

ALASKA'S EARLY STATEHOOD AND THE "d-2"
YEARS: A MINER'S ASSESSMENT OF LAND ISSUES

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Introduction

The Alaska hard rock mining industry depends on access to land—lots of it. Although much less than one out of a thousand acres will ever be utilized for mineral development, thousands of acres must be available for prospecting and discovery. Early Alaskans understood this. They also knew that gold discoveries at Juneau, Nome, Fairbanks, and Flat had established nodes for settlement, transportation, agriculture, in short for civilization. Future discoveries could be expected to further open Alaska. Each of Alaska's early discoveries had been made by immigrants from Canada, or Ireland, or Italy, or Sweden who took advantage of a laissez faire mineral policy inherent in the federal mining law to transform themselves. Eric Lindblom, one of the Lucky Swedes who discovered Nome, lived a beggar's existence in Sweden. As a result of the Nome discovery he became a wealthy hotelier in Oakland, CA. Felix Pedro born in Italy escaped a dangerous existence as a coal miner before he became the honored discoverer of gold at Fairbanks. Others, already American citizens, came to realize dreams. One was Stephen Birch, the orphaned son of a Civil War Union Army veteran. Stephen ultimately brought great wealth into Alaska via copper mining. But he had his first opportunities because neighbors, the sugar-rich Havemeyers, had seen potential in

Stephen whom they had hired to teach outdoor skills to their older children—financing Birch’s mine engineer education. The Guggenheims, oft criticized in Alaska, were only one generation out of European poverty when they financed Kennecott. The Federal mining law for hard rock minerals gave these examples and everyone else an equal chance at discovery and claim ownership. It is perhaps the nation’s most democratic law, and in Alaska it worked as it was intended to.

Others were aware of the strength of the law but feared its unintended consequences. Because of a mineral discovery one person could make land-use decisions that detractors thought should be done collectively. Whether this view was ever dominant in the conservation movement of the 1960s and 70s is uncertain, but it was there and influenced land nominations. The Mining Law of 1872 was anathema. In the land wars to come, lands were withdrawn not only to protect whole ecosystems but preserve them from mineral development. If they wanted land, miners would have to fight for it.

It was a heady time for involvement and I had the privilege of direct and personal involvement in it through several venues: Alaska Miners Association as Anchorage Chair then Executive Director; as a member of an advisory committee to the State-Federal Land Planning Commission; as one of two public members of the States “d-2” Steering Council, a Governor Hammond appointment, and as a founding Director of CMAL, the Citizens for Management of Alaska Lands.

In this short paper, I’ve tried for historical accuracy, but have without doubt

made mistakes and left out some facts and individuals who should be credited. I apologize for those blunders.

Land selections

Alaska's statehood act granted to the new state the right to choose about 104 million acres from the federal public domain. Congress believed that the grant, deemed generous, ought to be sufficient to guarantee the fledgling state's economic viability. Early selections by the state were conservative. Selections were made for urban expansion near Fairbanks and in the Cook Inlet region. Some coal lands were chosen. Critical selections were made on the North Slope where a young DNR geologist, Tom Marshall, believed that the lands were highly prospective for the discovery of oil and gas.

Although Alaska was widely believed to be rich in rarer minerals, few if any selections were made for lands with potential for hard minerals like copper or gold. First, the exact locations of such lands were unknown; furthermore valuable metallic mineral deposits could be obtained by location on the federal public domain without wasting state selections. Selection was also constrained by the amounts which could be chosen in any year and by Governor Egan's natural conservatism. Bill Egan did not want to err by making hasty selections.

The state's slow and orderly selection process was halted abruptly in December 1966 when Secretary of the Interior Stewart Udall put further state selections on hold until Native Claims were resolved.

Heavy Metals Background

I first came to Alaska about that time (1966) as a geologist with the US Geological Survey (USGS). After a temporary assignment under the Wilderness Act in 1966 I was offered a dream job: To coordinate the Survey's Heavy Metals Program in Alaska. The program was a rather strange beast. Heavy Metals really meant gold, not iron or tungsten. The object of the program was to find new gold deposits that would be economic at \$35.00 per ounce. At that time US Treasury gold held at Ft. Knox that had been bought for \$35.00 or 20.67/ounce was fleeing the country for locations like Hong Kong and Macao where gold was freely trading at \$50 or more per ounce. Several foreign countries and legitimate gold users had the rights to US Treasury gold at the bargain price.

