STRIKING BALANCE AND COMPROMISE:
THE POLITICS OF WILDERNESS PRESERVATION IN ALASKA

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Striking Balance and Compromise:  
The Politics of Wilderness Preservation in Alaska

The goal of this study is to provide the first available comprehensive historical examination of the Alaska National Interest Lands Conservation Act (ANILCA) from pre-statehood to the current status of parklands in Alaska. The study will answer questions regarding the influence of political and residential opposition, support and compromise in the passing of ANILCA, the effectiveness of ANILCA as conservation policy in regards to the current status of the act, and whether the economic benefits associated with ANILCA are capable of offsetting the estimated economic value of Alaska’s “locked up” natural resources currently protected under ANILCA.

In providing an expansive look at the historical importance of ANILCA, this study hopes to shed light on the significance of compromise in the democratic process of the United States. While ANILCA was never celebrated as an outright victory for either side of the argument, it was also never labeled a complete failure. ANILCA has proven that through debate and compromise even the most hardened opponents can agree that something is better than nothing, especially when dealing with a matter as vulnerable and irreplaceable as the American Wilderness.

While ANILCA is commonly referred to as the most significant land conservation measure in the history of our nation, very little scholarly research has been allotted to its origins and legacy. To this day, ANILCA continues to hold an important role in the conservation/development debate in Alaska and due to the significance of the terrain and resources at stake it remains of vital importance to the United States as a whole. From its introduction, ANILCA has been a source of heated debate, compromise and a legislative nightmare as both conservationists and pro-development organizations across the nation directed their resources towards ensuring their interests were protected.

As a continuation of HIST 612 and HIST 613 seminar class projects, extensive research has been conducted, including several days spent at the University of Alaska Anchorage Archives and Special Collections department. Available primary source documents include Governor Jay Hammond’s personal correspondences, Senators Ted Steven’s and Mike Gravel’s personal papers, The National Audubon Society collection and The Alaska Center for the Environment collections pertaining to ANILCA. Information on the growth of renewable energy, eco-tourism and other economic developments that have arisen since the passage of ANILCA also have been reviewed.
Acknowledgements

I would like to extend my deepest appreciation to my committee chair, Professor Abel Alves, who has demonstrated nothing but patience and optimism over the last several years. Without his guidance and encouragement this thesis would not have reached its true potential.

I would also like to thank my committee members, Professor James Eflin and Professor Douglas Seefeldt, whose editorial comments and insight were pivotal in developing a well-rounded thesis I can be proud of.

In addition, I would like to thank my parents and fiancé for their unwavering love, support and encouragement throughout this process. Without the incredible support system in my life none of this would have been possible.
Figure 1: National Conservation Areas in ANILCA, December 1980

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Figure 2: Alaska Compared to the Lower Forty-Eight (Courtesy The Institute of The North)²

² Alaska Compared to the Lower Forty-Eight (Alaska: The Institute of The North, 2013).
Chapter 1
ANILCA: A Future Unsure

“In many respects, I have always seen Alaska as our last chance to do conservation the right way, to recognize that the best use of the last frontier was not digging it up or cutting it down, but saving it as a gift to all of us, and those who follow.”

-Cecil Andrus,
U.S. Secretary Of Interior, 1977-81.

Described as the most comprehensive land and environmental enactment in history, the Alaska National Interest Lands Conservation Act (ANILCA) designated over 100 million acres of federal lands in Alaska, expanded the national park system in Alaska by over 43 million acres, created 10 new national parks, increased existing parks, and set aside entire ecosystems for preservation. The total federal acreage designated for conservation purposes under ANILCA constitutes 70 percent of all national park lands and 85 percent of wildlife refuges in the United States. From a legislative standpoint, ANILCA is a prime example of how through debate, scientific analysis, and increased public involvement, the combined interests of conservationists and pro-developers can be appeased. ANILCA ultimately represents a balanced policy characterized by a willingness of both conservationists and pro-developers to compromise on issues of development versus protection. The best example of such compromise has been the highly contested Arctic National

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Wildlife Refuge (ANWR). Since the passage of ANILCA, ANWR has become an icon of heated debate and legislative manipulation. Under ANILCA, the possibility of oil, gas and mineral development in ANWR was left open pending government studies of oil and gas potential in the refuge. ANILCA further stipulated that production of oil and gas in ANWR would have to first be authorized by Congress. Compounded with the continuing oil development debate, ANWR and the coastal plain have become a perpetual reminder of the dedication and compromises necessary in ensuring that some sort of conservation policy was in place prior to the end of President Carter’s environmentally minded presidential era.

In addition to the colossal protection of Alaska’s natural resources established under ANILCA, protection was also afforded to the traditional lifestyles of many Alaskan residents that depended on subsistence hunting and fishing for survival. Many of these subsistence practices had traditionally taken place on newly designated federal and state lands, yet under ANILCA access to these subsistence grounds would now be guaranteed. In almost every sense, ANILCA represents a balanced bill that provides protection for Alaska’s pristine wilderness, abundant wildlife and countless natural wonders; while at the same time providing access for development interests and addressing many of the unique aspects of Alaska’s population, culture and what, in the eyes of pro-developers, are considered environmental excesses.

ANILCA has proven to be a benchmark from which historians are able to measure a unique time in American history: a time when environmental policy was gaining popularity, and serious energy and consumption issues were also coming to
the forefront. This is precisely the point Daniel Horowitz addresses in his 2005 study, *Jimmy Carter and The Energy Crisis of the 1970's*. In this study, Horowitz depicts the difficulties of balancing the nation’s growing environmental consciousness and the overpowering culture of consumption. Throughout his presidency, Carter and his administration would struggle in both the eyes of their Republican counterparts and environmental lobby to find balanced legislation between appeasing the conservationists and pro-development agendas.

Since the passage of ANILCA, one of the greatest struggles attributed to implementation and enforcement, ignoring for a moment the enormous size of Alaska, has been informing the public of the act itself. In an effort to better inform the public of their rights regarding subsistence use of resources and continued access rights to public and federal lands, ANILCA has been made available through a number of online forums in the public domain including the U.S Fish and Wildlife Service website. Information is further available through various state and federal information offices including the Bureau of Land Management office and the Alaska Public Lands Information Centers located in Anchorage, Fairbanks, Ketchikan and Tok. Additionally, organizations like The Wilderness Society, Native American Rights Fund, Trustees of Alaska and The Institute of The North have made

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7 “The Status of Alaska Water Export Laws and Water Transfers” ADF&G, May 2001. According to the Alaska Department of Fish and Game, at 586,000 square miles Alaska’s area equals twenty percent of the continental United States and is four times the size of California.


publications and training seminars available to the public in an effort to educate both those responsible for the implementation of and those directly effected by ANILCA.\textsuperscript{10}

In a further attempt to educate and inform the public on federal land management, the Alaska Wilderness League began an online campaign in 2009 encouraging the education of Alaskan residents on the responsibilities of the Bureau of Land Management. The Alaska Wilderness League produced a brochure titled, “Forging a Healthy Future for Alaska’s Federal Public Lands: A Guide to the Bureau of Land Management Lands in Alaska.” From the perspective of environmental organizations that suffered through the long drawn out legislative process involved in passing ANILCA, the integrity of existing conservation policies needed to be maintained. The idea was that through education, citizens would be more inclined to hold the departments responsible for the implementation of ANILCA accountable. The success of this approach is still undecided.

