual fulfillment to a handful of *[environmentalist]* backpackers. It is imperative that the true conservation ethic be restored and that so-called preservationism be eliminated. A Republican Congress can start by enacting a balanced Alaska lands bill that will provide the nation with a perfect example of conservation at work in the 1980s.