By 1966 most US gold mines had closed. Homestake in South Dakota, the greatest, was preparing to close. It was mining ore a mile and a half deep, and could hold on only because of a fully amortized plant and by taking all possible engineering efficiencies. There was one bright spot. Newmont discovered a near surface hard rock gold deposit at Carlin, Nevada. It was rich enough to be quite profitable at the \$35 gold price. Newmont credited a USGS-assist from Ralph Roberts who had solved the complex thrust-fault geology. At about the same time a USGS geochemical team also was virtually certain that it had found a similar deposit at Cortez, Nevada. With these examples of easy discovery the US Geological Survey's director Bill Pecora convinced the Department of Treasury and

Congress that by using modern geochemical and geophysical prospecting techniques, gold could still be found that would be economic at \$35. It could replace the gold that was fleeing Treasury vaults. As a leading historical gold producing state, the Survey's Alaska branch was given supplemental funding in both 1967 and 1968 that was used for about ten full-time helicopter-supported gold prospecting projects scattered from Ketchikan to the Brooks Range.

During the same period private mining companies also took a more aggressive role in Alaska. They had little incentive to search for gold priced at \$35.00, but they did believe that Alaska had a limitless potential for copper and base metals that could be acquired by discovery on the public domain—Alaska exploration was warranted.

The Geological Survey's initial optimism on discovery of deposits rich enough to mine at the Great Depression price proved unwarranted. In Alaska and throughout the western mining states new deposits were found, but there were too few rich deposits and there had been too much inflation—the price would have to give before gold mining would again be feasible. The Lyndon Johnson era Heavy Metals program was ended, and I was out of a dream job. The present two tier system was begun with the Nixon administration. Treasury gold was priced nominally higher, but the price of a second class of gold for commercial transactions was allowed to fluctuate within the free market.

Although the Heavy Metals project failed in its stated objective to find

exceptionally rich gold deposits, the expanded private and public exploration efforts of the late 1960s had positive results: Alaska metal inventories that had been found and exploited before WWII were renewed and expanded. They could be used to guide land selections. Also, not finding exceptionally rich gold deposits contributed to the decision in late 1968 to remove the fixed price for gold and allow the price of gold to move with demand.

ANCSA

The Alaska Miners Association convened its members in mid December 1971 to pose a question from the Congressional delegation in Washington. Would the Association support a Native Claims settlement that granted both a substantial cash payment and land acquisition of about 40 million acres? The Association with branches in Anchorage, Fairbanks, Juneau, Sitka, and Ketchikan voted to support. It was not a foregone conclusion. Earlier miners led by pioneer dredger Norman Stines, had strongly opposed any Native land selection as did later Bear Creek geologist George Moerlein: George thought that if Alaska Natives wanted minerals they should prospect and find them like everyone else. Phil Holdsworth, who favored settlement, was deposed from his leadership position in the Association after stating his views.

But things had begun to change. Views from Alaska's placer mining interior had moderated with increased importance of University affiliated geologists and engineers. Most of the new generation of company explorers saw Alaska's Natives

as potential partners, not enemies. Charles F. Herbert, named Commissioner of DNR in Governor Egan's second administration, was resolutely for settlement, and his views carried a lot of weight with both the placer miners and modern explorers.

One thing on which both miners and the State were in agreement—there should be an immediate reinstatement of the State's land selection program under the statehood act. It had been held in abeyance since the Udall withdrawals of December 1966. ANCSA, the Alaska Native Claims Settlement Act, became law on December 18, 1971. With settlement the state could begin selections but with some important caveats. Section 17 of the Act established a joint Federal-State Land Planning Commission to make land-use recommendations that would have to be considered. Subsection 17 (d)(1) allowed the Secretary to withdraw lands for classification, and more onerously for the state and the miners, Subsection 17(d)(2) allowed the Secretary, pursuant to Section 11, to withdraw “up to, but not to exceed, eighty million acres of unreserved public lands . . . which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife and Wild and Scenic Systems.” Section 17 (d)(1) also withdrew all unreserved public lands for a period of 90 days from the passage of ANCSA.