In an attempt to more effectively articulate available data in relationship to Alaska’s natural resources, an additional method of approach is utilized to quantify ANILCA’s successes and failures.\textsuperscript{11} The contribution of economists and social

\textsuperscript{10} Allen E. Smith et al, editor. \textit{Alaska National Interest Lands Conservation Act: A Citizens’ Guide.} The Wilderness Society. Washington, DC, July 2001. The Wilderness Society’s ANILCA citizens guide was published in collaboration with the Native American Rights Fund and Trustees of Alaska in an effort to educate the general public on rights protected under ANILCA pertaining to access, subsistence and Inholding rights. Also see, The Institute of the North, \textit{Alaska’s National Parks, Refuges and Other Conservation System Units: A Training Curriculum on The Alaska National Interest Lands Conservation Act of 1980 for Land Managers, Staff, Inholders and Neighbors.} Alaska, 2004. At the request of Congress, The Institute of the North has prepared a detailed and in-depth training curriculum on ANILCA for the US Department of Interior. The Institute of the North training curriculum is utilized in training federal and state employees working with ANILCA implementation and is available to the public through the Department of Interior University.

\textsuperscript{11} Available data includes economic, cultural, social and geological studies, as well as various statistical reports issued by the NPS, social science branch.
historians to the historiography has proven very beneficial to researchers looking to include statistical evidence supporting claims on how ANILCA and resource development projects have had direct influence on local economies. For instance, in 2001 the Institute of Social and Economic Research (ISER) at the University of Alaska Anchorage published a study on the economic effects of ANILCA on the small seaside town of Seward, Alaska. Here, Scott Goldsmith and Stephanie Martin provided an in-depth analysis into the effects of ANILCA on the local economy. Contrary to what many locals expected, ANILCA has led to an expansion and strengthening of the local economy. According to Goldsmith and Martin, “there is now widespread agreement among the residents of Seward that creation of the Kenai Fjords National Park has been good for the visitor industry, the economy and for the community. The standard of living is higher, there are more job opportunities, local public revenues have grown and the economy is more diversified.”

Studies like this have provided definite answers to the long-standing questions of the economic impact of eco-tourism and recreational usage of the park system to Alaskans, and its ability to offset the lost economic opportunities caused as a result of halted resource commodification.

Other agencies like The National Park Service (NPS), U.S. Travel Association and the Alaska Resource Development Council have provided further evidence for the positive influence of National Park visitation on local communities. In the 2009 NPS study, “Economic Benefits to Local Communities from National Park Visitation and Payroll, 2009,” Daniel J. Stynes first acknowledges the uniqueness in attempting

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to provide an accurate economic analysis of National Park spending in Alaska. Due to the limited accessibility of many of the National Parks in Alaska, spending opportunities in and around the parks are far less frequent than National Parks in the lower forty-eight, and are, in many cases, non-existent. It is also unique to Alaska that most visitors are on extended trips, visiting several National Parks during their trip, thus making it difficult to analyze the spending habits of visitors in one particular park.\textsuperscript{13} As a whole, the NPS received over 292 million recreation visitors in 2014, which generated $15.7 billion in sales throughout local gateway regions.\textsuperscript{14} Of these 292 million recreation visitors, the NPS Alaska Region, consisting of 15 parks, received 2,684,693 visitors, a 3.8% increase over 2013. In its entirety, 2014 provided widespread growth for the NPS with a 7% increase in recreational visitors over the previous year.\textsuperscript{15}

On the flipside of that debate, there are statistics providing undeniable proof of the economic benefits that the oil industry has on the state economy. In a study published through Investing for Alaska’s Future, an ISER research initiative, aimed at studying the importance of investments for building a strong economy in Alaska, Goldsmith presents statistical evidence proving the oil industry has been a huge factor in the growth of Alaska’s economy. Goldsmith argues, “altogether, counting oil-related and spinoff jobs, half of Alaska’s jobs can be traced in some way to oil

\textsuperscript{13} National Park Service, “Economic Benefits To Local Communities From National Park Visitation and Payroll, 2009,” 13.
\textsuperscript{14} National Park Service, “Statistical Abstract, 2014,” 1. See also, National Park Service, “2014 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation” vi. Local gateway regions include areas within roughly 60 miles of the park. Furthermore, the contribution of park visitor spending to the national economy amounted to 277 thousand jobs, $10.3 billion in labor income, and $17.1 billion in value added.
development...that’s 187,000 jobs in 2007.”16 Goldsmith’s contribution to the historiography providing statistical evidence for both ANILCA’s positive influence on local economies and the positive influences of the oil industry across the state economy provides additional academic integrity to Goldsmith’s work. Goldsmith’s findings also shed light on the distinctiveness of Alaska’s resource development debate where no clear cut answer is available and suggests that compromise between opposing interests is the only way for both pro-developers and conservationists to achieve anything at all.

Another controversial but increasingly important aspect of economic analysis has been generated by estimates of economically recoverable oil reserves in Alaska. Studies conducted by the U.S. Geological Survey (USGS) have been utilized to assess the amount of economically recoverable oil and gas resources within the National Petroleum Reserve. Using these studies to check the projected estimates of economically recoverable oil reserves issued by both the oil industry and environmental organizations, it becomes possible to keep statistical evidence issued on addressing the amount of recoverable oil honest. According to the findings in the USGS’s 2010 study on the National Petroleum Reserve, the estimated volume of undiscovered oil is significantly lower than estimates released in their own 2002 study. This study concludes, “the sum of undiscovered oil resources plus liquids estimated to have been discovered during 2000-2010 is only about 10 percent of

the total undiscovered oil estimated by the 2002 assessment.” While this instance of inaccurate assessments has been credited to unexpected and abrupt transitions from oil to gas and varying degrees of quality throughout the reservoir, any calculation of oil assessment is frequently received with suspicion from opposing claimants. For environmental organizations, this inconsistency demonstrates the inability of the oil industry and oil lobby to make careful, calculated decisions in such a pristine and vulnerable environment. Meanwhile, the opposing viewpoint claims the technological advances in 3-D survey, drilling and transportation techniques that allowed for such discoveries also permit more targeted operations that will limit damages to the environment.

Moving away from statistical analysis, agency reports and fiscal surveys, it is imperative that the political, cultural and social climate of Alaska prior to the mid-1970s be investigated to grasp a more complete understanding of the turmoil surrounding the passage and implementation of ANILCA. Exploring the role of the United States government since before statehood through the 1968 discovery of oil in Prudhoe Bay, the resulting Alaska Native Claims Settlement Act of 1971 (ANCSA) and finally the passage of ANILCA in 1980, allows one to develop an understanding of the major issues on the state and federal level in a pre-ANILCA political climate.

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18 SAExploration new employee orientation conducted on April 4, 2014 by Matt Broughton.

Through the use of political and cultural analysis, historians Claus-M Naske and Herman E. Slotnick provide the perfect starting point for any scholar hoping to obtain a broad overview of Alaskan history. In their 1987-book *Alaska: A History of the 49th State*, Naske and Slotnick aim, “to provide a narrative account of Alaska's major historical developmental strands from early times to present, with an emphasis on major developments in the twentieth century.” A substantial section of their discussion is dedicated to the evolution of the economic structure in Alaska. This portion of the discussion includes the abandonment of the state income tax system, the development of the oil dividend program and various attempts to diversify economically through the use of other natural resources, including mining, forestry and fisheries. In their most recent edition, Naske and Slotnick have expanded their study to include more recent developments in oil and gas, as well as Alaskan history in general.20

Prominent Alaska historian Stephen Haycox’s contributions to the historiography have been achieved through multiple approaches. Haycox has delivered a number of broad Alaska histories including his 2002 publications, *Alaska, an American Colony* and *Frigid Embrace: Politics, Economics and Environment in Alaska*. Comparably, these two publications provide an examination of Alaska’s history from Russian ownership to the modern day. In his study *Alaska, an American Colony*, Haycox attempts to define Alaska’s relationship to the broader world,

20 Clause-M Naske and Herman E. Slotnick, *Alaska: A History of the 49th State*, 3rd ed. (Norman: University of Oklahoma Press, 2011) XIII. Furthermore, since the first edition of their study came prior to the Exxon Valdez oil spill in 1989, Naske and Slotnick are able to provide readers with a unique look into the expectations and development of the newly formed Alaskan oil industry without the prominence of environmental concerns found in more recent studies.
particularly in the influence of Alaska’s internal evolution.21 Haycox argues that Alaska did not develop without the influence of external forces and recent history alone can demonstrate multiple accounts of Alaska being fashioned by exterior factors and decisions made far from her own borders. Haycox contends that, “modern Alaska, since World War II and statehood, has been dramatically and comprehensively shaped by the Alaska Native Claims Settlement Act of 1971 and the Alaska National Interest Lands Conservation Act of 1980...Together they circumscribe land disposal, Native rights, conservation of resources, patterns of settlement, the realization of statehood, and the region’s economic development.”22 Combined, ANCSA and ANILCA have set the parameters for the economic, social and cultural development of Alaska, addressing Native rights and land ownership, establishment of Native corporations, allowing continued subsistence rights, vast protection of entire ecosystems, and the development of an environmentally conscientious oil industry.