The state appeared to be stymied with a possible exception—a window between the 90 day withdrawal and the (d)(2) withdrawals. DNR aimed for this window and miners cooperated. The state of mineral knowledge at the date of ANCSA passage was greatly advanced over 1966, when selections ceased.

Although the Heavy Metals program had found few if any bonanzas it had found numerous mineralized areas throughout Alaska worthy of selection. Moreover, mining companies had identified prospects in SE Alaska, the Seward Peninsula and, perhaps most importantly the Brooks Range, where Commissioner Herbert also had special knowledge.

The winter of 1972 was the beginning of a war of maps that only ended with the passage of ANILCA, the Alaska National Interest Conservation Act of 1980. The Alaska Miners Association assembled teams of private and public geologists in Anchorage, Fairbanks, Juneau, Spokane and Salt Lake City to develop new metal resource maps of Alaska. The maps with recommendations for selection were submitted to DNR Commissioner Herbert, who melded their data with that from his in-house experts on recreational, arable, and forested lands.

In late spring of 1972 DNR submitted selections for more than half of the State's remaining land entitlements to the Department of Interior. Washington was both surprised and furious: The Secretary of Interior threatened litigation. Although Commissioner Herbert privately disagreed with the Governor, Egan feared litigation and an out-of-court settlement was reached. A substantial number of state selections were relinquished. Key mineral selections were retained in the Brooks Range and Alaska Range, but other mineral potential lands were ultimately lost to conservation withdrawals.

The Land Planning Interim

The joint Federal-State Land Planning Commission established under ANCSA had broad authorities for Alaskan land management, but also had a fixed time for action. It had to complete its work and submit its “. . . recommendations for programs or other actions which it determines should be taken by the United States and State” in a final report on or before May 30, 1976. The Commission itself would cease to exist on December 31, 1976.

Early on the Commission heard from some strange bedfellows, as New Deal-type democrat Ernest Gruening and conservative republican Walter Hickel. Both men shared populist feelings and Gruening remembered the fabulous riches of Kennecott which he had always assumed were stolen by the Guggenheims. Together Gruening and Hickel proposed a special land management unit for the copper-rich Wrangell Mountains that would allow mining development, but under tight management. Their idea went nowhere as did later Governor Jay Hammond’s creative ideas on federal-state co-management of new conservation units: Congress was not going to allow some state control over Federal Lands.

The Commission, staffed largely by State and Federal bureaucrats, worked effectively through resource issues even convening hearings on the Federal Mining Law and possible reforms to it. One staff officer, John Katz, the co-counsel of the Commission, was particularly interested in mining issues. He made sure that his externs—bright young attorneys from Outside—were briefed on the peculiar merits of the free market Federal mining law as against the leasing measures probably

avored by the majority of the Commission. It was the beginning of a long friendship with John Katz.

The Commission completed their work timely. It was time for legislation.

Formation of CMAL

The Alaska Miners Association held their Annual Convention October 28-30, 1976 in Anchorage. It was the organization's first statewide convention and advertised as such (Figure 1). Although there were naysayers ready to cancel the convention as too much and too soon, the convention committee stayed the course, and the convention was an overwhelming success.

The convention opened with a session on Alaska mining developments led by C. F. Herbert. Following a luncheon address by Senator Ted Stevens, I chaired a session called Mining and the Environment (Figure 2). In it John Katz reported on "(d)(2) Lands and Mining Law"; and in a panel titled The Place of Mining in Alaska's Future, representatives of the Forest Service and Bureau of Mines painted a rosy picture for Alaska as a mining state. The third panelist, Jack Hession, the representative of the Sierra Club in Alaska, told a different story. He maintained that Wilderness Preservation would be Alaska's future, especially on the "d-2" lands which would be much more than the 80 million acres mentioned in ANCSA. Jack pulled few punches. Legislation, later H.R. 39, was already prepared and its several co-sponsors virtually guaranteed its final passage. In late spring of 1977, field hearings would be held in Chicago, Denver, San Francisco and Seattle to be

ALASKA MINERS ASSOCIATION



FIRST ANNUAL CONVENTION

October 28, 29, 30, 1976
Anchorage Westward Hotel
Anchorage, Alaska

Figure 1

Program

Thursday, October 28

TURNAGAIN ROOM
1:00 Alaska Miners Association Board of Directors Meeting
William Waugaman, President

LOBBY
4:00 - 8:00 Registration

Friday, October 29
MEZZANINE
7:30 - 9:00 Registration

PORTAGE ROOM
8:00 FILM: The New Explorers. Produced by Kennecott Copper Corporation. (To be repeated at 2:30 p.m.)
8:30 FILM: The Incredible Bread Machine. Produced by World Research, Inc. (To be repeated at 3:00 p.m.)

KENAI-ALEUTIAN ROOM
9:00 - 9:30 Opening: Leo Mark Anthony, University of Alaska, Convention Moderator. Welcome: Bruce Staser, Assistant to the Mayor, Municipality of Anchorage.
9:30 - 12:00 Mining Developments in Alaska
Chairman, C. F. Herbert, BP Alaska
9:30 - 10:00 Dr. Milt Wiltse, Pacific Cordilleran Exploration
10:00 - 10:30 Joe Usibelli, President, Usibelli Coal Mine, Inc. New Developments at Usibelli Coal Company
10:30 - 11:00 Coffee Break
Review Exhibits, Commodore Room
11:00 - 11:30 Norman Lutz, Development Manager, Bear Creek Mining Company Mining Developments in the Brooks Range
11:30 - 12:00 Jackie Stephens, Regional Manager, US Borax Mineral and Chemical Corporation Ketchikan Molybdenum Deposit

Friday, October 29 (continued)

ALASKA ROOM
12:00 - 1:30 Luncheon: Senator Ted Stevens
Introduction: Tom Kelly, Consultant

KENAI-ALEUTIAN ROOM
1:30 - 5:00 Mining and the Environment
Chairman, Dr. C. C. Hawley, President, C. C. Hawley and Associates, Inc.
1:30 - 2:30 Placer Mine Study
John Mulligan, Chief AK Operation, USBM
Bruce Thomas, U of AK MRL
Dr. Earl Beistline, U of AK, Dean, College of Mining Engineering
2:30 - 3:00 Coffee Break
Review Exhibits, Commodore Room
Films repeated in the Portage Room
3:00 - 4:30 Panel: The Place of Mining in Alaska's Future
Moderator, Dr. Ross Schaff, State Geologist
Jack Hession, Sierra Club
State of Alaska
Howard Banta, Assistant Director, Minerals, Management, and Geology, U. S. Forest Service
Will Dare, Coordinator for Environmental and Field Affairs, U.S. Bureau of Mines
4:30 - 5:00 John Katz, Counsel, Land-Use Planning Commission
(d) (2) Lands and Mining Law

INTERNATIONAL SUITE
5:00 - 8:00 Hosted Cocktails - AMA
BALLROOM
8:00 Banquet
MC, Earl Beistline
Speaker, Representative Don Young
Entertainment, Larry Beck Troupe

Saturday, October 20

KENAI-ALEUTIAN ROOM
9:00 - 12:00 Geology Section
Chairman, Dr. Thomas Miller, Geologist in Charge, AKN Branch, USGS
9:00 - 9:30 Don Grybeck, Geologist, USGS
The Geological Survey's Mineral Appraisal Program
9:30 - 10:00 Tom Bundtzen, AK Division of Geological Survey
Geology and Mineral Deposits of the Kantishna Mining District

10:00 - 10:45 Senator Mike Gravel

10:45 - 11:00 Coffee Break
Review Exhibits, Commodore Room
11:00 - 11:30 E. M. MacKevett, Jr., USGS Menlo Park
The Kennecott Copper Deposits

ALASKA ROOM
12:00 - 1:30 Luncheon: Allen Overton, President, American Mining Congress
The Missing Element in Mining's Future