Other works by Haycox include the 1996 study, An Alaskan Anthology: Interpreting the Past. In this work, Haycox and Mary Mangusso compile twenty-five essays examining various aspects of Alaska’s history, similarly beginning with Russian ownership and concluding with a discussion on the future of Alaska. Through utilizing such a broad scope, Haycox and editor, Mangusso claim their collection provides a deeper, more focused interpretation of paramount events and

developments in Alaska history than the typical monograph. According to the editors, this collection of articles most accurately represents the complexity of issues in Alaska and opposes the previous trend among historians to project Alaska history as, “one-dimensional.” The broad histories of Alaska provided by Stephen Haycox, who highlights the external forces at play in shaping the Alaskan infrastructure, and Claus-M Naske and Herman E. Slotnick, who discuss the development of Alaska’s unique economic structure, work together to provide readers with a more complete understanding of the politics, prominent players and key moments that continue to have sizable influences over the direction Alaska has taken and will take in the future.

Another common thread in the historiography is to highlight the continued conflict and debate stemming from conservation policy in general, providing context to ANILCA’s history and developing a clear understanding of the relationship to the environmental movement. These sources often approach conservation policy in a holistic manner and only mention the Alaska Lands Bill in comparison or as an exemplary model, rarely dedicating even an entire chapter to the topic. Through utilizing this interpretative method, ANILCA is placed into a collective framework with other major conservation policies allowing the reader to see the problems that have risen from ANILCA as either customary in the conservation debate or as unique to the situation in Alaska. Through this holistic approach, historians

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25 Sources providing context to the Alaska Lands Bill in relationship to existing conservation initiatives and policies include: Craig W. Allin, *The Politics of Wilderness Preservation*, 2nd ed. (Fairbanks: University of Alaska Press, 2008); and Alan B. Nichols, “To Preserve, Protect, and Defend:
looking at conservation policy have been able to rather successfully diagnose the environmental consciousness of the nation through examining voting patterns on multiple conservation policies on both the state and federal level.

Historians like John Dryzek use this method to examine Alaska as a case study to better understand the process of environmental policymaking. In his 1983 study, *Conflict and Choice in Resource Management: The Case of Alaska*, Dryzek examines natural resource management in Alaska and the process by which natural resource policy decisions are made. Through his observations, Dryzek recommends the current mode of political rationality be replaced with a synthesis of economic, legal and ecological rationality. Utilizing this new synthesis of rationality, Dryzek highlights the importance of establishing shared moral philosophies, a common civic virtue and placing utmost priority on ecological ethics. According to Dryzek, this would lead to free and open dialogue between the natural resource management policy makers and ultimately establish a new understanding of the natural resources in terms of long term commodities that are best served through stewardship.

Similar to Dryzek, but on a national scale, historian Craig Allin focuses his study, *The Politics of Wilderness Preservation*, on tracking the development of wilderness issues across the entirety of American politics. Allin structures the bulk of his study loosely around the sixteen-year period between the passage of the

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Wilderness Act in 1964 and ANILCA in 1980. According to Allin, “public policy is a measure of what we value as a society...new policies reflected new thinking...and it seems appropriate to celebrate an era when government policy makers were able—if only for a brief moment—to elbow aside vested economic interest and embrace preservation of nature for its own sake.” Such a comparative approach allows the researcher to draw on similarities that are consistent across varying conservation policies as possible evidence to the overall environmental consciousness of the nation.

This is also the approach Carrol Foster demonstrates in her journal article, “The ‘Sagebrush Rebellion’ and the Alaska Lands Bill in the U.S. Congress.” Foster assesses ANILCA in relationship to the 1976 Federal Land Policy and Management Act that served as a tipping point for what came to be known as the ‘Sagebrush Rebellion.’ In her analysis, Foster largely simplifies both the ‘Sagebrush Rebellion’ and ANILCA as conflicts over resource utilization, stating “the votes on the Alaska bill should be understandable in terms of resource-related characteristics of a legislators constituency.” Through the employment of the eleven voting records on ANILCA, Foster is able to identify voting patterns and similarities. According to Foster, the analysis of congressional voting patterns during the Alaska National Interest Lands Bill debates of 1978-1980 provides a measure of the strength and sources of support for this ‘Sagebrush Rebellion’ and highlights the significance of

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resource utilization in the conflict. Foster’s analysis finds that while rural dwellers, Republicans and energy and mineral interests often supported the ‘Sagebrush Rebellion’ and opposed ANILCA; commercial timber interests appeared to support ANILCA. Foster credits the support to favorable compromises within the bill itself for timber interests. Through examining ANILCA in relationship to other conservation debates, significant factors unique to Alaska’s conservation policies become more obvious.

The grassroots political battle over the passage of ANILCA and the continued debate concerning resource development in Alaska have resulted in massive national campaigns coordinated by various sectors of energy development, departments of the United States government, and ‘interest’ groups with stakes in the further development of ANILCA. Due to this importance of lobbyist groups and grassroots organizations in the passage of ANILCA, it is imperative to understand the role of those lobbyist groups and grassroots organizations in Washington. In his article, “To Preserve, Protect and Defend: How Environmentalists Lobby Congress,” Alan B. Nichols describes lobbying as, “persuading people of the merits of your position.” Nichols continues by discussing the “do’s and don’ts” of congressional lobbying and depicts the Alaska Coalition, ANILCA’s major lobbying group, as possessing the characteristics vital to conducting successful environmental campaigns. According to Nichols, these campaigns must acquire, “a coordinated

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29 Foster, 655. The Sagebrush Rebellion was essentially a struggle between State and Federal powers over the control of federally owned lands, primarily in the Western United States.
30 Foster, 668.
grass-roots effort, a central organization at the top structured to permit quick
response to fast-moving events, key allies in high places of government, a sense of
timing, and a little luck.”

Through utilizing sources that indirectly discuss relevant areas of research, an excellent opportunity to draw on unique perspectives that may traditionally be overlooked is obtained.

The largest grouping of secondary sources employs methods geared towards providing a more comprehensive view of ANILCA. These publications range from administrative park histories, fiscal reviews, social histories and anniversary articles that discuss ANILCA as their primary topic. Employing this more direct approach of addressing ANILCA, the National Park Service and the National Parks Conservation Association has led to the release of comparable essays that provide both a statistical examination into the land protected under ANILCA and a historical account of the process by which ANILCA was eventually passed.

Two other organizations, The Alaska Geographic Society and The National Geographic Society have produced the only two monographs available on ANILCA. Although neither provides an in-depth analysis on the background of ANILCA, both supply a brief introduction followed by individual histories for each of the national parks, preserves, monuments, wildlife refuges, forests and wild and scenic rivers protected under ANILCA.