KENAI-ALEUTIAN ROOM
1:30 - 5:00 Lands and People
Chairman, Howard Grey, Moening, Grey Associates
1:30 - 3:00 Panel: Approaches to Mineral Development on Native Lands
Moderator: Emil Notti, President, AK Native Foundation
Diane Hemnes, VP of Land-Use Planning, Bering Straits Native Corporation
Curtis McVee, State Director, BLM
Richard Janson, General Manager, Chugach Development Corporation
Ron Dagon, Land Resources Director, Calista Corp.
W. C. Bishop, Manager of Sub-surface Resources, Bristol Bay Native Corporation

Saturday, October 30 (continued)

3:00 - 3:30 Coffee Break
Review Exhibits, Commodore Room
3:30 - 5:00 Panel: Alternative Proposals for (d) (2) Lands
Moderator, Tom Fink, CLU
Burton Silcock, Federal Co-Chairman LUPC
State of Alaska
Mining Industry, C. C. Hawley, President. C. C. Hawley and Associates, Inc.

Women's Program
Friday, October 29
PORTAGE ROOM
12:00 - 1:30 Women's Luncheon: Speaker, Edith Bullock.
Thirty one Years in the Far North
Afternoon
Visit the Anchorage Historical and Fine Arts Museum, 7th and A Streets (7 blocks from the Westward), and shop in Anchorage.
Saturday, October 30
MEET AT WESTWARD ENTRANCE
9:30 - 3:00 Guided bus tour to Portage Glacier, the only ice field in Southwestern Alaska that is accessible by road. Visit Alyeska Ski Resort where you may want to have lunch (not included). The view is beautiful all the way; bring your camera.

Figure 2

followed by a triumphal return to D.C. where legislation would be passed. A new environmentally inclined president, Jimmy Carter, would approve the package. There was nothing that the miners could do to stop the program.

Probably Jack should not have been quite so firm as there was an immediate counter reaction from a broad spectrum of Alaskans who thought that the feds were at it again with Alaska's lands and resources. They agreed to meet again as soon as possible after the holidays.

Within a few weeks, the miners rented the Endeavor Room in the Captain Cook Hotel for an emergency briefing on possible consequences of the d-2 legislation. Beside miners, invitees included Chamber of Commerce types Lee Fisher and Bob Fleming, several contractors; realtors Bertha Midyett and Carol Maser; resource attorneys Bob Hartig and Paul Nangle; and foresters John Hall and Terry Brady—more than fifty in all. The miners repeated Jack Hession's message to their convention, almost verbatim. Most attendees could see negative consequences to Alaska's land and agreed that something must be done to counter the environmental movement.

At a meeting early in the winter of 1977 it was agreed that a new organization was needed for the settlement of the d-2 lands issue only, although organizers expected support from the Organization for Management of Alaska's Resources (OMAR) citizens group who had formed in support of a North Slope gas line—as from organizer and leader Paula Easley. Attorney Robert Hartig suggested

the name Citizens for Management of Alaska Lands as the new organization's name. It had a good acronym--CMAL.

A template for CMAL's structure was suggested by that of the Outdoors Unlimited organization, then active in the Rocky Mountain states. Outdoors Unlimited was an organization of organizations: State mining and timber organizations were represented as were those of softer land users such as Jeep clubs, and the RV-backed group, Good Sam Club as voting members and non-voting members-at-large. The common aim of all members was the preservation of multiple-use management on most BLM administered public domain and Forest Service lands, which were for the first time under Wilderness review.

CMAL also adopted a multi-organization approach, but added two important ones—Native land owners and organized labor. Without them CMAL would appear to be only another industry tool. With their addition CMAL could realistically claim to be a broad-based Alaskan citizen organization. In dealing with Congress, where numbers only are definitive, the presence of labor and Alaska Natives should open some doors otherwise closed. CMAL's adopted structure led to some unusual internal coalitions and compromises but it held. The presence of organized labor was particularly helpful in CMAL's early days. The Teamsters' Bob Johnson was a powerful orator and AFL-CIO's Vern Carlson could capture anyone's attention with his steely gaze. Democrat John Alexander who represented government employees was a moderating force in land debates.

On the Native side CMAL could not capture those groups that held a totally subsistence viewpoint, but it received at least tacit approval from all of the Regional Native Corporations. Emil Notti, the president of the Alaska Native Foundation, had led a panel including three regional corporations, at the Alaska Miner's convention. Each believed mineral deposits on regional land might be developed to the enrichment of both Native owners and miners. Dialog should continue. Natives also moved into the CMAL structure. Carl Marrs, from the CIRI Corporation, was elected the first president of CMAL. He continued to serve throughout the impending battle. By backing the priorities of Native regional corporations, CMAL probably lost the support of some professional hunting groups, but retained others.

As CMAL continued to organize, Alaska business and legal firms contributed pro bono support. Many administrative functions were assumed by Vern Wiggins, a staffer for Anchorage engineering company Tryck, Nyman, and Hayes. Vern continued his important role throughout the d-2 years, first in Anchorage, then in Washington, D.C.

CMAL held many organizational and brain storming meetings throughout the winter of 1977. The meetings showed good staff work, but little to suggest that CMAL could be an organization that would effectively combat an environmental coalition that had been active since the 1960s and had acquired wide-spread financial support. To some CMAL appeared to be an organization of executive-director types who could produce brochures and white papers, but lacked

fundraising or hard lobbying capability. It lacked a charismatic leader, but to find one it had to have funding, a typical problem of grassroots volunteer organizations.

The Alaska Associated General Contractors (AGC) made the first substantial contribution. Through their executive director, Dick Pittenger, AGC pledged to support CMAL with \$15,000 per month for 1977. Almost immediately Alaska Lumber & Pulp (ALP) out of Sitka agreed to double that amount with a pledge of \$30,000 per month. ALP's President Clarence Kramer also agreed to supply Jim Clark, an attorney with Juneau law firm Roberts, Monagle, Eastaugh, and Bradley to CMAL. Fred Eastaugh and J.P. Tangen of the same law firm were already committed to CMAL. The early pledges by AGC and ALP gave CMAL the confidence to find an operating manager.

They were fortunate that Tony Motley was available. A former Air Force Staff officer, Motley had just resigned as Commissioner of Commerce and Economic Development for Alaska and was looking for his next assignment. Although not specifically knowledgeable on minerals, Tony knew Alaska and its industries and he was a quick study. He had an international background: Tony grew up in Brazil where his father worked for Standard Oil. Motley's competence and confident personality would go over well in D.C.

Motley took the position with CMAL in the belief that it was to be a four month assignment instead of the four year one that it turned into. With Motley on board CMAL established a Washington presence, and the miners helped. Office

space for CMAL in Washington was furnished by the trade -group, Forest Products Association (FPA). FPA's director George Cheek had been raised in McGrath, Alaska. With a boyhood friend from Alaska, Toivo Rosander, Cheek brought national newspaper editors and environmentalists to southwestern Alaska to view family-scale placer mines. The guests were impressed by mines that preserved family values and had few lasting environmental consequences. At Nyac and other mines they saw good wildlife habitat created from dredge mining. Through their efforts Cheek and Rosander gained some unlikely converts to mining's cause, and George shared his list of converts with CMAL.

While Tony Motley concentrated on important contacts, staffers concentrated on developing briefing instruments (Figure 3) to show Congressmen and staffers on the different committees of jurisdiction—especially Natural Resources and Energy. CMAL never attempted to reach Congress as a whole, which would have been an impossible task. For aid in presentations to pertinent Committee members CMAL used local lobbyists and CMAL staff and when possible enlisted visiting Alaskans such as as ADF&G's Dick and Mary Bishop. A presentation was built around a video that mixed Alaskan scenery with information on resources that would be forgone under the environmental legislation. Almost every congressman on the operating committees accepted a visit, although sometimes only with staff. Some of the results were surprising . Paul Tsongas, Democrat from Massachusetts, a strong backer of the environmental legislation, grudgingly promised CMAL 15 minutes .