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32 Nichols, “To Preserve, Protect and Defend,” 1418.
When the available monographs are paired with more detailed accounts on the background of ANILCA’s passage, a broader context is developed from which the nine-year process of debate can be comprehended. In his administrative history, “Do Things Right the First Time”: The National Park Service and the Alaska National Interest Lands Conservation Act of 1980,” Frank Williss highlights the institutional response of the NPS in the wake of legislative decisions. Williss aims to provide:

An institutional history premised on the notions that all of the players inside and outside the National Park Service did their work according to the lights that guided them, and that given the stakes of land and the varied interpretations of the national interest residing therein, the eventual political settlement embodied by the Act gives proof of the vitality of the democratic process in this Nation...It provides the narrative frame for major events and compiles the data for future detailed studies, as these are deemed necessary and appropriate by historians both inside and outside the National Park Service.35

Although insightful, the administrative history prepared by Williss in connection with the National Park Service largely ignores other key agencies and groups influential to the passage of ANILCA. However, by focusing primarily on the institutional response of the National Park Service to congressional decisions, Williss successfully contributes a supplementary perspective dedicated primarily to the actions and reactions of the National Park Service to the historiography surrounding ANILCA.

Comparable to Williss’ administrative history, Frank Norris provides a chronological look at the development of the National Park Service’s policy regarding subsistence activities, beginning with events prior to the ANCSA and

continuing beyond the passage of ANILCA.\textsuperscript{36} Despite the unilateral approach adopted by Nelson and Williss in their National Park Service histories, both are successful in providing insightful data into the development of policy regarding land management and usage in Alaska. Understanding how these policies developed, how they have been implemented and subsequent problems that have risen, allows for a more complete understanding of ANILCA.

Highlighted in both studies, and a major issue to arise from current implementation practices of ANILCA, has been the overwhelming task of managing subsistence usage across the entire state of Alaska. Implementing any law across much of the state is made difficult by access issues to many of the remote villages. These villages often times rely exclusively on subsistence lifestyles for survival. Section 803 of ANILCA defines subsistence usage as, “the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation.”\textsuperscript{37}

Attempting to address this problem and ANILCA’s ability to manage the situation are historians Wayne Edwards and Tara Natarajan, who in their article, “ANCSA and ANILCA: Capabilities Failure?” focus primarily on, “the question of well-being in the case of Alaska Natives and two important laws.”\textsuperscript{38} By utilizing sources that compare both ANCSA and ANILCA, clarity is achieved in understanding how conservation

policy is interpreted across cultural lines and how we can better service and take into account the unique lifestyles of Alaska’s many Native people.

Through a detailed investigation of the historiography dating back to the 1950’s when the struggle for statehood began to mature, the stark difference between the desires of pro-development and conservationist groups becomes prevalent. Highlighting this persistent difference in opinions are publications from various interest groups such as The Alaska Wilderness League, The Wilderness Society, Alaska Center for the Environment, and The Alaska Miners Association. It is important to point out that source material having been published by various interest groups, both pro-development and conservationist, carries with it an undeniable bias inherent to the organizations represented and, as such, the publications provided must be studied critically. While these sources are capable of providing excellent information on ANILCA, the emotion of what is at stake often finds its way into the arguments, ultimately placing the neutrality of the source into question. It is vital to the integrity of one’s own study to check the facts provided by organizations against various sources. To offset the probability of heavily biased source material from interest groups, this author has resorted to statistical fact checking against the sources. While interest group publications clearly have an agenda, this does not automatically exclude them as a valuable source, particularly when examining legislative histories or controversial topics. Utilizing interest group publications often allows the researcher to easily identify the primary concerns and differences between opposition groups.
Emerging among these interest group publications have been a few major trends; the first has been to utilize the term “Broken Promises;” essentially as a subtitle to ANILCA. The subtitle attaches negative connotations and focuses almost exclusively on the failures of ANILCA rather than on the successes. While it is important to discuss the failures of ANILCA, it is also important to recognize the magnitude of what ANILCA has accomplished through compromise; serving as both a monumental piece of conservation policy and as scaffolding for future development in Alaska.

In 1990, The Wilderness Society released, “The Alaska Lands Act: A Broken Promise: the Wilderness Society’s Report on the Historic Alaska Lands Act Ten Years After Passage.” In this study, The Wilderness Society argues that the Reagan and George H.W. Bush presidential administrations transformed ANILCA from a law promoting resource protection into a law promoting resource development. The Wilderness Society claims that through the compromises made in passing ANILCA, particularly with Section 705 and Section 1002, loopholes have been exploited to allow for unwarranted development and a continued attack on ‘protected lands.’ In their conclusion, The Wilderness Society proposes eleven recommendations to better implement ANILCA, including Congressional hearings to analyze problems that have arisen during the first ten years of implementation, the designation of coastal plains as wilderness to prevent oil and gas exploration, increased funding for public lands and a stronger oil spill liability bill.39

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In addition to the 1990 study, The Wilderness Society released a 2009 second edition report titled, “Broken Promises: The Reality of Oil Development in America’s Arctic.” The Wilderness Society outlines the report with ten ‘broken promises’ along with ten corresponding realities they claim are either hidden, being lied about or simply ignored by the oil industry in Alaska. The realities discussed focus largely on claims made by the oil industry, most typically those concerning remaining oil reserves and environmentally safe development practices that the Wilderness Society argues are simply attempts to misinform the public and downplay known risks and lasting effects on the environment.40

Separately in 1991, the Alaska Center for the Environment, in collaboration with sixteen other environmental organizations, released an article titled, “Alaska in the Twenty-First Century.” Much like The Wilderness Society, the Alaska Center for the Environment begins with a ten-year recap of ANILCA. In what can only be described as optimistic in comparison to The Wilderness Society article, the Alaska Center for the Environment focuses its efforts on changes that can be made to existing policy to better serve the future. This is not to say that problems with ANILCA such as inadequate funding, improper land management and the seemingly ever-important debate over ANWR are not discussed. Instead, The Alaska Center for the Environment recommends that three questions be asked of the existing conservation policies in Alaska. First, have we protected all of the diverse ecosystems of Alaska? Second, have we protected complete ecosystems? Third, are logging in the Tongass National Forest. Section 1002: Called for a study of the Artic National Wildlife Refuge to determine the desirability of opening up its coastal plain to the oil industry.

the conservation system units being managed properly?\textsuperscript{41} Through answering these questions, it is anticipated that the future success of ANILCA can be determined.

In addition to articles prepared by multiple conservation organizations, pro-development groups have provided an examination of ANILCA from their own perspective. In 2000, editor J.P Tangen of the Alaska Miners Association compiled fifteen articles by authors sharing similar concerns over the “lock up” of Alaska’s natural resources.\textsuperscript{42} Throughout the study, various authors discuss aspects of ANILCA that have continually been under attack from conservationist organizations. There are three major promises pro-developers feel have been repeatedly broken since the passage of ANILCA. The first promise ensuring the protection of valid existing rights stated that if actions had been allowed previously, they would continue to be honored. The second promise guaranteed the access to private lands held within Conservation System Units (CSU’s). The third and most controversial broken promise originates from Section 101(d) of ANILCA, also known as the “no more” clause.\textsuperscript{43} These three broken promises are addressed from various perspectives across the state, providing multiple instances of inconsistent implementation that assist in defining the areas of continued controversy surrounding ANILCA.

Apart from these “broken promises,” other contributors to the study highlight questionable tactics employed during the legislative processes


\textsuperscript{43} J.P. Tangen, \textit{d(2), Part 2...}, 9. Section 101(d) of ANILCA states, “the need for more parks, preserves, monuments, wild and scenic rivers, etc. in Alaska has been met.”
surrounding the passage of ANILCA. Here, pro-developers claim that during the negotiations of ANILCA various pro-development groups were encouraged to find and outline the areas with the highest potential for development for exclusion from CSU’s. For example, upon disclosing this information to conservationists, the pro-developers would find that boundaries had been expanded to include these additional lands. Accusations like this are key to understanding the intensity of the political debate being fought in Washington while lending additional clarity to the continuous distrust between pro-developers and conservationists.