ALASKA IS:



Harry Shore

alaska

The Land of

- *Challenge*
- *Opportunity*
- *Conflict*

- Tundra
- Glaciers
- Muskeg
- Icebergs
- Permafrost
- Rain forests
- Mountains
- Islands
- Aurora Borealis
- 4 time zones
- 24 hour nights
- 24 hours of daylight
- Vast expanses of wilderness
- 586,400 square miles of land
- 1/5 the area of the Lower 48!
- Temperatures from -80° to 100°
- More than twice as large as Texas
- More than 6 times the coastline of California
- 9000 miles of roads compared to 251,000 miles in Texas
- Home of the country's highest mountain, 20,320'
- Both the easternmost and westernmost spots in the country

CMAL

Citizens for Management of Alaska Lands

LANDS PEOPLE

Figure 3

After viewing the video and listening to the resource message he remained for two hours and promised future access. He learned much about Alaska that the Sierra Club had not told him.

The field hearings were also not going as the environmentalists had planned. There was almost no time for CMAL to prepare for the first hearing in Chicago. The hearing was packed with students brought in from Midwestern colleges. There was little CMAL could do to counter their emotional testimony. CMAL did find one ally, Ted Van Zelst. Van Zelst, president of Belden Copper Company, had claims in the Wrangell Mountains where he hoped to find an independent source of copper. He pledged the services of his Washington law firm National Counsel Associates. The firm was an old line New Deal type one that was helpful in opening some Democrat doors. At the second hearing in Denver CMAL was much better prepared. Molybdenum mining company AMAX was ready with counter testimony from Stan Dempsey and Dave Delcour. The numbers of advocates and detractors were not far apart. At the Denver hearings CMAL also had the opportunity to cement their alliance with Outdoors Unlimited including Wyoming and Colorado legislators. As expected the San Francisco hearings near the Sierra Club headquarters went better for H.R. 39 backers. Miners had some backers but CMAL decided to save its main effort for the Seattle hearings.

At the last field hearing in Seattle, both Boeing and the Port of Seattle had problems with the Sierra Club sponsored legislation as did Alaska Senator Ted

Stevens' friend Senator Jackson, Democratic Senator for Washington. The results were close to a draw, but the environmental return to Washington was not triumphal.

CMAL under Motley continued to gain strength and allies. Mining company activity was strong throughout the late 1970s and companies contributed to CMAL to protect their investments. CMAL could always count on Russ Babcock of Bear Creek (Kennecott), Dave Heatwole of Anaconda, Paul Glavinovich of Noranda, and Gerry Booth and Roy McMichael of Cominco for monetary and technical help. Chairman Carl Randolph of U.S. Borax himself led the defense for the giant Quartz Hill moly prospect that had been placed in a hastily redrawn Wilderness area.

The map wars begun during ANCSA continued. In Committee Hearings, prime H.R. 39 sponsor Morris Udall skeptically referred to the Hawley maps. Oil companies contributed their data as a potentially giant field could be lost on the North Slope. Miners were not the only ones to contribute maps and technical information. The Alaska Department of Fish & Game (ADF & G) had many problems from legislation that could put hard-gained Fish & Game Management back with the Feds and their sometimes mismanagement. ADF & G's Ron Somerville brought well-drafted maps showing the distribution of Alaska's Fish and Game in relation to Conservation unit's boundaries.

Although not essential to the day-to-day lobbying, CMAL continued preparation of background papers for Congressional Staff and others interested in

Alaska resources. The white paper on agricultural lands was prepared by Alan Epps with support from James Drew and others with Alaska's Agricultural Extension Services. Foresters Terry Brady and Jon Hall worked on that issue. Jon Hall was retired from the US Forest Service in Washington D.C. where he was one of the original backers of federally mandated Wilderness. CMAL also had the tacit backing of others from the original wilderness group who continued in their advocacy of wilderness but not to the extent of destroying southeast Alaska's commercial forest industry. In local meetings independent logger John Schnabel of Haines and Don and Helen Finney of Ketchikan consistently supported CMAL's forestry position.

Much of CMAL's work on the d-2 issue was done in cooperation with the Alaska Congressional offices, especially those of Congressman Don Young and Senator Ted Stevens. In early 1977, Congressman Young hired a young attorney, Bill Horn, for the House Interior Committee. The congressman installed Horn in a small space behind a filing cabinet, a location which proved to present few problems for Horn. On the Senate side, Senator Stevens hired Steve Silver to work on the corresponding Senate committee. Horn, later affiliated with the Birch, Horton, Bittner, and Cherot Anchorage-based law firm, and Silver who later was with Juneau-based Robertson and Monagle firm did much of the pertinent staff work on d-2. They worked effectively with Tony Motley. Horn later served as Deputy Assistant Secretary of the Interior under James Watt in the Reagan administration

where his day-to-day knowledge of passed d-2 legislation and intent language was invaluable in the administration of the law.