Another approach to addressing ANILCA has been to conduct anniversary articles examining the successes and failures since passage. Anniversary recapitulations of ANILCA began to appear in the early 1990s corresponding with the tenth anniversary. These reports have since been fashioned from nearly every perspective associated with ANILCA, including the former Secretary of the Interior Cecil Andrus, the Sierra Club, the Anchorage Daily News and the Resource Development Council. For pro-conservationists like the Sierra Club and former Secretary of the Interior Cecil Andrus, the twentieth anniversary of the passage of ANILCA served as a reminder of what had been achieved, as well as a chance to rededicate ourselves to the conservation struggle. For others, like the Resource Development Council (RDC), the twentieth anniversary served as a chance to address aspects of ANILCA where they felt the federal government had overstretched its mandate. The RDC issued a number of recommendations directed

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at fixing issues they believed would better outfit ANILCA to serve the people of Alaska, particularly when dealing with the issue of access. The RDC argues that access is not only vital to resource extraction allowed under ANILCA but is also crucial to the expansion of the tourism industry throughout the state.

A primary aspect in the debate surrounding ANILCA has been centered on resource extraction and development. For pro-developers, ANILCA has done little more than “lock up” the resources available to the people of Alaska while severely delaying economic development and crippling potential avenues of additional revenue. On the opposing side, conservationists have viewed ANILCA as preserving what is left of the American wilderness. For conservationists, the short-term economic goals sought by resource development are hardly worth the long-term irreversible damage that would result from drilling, cutting and mining away of the protected lands in Alaska.

When viewed through the historiography outlined above, the complexity of issues surrounding ANILCA becomes apparent. Both proponents and opponents of ANILCA have provided extensive evidence to argue their stance on the implementation and passage of ANILCA, leaving historians to piece together the truth shrouded in years of heated debate and conflict. Utilizing source materials that analyze conservation policy from various perspectives while having a clear understanding of the political climate in Alaska leading up to and after ANILCA provides the researcher with the necessary insight to construct a well-rounded analysis of the influential aspects in Alaska’s natural resource debate. Additionally, due to the continued controversy surrounding ANILCA and the prominence of
Alaska’s natural resources in regards to the current energy debate, it is crucial to frequently check for updated assessments or supplementary sources that continue to be published.
Chapter 2
Statehood and the Alaska Native Claims Settlement Act

“We the people of Alaska, grateful to God and those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution of the State of Alaska.”45

-Preamble to the Alaska State Constitution

Although the most significant conservation policy in terms of land and resource protection, the 1980 Alaska National Interest Lands Conservation Act (ANILCA) can find its roots in three previous Acts: the 1959 Statehood Act, the 1971 Alaska Native Claims Settlement Act (ANCSA) and President Carter’s usage of the 1906 Antiquities Act, which will be discussed in the next chapter. Obtaining a clear understanding of these three acts, their objectives and legislative histories provides a context from which ANILCA and the unique nature of wilderness preservation in Alaska can be best comprehended. To completely understand the significance of ANILCA, it is important to first examine Alaska’s brief history as part of the United States prior to the passage of the Alaska Lands Bill.

Purchased in 1867 for less than two cents an acre, the United States, under the guidance of Secretary of State William Seward, paid Russia $7.2 million dollars for the Alaskan territory. Having occupied Alaska since the mid-1770s, many of Russia’s commercial interests in the region had already begun to grow weary of the financial and administrative challenges presented by such a distant and massive territory. Additionally, depleting fur supplies and several failed attempts to diversify

by the Russian-American Company all factored into Czar Alexander II’s decision to sell Alaska to the United States.\textsuperscript{46} Under Russian ownership, Haycox argues that much of the interior of Alaska remained unsettled while Russian land claims were limited to those in Sitka and Kodiak. Furthermore, Haycox notes that no more than eight hundred Russians ever inhabited the region. In reality, Czar Alexander II knew the Russian population of Alaska would never be fully capable of establishing control of the region; especially with the expansionist desires of the United States, Britain, and France all vying for power in the American West.\textsuperscript{47}

After nearly seventeen years of insignificant government configuration beyond that of military rule in Alaska, Indiana Senator and future U.S. President Benjamin Harrison underwrote the Organic Act of 1884, establishing a rudimentary form of civil government in Alaska. Under the Organic Act, Alaska would be designated a civil district, adopt the laws of Oregon, develop a school system, establish district and circuit courts, legitimize Native land claims, and extend the general mining laws of the United States into the territory.\textsuperscript{48} Despite the successful campaign to have legislators establish a local government in Alaska, the Organic Act of 1884 carried with it many inadequacies. For instance, the First Organic Act did not allow for Alaskan representation in Washington D.C.; all positions were by

\textsuperscript{46} Haycox and Mangusso, \textit{An Alaskan Anthology}, xx.
\textsuperscript{48} Haycox, \textit{Alaska}, 190. Marcos E. Kinevan, “Alaska and Hawaii: From Territoriality to Statehood” \textit{California Law Review} 38, no.2 (1950), 284. See also, General Mining Act of 1872, http://www.resourcescoalition.org/1872_Laws.pdf. Not only did the General Mining Act of 1872 encourage the development of publicly owned lands, it authorized prospecting and mining on federal public lands. “That all valuable mineral deposits in lands belonging to the United States, both surveyed and un-surveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupy and purchase, by citizens of the United States and those who have declared their intentions to become such.”
Presidential appointment and no forethought was given into the collection of taxes or how the new civil government would oversee the implementation of new laws throughout Alaska. In addition, the extension of U.S. mining laws into Alaska allowed for mining claims to be made on any federal lands unless otherwise prohibited, an aspect of the First Organic Act that would have lasting ramifications on resource extraction and commodification in Alaska.

Figure 3: Mineral Map (Courtesy The Institute of The North)\(^49\)

Section 8 of the Organic Act of 1884 specifies that “parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid.”\(^{51}\) In 1884, all of Alaska was federal land; the Organic Act had essentially opened all of Alaska to mining claims, an opportunity

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\(^{50}\) Alaska Geographic Alliance. *Alaska in Maps*, 83.

\(^{51}\) First Organic Act of 1884(23 U.S. Stat., 24) Section 8.
exploited by thousands of eager miners who made the pilgrimage to Alaska during the Gold Rush Era.\textsuperscript{52}

Section 8 of the First Organic Act further provides the first recognition of Native rights to land claims, “Indians or other persons...shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.”\textsuperscript{53} Despite the initial recognition of Native land claims rights in 1884, it would not be until 1971 with the passage of the Alaska Native Claims Settlement Act (ANCSA) that Congress would specify the terms under which Natives could acquire land titles to legitimate claims.

Over the next seventy-five years, both Native and non-Native Alaskans would struggle with feelings of second-class citizenship and the desires of moving beyond their current role as the colonial natural resource cache for the larger nation. Alaskans consistently grappled to improve their relationship with the national government, guarantee their rights as United States citizens, and to establish an economic infrastructure beyond that of absentee economic interests. Alaskans, like Americans everywhere, desired equality before the law, representation in Congress, and full participation in their government.\textsuperscript{54} In his keynote address to the Alaska Constitutional Convention on November 9, 1955, former Territorial Governor of

\textsuperscript{52} Mark Blackburn, National Park Service, U.S. Department of the Interior, \textit{Gold Fever! Seattle Outfits the Klondike Gold Rush}(Klondike Gold Rush National Historic Park, National Park Service). Between 1897 and 1900, more than 100,000 people from many nations attempted to reach the Klondike, but no more than 40,000 reached Dawson City, Yukon.

\textsuperscript{53} First Organic Act of 1884(23 U.S. Stat., 24) Section 8.