CMAL's activities on the Hill and at the field hearings slowed the environmental juggernaut. A four-month period for passage of the environmental bill H.R.-39 was now impossible. Committees were loath to move the bill, and it had not moved substantially as the summer of 1978 approached. Both Congressman Don Young and Senator Ted Stevens brought congressmen to Alaska who very quickly found that the bulldozers, which the Sierra Club had promised would be poised to destroy Alaska, were largely absent. Moreover almost all of Alaska was already wilderness and would likely remain so. Miners had a chance to show their operations. Over the 4th of July holiday (1978), Ted Stevens brought Senators to a picnic at Skwentna on the Iditarod trail. The Senators, included Cannon of Nevada who had seen many mines in his home state and Leahy of Vermont who likely had seen none. Helicopters furnished by nearby exploration companies took the senators to visit the placer mines in the Petersville area and hard rock prospects in the rugged Alaska Range. On another trip I took Congressman Udall into the Kantishna Mining District north of Denali. Udall, although an opponent, was friendly and showed that he was already adept at gold-panning. Dave Heatwole of Anaconda who took Congressman John Seiberling into the Brooks Range found a more prickly congressman. Seiberling, whose family's fortune came from rubber tires on America's roads, could see little merit in roads that would give

access to highly mineralized state lands in the Brooks Range.

The opposition to the conservationist's d-2 proposals by CMAL and its private and congressional allies completely disrupted their plans for rapid passage of legislation. There was continued pressure for some legislation to resolve basic issues before a sunset date of December 1978 set by ANCSA would take effect. After that date lands closed by Secretary of Interior Rogers Morton on December 17, 1972 would be reopened for development.

On May 1978 H.R. 39 was passed by the House of Representatives and sent to the Senate for mark-up. Senator Ted Stevens succeeded in making significant pro-development amendments. The revised bill was essentially stopped by wild card Senator Mike Gravel who wanted to add additional items. Although his items had merit, he never garnered the votes necessary.

Faced with the sunset date of December 18, 1978, the environmental interests prevailed upon President Carter to use the Antiquities Act to create National Monuments. On December 1, 1978, Carter created 56 million acres of Monuments and under section 204(c) of the BLM Organic Act Secretary of Interior Andrus withdrew an additional 80 million acres making a total of 136 million acres of conservation withdrawals.

In the final resolution of the Alaska Lands legislation, environmentalists who had gained with the Antiquities Act were forced to moderate their positions after the election of Ronald Regan in November 1980. ANILCA, the Alaska National

Interest Lands Conservation Act, was signed into law on December 14, 1980 designating 104 million acres of the public land as National Parks, Preserves, Refuges, Monuments, Wild and Scenic Rivers, along with several special “study areas”, all of which were closed to operation of the Federal mining law. As passed, ANILCA appeared to give significant protection to miners who had inholdings in the new units. It protected their “valid existing rights” which, however, were often uncertain. What rights existed under a claim with uncertain discovery? It seems likely that Congress really intended to protect those rights, but few congressmen knew the mining law well enough to understand its nuances. At intent hearings testimony given by Morris Udall suggested that he really intended to give economic protection to miners on a more or less common sense basis, but for various reasons that was often lacking.

Unlike the mining provisions that at least had the impression of fairness and common sense, the promise of future access in ANILCA Section 11—especially 1104-1106 of the Act was a disaster to a State that lacked even the semblance of a modern surface access system. Section 11 erected so many barriers to access that, after ANILCA, many state and Native Corporation land selections became essentially land locked as they remain today.

Although the immediate post ANILCA management of units in the NPS allowed mining to proceed, later NPS management plans and court decisions took most of the concessions away leading to where we are today: A rather poorly

gerrymandered state with lots of beautiful National Parks and only a few mines which fortunately are very good ones.

References

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