\textsuperscript{54} Naske, \textit{An Interpretative History}, 73.
Alaska Ernest Gruening clearly outlined how numerous Alaskans felt regarding the territorial status of Alaska and their relationship to the rest of the nation:

First let us ask, what is a colony? A colony has been defined...as a geographic area held for political, strategic and economic advantage... Inherent in colonialism is an inferior political status. Inherent in colonialism is an inferior economic status. The inferior economic status is a consequence of the inferior political status. The inferior economic status results from discriminatory laws and practices imposed upon the colonials through the superior political strength of the colonial power in the interest of its own non-colonial citizens. The economic disadvantages of Alaskans which in consequence of such laws and practices redound to the advantages of others living in the states who prosper at the expense of Alaskans—these are the hall marks of colonialism.\(^{55}\)

Gruening’s speech, “Let Us End American Colonialism!” was circulated throughout the nation in an effort to raise further support and awareness of the Alaska statehood movement. The colonial rhetoric of Gruening’s speech rang deep in the American West where similar issues with resource development, policy and exploitation were a not so distant memory.\(^{56}\) According to historian Gene Gressley, “like it or not, westerners were captives of eastern financial power. Decisions affecting their future were not theirs to make, for they neither possessed the financial muscle nor the technical knowledge to make them.”\(^{57}\) Inability to develop a manufacturing infrastructure assured a continuation of an exploitative economic

\(^{55}\) Ernest Gruening, “Let Us End American Colonialism!”

\(^{56}\) “Western State Democrats Support Alaska Statehood” Fairbanks Daily News-Miner, (February 18, 1957). See also, Ted Stevens, “Freeze of Domain” Fairbanks Daily News-Miner (November 9, 1971). Alaskan Senator Ted Stevens would later look to politicians from the Western United States stating, “Westerns who are familiar with the problems of Alaska will be more sympathetic to the state’s position.”

lifestyle. The colonial characteristics Alaska had grown accustomed to stems directly from the economic dependence on absentee capital investments and federal support on which Alaska’s modern culture was primarily built. However, many Alaskans welcomed such outside assistance in generating revenue and for most statehood was perceived as the only path to economic security and development.

Furthermore, it was widely believed that statehood would ultimately provide larger populations capable of sustaining an economic infrastructure within Alaska. However, opponents to statehood often questioned the ability of Alaska’s minuscule population, barely over 230,000 in 1959, to economically support the transition from territory to statehood.

Spearheaded by former territorial Alaskan Governor Ernest Gruening and Delegate to the U.S. House of Representatives from Alaska Edward “Bob” Bartlett, the Alaska statehood movement was finally gaining considerable support. Despite their highly visible roles, it is important to note that the Alaska statehood movement was not a new idea; Gruening and Bartlett did not start the Alaska statehood movement, rather, they provided the leadership and momentum necessary to achieve final passage of the 1959 Statehood Act. In 1916, growing increasingly concerned over the lack of self-governance and the exploitation of Alaska by individuals and corporations beyond Alaska’s own borders, James Wickersham, the Alaskan delegate to Congress, introduced the first Alaska statehood bill. Although

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58 Haycox, *Alaska*, 165. Haycox further addresses the massive influx of military spending in Alaska during World War II (with the building of the Alaskan Highway) and into the Cold War (Missile Defense systems and other proposed projects) that essentially spoiled the Alaskan people who were largely unprepared when the military spending was reduced. To compensate for this void, many Alaskans and proponents of statehood saw resource development as the only option.

59 Allin, 208. Between 1940 and 1959, the state population would grow from 75,000 to 230,000, primarily because of WWII and the drastic increase of U.S. military involvement in Alaska.
the bill did not pass, the idea of statehood for Alaska was imagined. It would not be until 1943 that Alaska Territorial Delegate Anthony Dimond would introduce the next Alaska statehood bill, followed by fellow Alaska Territorial Delegate and first Alaskan Senator, Bob Bartlett every session thereafter. Realizing their regurgitated tactics were largely ineffective, proponents of Alaskan Statehood began to discuss conducting an Alaska constitutional convention. Supporters of the Alaska convention argued the development and passage of an Alaskan constitution would effectively demonstrate the seriousness of the Alaska Statehood movement and their dedication to breaking the congressional blockade levied against them. In 1955, adequate public support for the Alaska constitutional convention had been obtained and approval to hold the convention was granted by the legislative assembly in Juneau.

For seventy-five days, from November 8, 1955 to February 6, 1956, the fifty-five elected delegates of the Alaska constitutional convention assembled at the University of Alaska in Fairbanks to draft a constitution that would ultimately declare the intentions of Alaskans moving forward in organizing their political institutions. The timing of the Alaska constitutional convention presented a unique opportunity for the delegates to not only examine and correct perceived errors in the previous forty-eight state constitutions admitted into the Union but also to move

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60 "Wickersham Introduced First Bill," Fairbanks Daily News-Miner (June 30, 1958), Wickersham proclaimed before Congress that, "No red-headed stepchild was ever so neglected and despised by a vain and forgetful foster parent," as Alaska had been by the United States government.  
beyond the plateau the Alaska statehood movement had reached in Washington.

“For most states, constitutions were written before the growth of public awareness of the importance of land and resource policy. The delegates to the Alaska convention, however, were presented with an opportunity to draft a policy for the use and conservation of natural resources on a scale and with a purpose no other state had envisioned.”\(^{63}\) The Alaskan constitutional delegation was certainly aware of the opportunity at hand and the realization of Alaska’s statehood potentially riding on the success of the constitutional convention was prevalent.

During his keynote speech on the opening day of the convention, Bob Bartlett encouraged his fellow delegates to draft a constitution that would not only protect future generations from exploitation through development but would also prevent outside interests from attempting to obtain large areas of Alaska’s public land in order NOT to develop them. Bartlett highlighted Alaska’s longstanding tradition of “Boom and Bust” communities due in large part to the short sighted, exploitative tendencies of mineral development operations and reminded delegates of the necessity for long-term policies in the field of natural resources. “This moment will be a critical one in Alaska’s future history. Development must not be confused with exploitation at this time...A degree of caution and judgment exercised at the early stages of Alaska statehood, which includes most basically the deliberations of this Convention, will be repaid many fold in true future development—not exploitation or non-use...Never before in the history of the United States has there been so great an opportunity to establish resource policy geared to the growth of a magnificent

Bartlett’s keynote speech at the Alaska constitutional convention demonstrated a common understanding of Alaska’s dependence on outside investors for its economic future; a future engendered primarily through resource development. Bartlett’s comments, much like Gruening’s speech, typified the views of many proponents for statehood who believed the Alaskan people, if anyone, should be the ones to primarily reap the benefits of their natural resource development; not absentee investors.

The Alaska constitutional convention was further stimulated by the recommendation of George L. Lehleitner to utilize tactics employed by the Territorial Legislature of Tennessee in 1796 in achieving statehood. The “Tennessee Plan”, as it came to be known, was centered on generating momentum across the nation for Alaskan statehood. Lehleitner based much of his premise for utilizing the “Tennessee Plan” on its undefeated track record for establishing statehood not only in Tennessee but also Michigan, Iowa, California, Minnesota, Oregon and Kansas where very similar tactics had been employed. In accordance with the “Tennessee Plan,” the Alaska constitutional convention, if approved by the territorial primary election, would elect a delegation of two provisional “U.S. Senators” and one “U.S. Representative” to be sent to Washington D.C. as

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65 Ernest W. Gruening, The Battle for Alaska Statehood (Alaska: The University of Alaska Press, 1967) 71. George L. Lehleitner originally proposed the usage of the ‘Tennessee Plan’ to statehood advocates in Hawaii. However, the statehood leaders in Hawaii felt these tactics were too extreme and aggressive.

representatives of Alaska in Congress, regardless of a preexisting act of Congress.67 On April 24, 1956, Alaskans voted to ratify not only “The Constitution of the State of Alaska” but also overwhelmingly approved the “Tennessee Plan.”68 Overall, the Alaskan constitutional convention, the “Tennessee Plan” and the subsequent Alaska constitution were successful in demonstrating the capabilities of Alaska in self-governance and in voicing opposition to the burdens of territorial status; such as federal tax obligations without proper representation and no vote in presidential elections even though the position of Territorial Governor of Alaska was presidentially appointed.

Despite receiving high exaltations from groups like the National Municipal League that found Alaska’s constitution to be, “one of the best, if not the best, state constitution ever written,” one glaring omission had been made.69 Once more, the settlement of Native land claims had been set aside for future federal legislative action. Overall, the Alaska constitution was ultimately an uncomplicated document that created a unified court system, an elected attorney general, centered full executive power within the Governor, and established multi-level local government options for rural and under-populated areas.70

From the outset, the proposal of Alaska’s statehood was met with both support and opposition across the nation. As early as 1947, in a failed first attempt at organizing legislative debate, the House Subcommittee on Territorial and Insular

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Possessions began to hold public hearings on the Alaska statehood bill in both Washington D.C. and Alaska. In a local effort, The Fairbanks Daily News-Miner ran a series of advertisements encouraging readers to implore the help of their family and friends in the continental United States in building national support for Alaskan statehood. Advertisements read, “YOU CAN HELP: Urge Your Stateside Friends to Write Their Congressmen to Support Alaska Statehood” while another motivated readers to include a “special statehood appeal card prepared by Operation Statehood” in each of their Christmas cards going to family and friends in the lower forty-eight.71 Supporters of Alaskan statehood not only represented various backgrounds ranging from small businessmen, newspaper editors and publishers, politicians, and both Native and non-Native Alaskans, but also rallied around factors varying from Alaska’s strategic position for American defense systems, the vast stockpiles of natural resources and its largely uninhabited and undeveloped wilderness.72 During World War II, military bases in Alaska would prove to be crucial in the Pacific theatre while housing over 300,000 troops and serving as a strategic point for the lend-lease program. One lifelong resident highlighted the irony of the military build up in Alaska stating, “Surely, our colonial status here must confuse people all over the world when the United States preaches against the evils of colonialism.”73 On the other hand, opponents to statehood included much of the Alaska fishing industry, the Alaska Miners Association and many southern 

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72 Alaska served as a strategic military base during World War II, with over 300,000 troops stationed in Alaska during the war. Alaska served a pivotal role in the Lend-Lease program with the Soviet Union and helped mobilize against Japanese forces in the Pacific.
Democrats in Congress who opposed statehood on the grounds of Alaska’s current inability to afford the transition to statehood and unresolved Native land claims. Despite the best efforts of lobbyist, Alaskans saw this opposition to statehood by absentee investors as nothing more than safeguarding their access to Alaska’s loosely regulated natural resources.\(^7^4\)

Ultimately, after several failed attempts at gaining congressional support for Alaskan statehood, both the House and Congress would finally pass a bill accepting Alaska into the Union in 1958. Despite being signed into law by President Dwight Eisenhower on July 7, 1958, the Alaska Statehood Act would not officially make Alaska the forty-ninth state until January 3, 1959. This was an agreed upon stipulation known as the ‘Compact Doctrine’ which required the citizens of Alaska to vote on the terms of statehood as decided upon by Congress and the Alaskan representatives. According to the Institute of the North ANILCA training curriculum, “the legal basis for Alaska’s statehood is not simply an act of Congress which can be amended at whim. It is a compact between two sovereign entities agreed upon by each of the two parties and not amendable by one side without the other’s consent.”\(^7^5\) On August 15, 1958, the long road to statehood would complete its final steps as Alaskan voters overwhelmingly approved the terms of statehood by a vote of 40,452 to 8,010.\(^7^6\)

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\(^7^5\) Institute of the North, 32.

\(^7^6\) Institute of the North, 33.
Aside from the obvious establishment of Alaska as the forty-ninth state, the 1959 Alaska Statehood Act (Public Law 85-508) granted the state of Alaska a twenty-five year window from which they could pick 102.5 million acres of “unappropriated” land for use as a revenue base, while selecting an additional 200,000 acres for schools and colleges, 400,000 for community expansion, and 400,000 for the Chugach and Tongass National Forests. Additionally, the State of Alaska was granted full title of all submerged lands on its continental shelf as stipulated in the Submerged Lands Act of 1953 (Public Law 83-21) and, most surprisingly, the federal government granted the state 90 percent of all royalty revenues collected from the sale of exploration and development leases on federal lands within state boundaries, while the other 10 percent will go to administering those lands.  Although the federal government had itself retained a massive 72 percent of Alaska as federal lands under the Statehood act, Stephen Haycox highlights the bewildering generosity of the 90-10 split of Alaska’s mineral lease revenue as one of many examples of the federal support for the economic stability of the region that Alaskans have grown so dependent upon throughout its development. Despite the massive land grants established under the Alaska Statehood Act, the federal government had once more failed to settle Native lands claims, further postponing settlements until enactment of future legislative or judicial action.

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78 Haycox, Alaska, 272.
Eager to cash in on the newly awarded lands and desperate for revenue, state officials quickly began to scope out potential land claims and by 1965 the Bureau of Land Management (BLM) had already assigned provisional title to the state of roughly fifteen million of those acres.\textsuperscript{79} Despite the availability of over 270 million acres in the public domain from which the state could select potential lands, a dilemma quickly began to develop over the dual claiming of lands by both Native communities and the state. As the state began to claim its allotted land for revenue development, numerous other private sector interests and federal agencies ascended into the wilderness in search of land rich with mineral deposits, potential oil fields and various other natural resources for development.

To fill the void left by the exclusion of Native land rights in Statehood legislation, national organizations like the Association of American Indian Affairs (AAIA) quickly went to work in securing Native land claims.\textsuperscript{80} The AAIA realized the isolation and general lack of awareness on Native land rights would allow the state to make strategic selections of profitable land that was traditionally used by the Alaskan Natives. It was not until the statewide mobilization efforts of organizations like the AAIA that rural villages realized they possessed mutual land concerns.

\textsuperscript{79} “Land Rights of Natives Accented by Gruening” \textit{Fairbanks Daily News-Miner}, (April 13, 1966). Gruening commented that, “Although the State is entitled to select some 103 million acres of land under the statehood act, its efforts have been frustrated largely because of Native protests, with the effect that the State has been able to obtain title to only about three million acres of land since statehood arrived January 3, 1959.”

\textsuperscript{80} AAIA mission statement: To promote the welfare of the American Indian in the United States by creating an enlightened public opinion, by assisting and protecting him against encroachment of his constitutional rights, and by promoting suitable legislation and enforcement of law; by aiding in the improvement of health and educational conditions and in preserving and fostering his arts and crafts; and in furtherance of this object it shall gather and disseminate facts bearing on the welfare of the Indians and shall assist in formulating and making effective a constructive national policy on Indian Affairs. According to former executive director Bill Byler Princeton files.
Through mobilization, increased communication and education, the Alaska Natives began to organize a formidable opponent to unjust state land selections.

With the help of AAIA’s Al Ketzler (future President of the Tanana Chiefs) and Bill Byler, the Tanana Chief Conference (Dena’ Nena’ Henash) called together thirty-two interior Native villages to formulate a unified plan of action to oppose and hopefully halt land claims made by the state. In addition to the pressing land

claims issue, the Tanana Chiefs also focused the conference around four main categories: education, economics, social problems and the importance of politics as it applies to Natives. One of the attendees commented on the dire need of a political discussion in relationship to Native issues stating, “We need to know a great deal more about politics. We have to live with it now and in the future whether we like it or not...Natives have never taken politics too seriously in the past. The meeting should try to clarify the subject for their benefit.”83 The Tanana Chiefs Conference unified under the common goal of cooperation among the native organizations and villages geared toward aiding one another in resolving their respective issues.

Under the guidance of attorneys from the Bureau of Indian Affairs (BIA) and AAIA, and in retaliation to state claims on traditionally Native lands, Native communities throughout the state began to file both protests of the state’s land selections and land claims of their own. When the state began to select federal land in the early 1960’s, the Bureau of Land Management (BLM) placed ads in the Anchorage Daily News, Tundra Times and Fairbanks Daily News-Miner allowing an opportunity for protest to land claims before they became finalized.84 The AAIA quickly realized watching for advertisements in the local newspaper, notifying any villages within a reasonable distance of the land claim and then assisting them in filing protests would be their most successful approach in blocking state selections.

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83 “Native Groups to Meet: Leaders Gather Together to Talk” Tundra Times (June 8, 1964).
from being processed. Between 1961 and mid-1968, Native protest filings covered some 337 million acres.\textsuperscript{85}

In 1965, fearful for the future usage of their ancestral lands, wanting representation and painfully aware of the time-consuming process it would require for court rulings on each protested claim, various Native organizations and communities joined efforts to form the first statewide Native interest group, the Alaska Federation of Natives (AFN). United, the AFN targeted common goals including safeguarding legal rights to their lands and subsistence lifestyles, stopping encroachment of outsider interests, particularly the state of Alaska, onto traditional lands and obtaining cash compensating for lands previously lost or about to be lost to oil development.\textsuperscript{86} According to the AFN website, its membership includes 151 federally-recognized tribes, 134 village corporations, 12 regional corporations and 12 regional nonprofit and tribal consortiums that run federal and state programs.\textsuperscript{87} The AFN would and continues to serve as the united voice for much of Alaska’s Native population, aiming to secure the rights and benefits entitled to Natives under federal and state law.

Another pivotal force contributing to development of a united voice among indigenous Alaskans was the establishment of the \textit{Tundra Times}, an all native newspaper geared towards encouraging better inter-village communication.\textsuperscript{88}

\textsuperscript{86} Roxanne Willis, \textit{Alaska’s Place In The West: From The Last Frontier To The Last Great Wilderness} (Lawrence, University Press of Kansas, 2010), 119.
\textsuperscript{87} “Background,” Alaska Federation of Natives.
Howard Rock, editor of the *Tundra Times* proved to be crucial in the organization and mobilization of a unified Native movement. In the first issue of the *Tundra Times*, Rock published an editorial, “Why Tundra Times?” highlighting the primary objectives of the Native newspaper. “With this humble beginning we hope, not for any distinction, but to serve with dedication the truthful presentation of Native problems, issues and interests.”

For Rock, the *Tundra Times* objective could be summed up in two purposes. First, to serve as a platform to broadcast the collective views of the Native organizations and reflect policies aimed at the advancement of Alaskan Natives. Second, and most importantly, the *Tundra Times* would strive to present an unbiased and politically unaffiliated presentation of the issues directly affecting Native communities throughout Alaska.

Armed with an indigenous newspaper, a statewide Native interest group informing and activating rural Alaskan communities and a national atmosphere favoring civil rights for minority groups, the Alaskan Natives made a plea to the federal government for assistance in protecting their ancestral lands.

In 1966, amidst the chaos created by Native appeals to state land claims and the widespread Native and environmentalist objections to the proposed sale of oil and gas leases on state claims in the North Slope, Secretary of the Interior Stewart Udall declared a freeze on all federal land transactions until the Native land claims could be settled. The following year, in May 1967, the Department of Interior drafted a settlement bill that proposed awarding 50,000 acres of land to each Native

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and personally funded by Henry Forbes, the chairmen of the Alaska Policy Committee of the Association on American Indian Affairs. Forbes selected Howard Rock, a Point Hope Eskimo as editor.

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90 Ibid.
village and a small cash reward to each Native individual. The proposal also stipulated that the Department of Interior would manage the land and money in trust for the Natives, similar to reservations in the lower forty-eight. For a number of reasons, the AFN quickly voted on a rejection of the Department of Interior’s offer. First, the 50,000 acres per village did not come close to the over 300 million acres being claimed as aboriginal land. Secondly, the Alaska Natives strongly despised the idea of Indian reservations and unlike the American Indians in the lower forty-eight, the Alaska Natives had never been conquered, bought out, or forced to sign treaties relinquishing their rights to traditional lands. The Alaska Natives sought actual control over their lands; their lifestyles and they wanted to preserve their culture while assimilating into a modern America lifestyle.

In 1969, prior to leaving office, Secretary Stewart Udall extended the ‘land freeze’ until 1971 to encourage long overdue congressional action on the issue. However, the State of Alaska had already received tentative approval of land selection on the Arctic Slope, which allowed the state to assume management of the selected lands. “In September 1968, the state opened up bidding for leases to drill on the North Slope. In a single day, Alaska grew $900 million richer, with the promise of additional $200 million per year in royalties.” The State of Alaska would go forth with leasing a total of twenty tracts on the Arctic Slope area;

91 Willis, 119.
92 Allan, 51
93 Nelson, 72. Secretary of the Interior Stewart Udall was replaced by former Alaskan Governor and real estate guru Walter J. Hickel. Despite widespread opposition and distrust among conservationist, Hickel was confirmed as President Richard Nixon’s Secretary of the Interior only after promising to respect Udall’s land freeze.
94 Willis, 114. Willis notes that although some Alaskan leaders agreed Native land claims needed to be settled, Governor Hickel simply ignored Udall’s land freeze with the sale of oil leases on the North Slope.
including those in Prudhoe Bay to Exxon, British Petroleum (BP), and the merged oil conglomerate, Atlantic Richfield Company (ARCO) that would later discover oil on the North Slope in February 1968.95

Scientists estimated that the Prudhoe Bay oil field contained approximately 10 billion barrels of oil—making it the largest oil field in the United States and the fourth largest in the world.96 By 1969, the oil companies had already decided upon a route from Prudhoe Bay to Valdez, roughly 800 miles away, that would travel not only across both state and federal lands, which required separate permits, but also across traditionally Native lands which had yet to be settled. It became painstakingly clear that further oil development and the transportation of North Slope oil to market would ultimately require a congressional response to Native land claims.

Suddenly, with the future development of Alaska’s natural resources hanging in the balance and the outcome having a potential direct effect on their own well being, the oil industry, the Nixon Administration and the State of Alaska became advocates of Native rights. With increased support from the oil industry, primarily through monetary contributions and increased political support on a national level, the Alaska Native Claims Settlement Act (ANCSA) was passed in 1971. In two years time, big oil and other powerful lobbyist groups were able to achieve more than supporters of Native rights had been able to accomplish in the eighty years prior. With undeniable self interest in mind, it became clear the extent to which resource


96 Willis, 113.
developers would go in obtaining rights to resource extraction in Alaska; even if that required building national support for a Native rights movement that had otherwise been largely ignored.

The Alaska Native Claim Settlement Act (Public Law 92-203) would ultimately create twelve Native-owned regional corporations, grant 962.5 million dollars in seed money, establish a joint Federal-State Land Use Planning Commission and authorize the Native corporations to select 44 million acres of federal lands in Alaska. The Alaska Native Claim Settlement Act (Public Law 92-203) would ultimately create twelve Native-owned regional corporations, grant 962.5 million dollars in seed money, establish a joint Federal-State Land Use Planning Commission and authorize the Native corporations to select 44 million acres of federal lands in Alaska. When passed, ANCSA was the largest land claim settlement the United States had ever made. At forty million acres, ANCSA designated more land than all the reservations in the lower forty-eight combined. It is reasonable to assume that Secretary of Interior Udall’s 1966 moratorium on federal land selections and the subsequent 1968 discovery of oil in Prudhoe Bay would be the key factors ultimately ensuring the land rights Alaskan Natives had been seeking. Without the passage of the Alaska Native Claims Settlement Act, there would have been no pipeline, no oil production and no oil. The oil pipeline would have to cross much of Alaska and that meant crossing Native-claimed lands. Thus, it can be argued that by freezing all new federal land claims, Secretary Udall ultimately secured the passage of ANCSA by halting the planning and construction of the Trans-Alaska Pipeline System (TAPS), a crucial element in the development of a petroleum industry in Alaska.

97 “Alaska Native Claims Settlement Act” (Public Law 92-203-Dec 18, 1971). Full text of both ANCSA and ANILCA provided by The Institute of the North along with ANILCA training manual.
98 Fergusen, 202.
99 Haycox, *Frigid*, 100.
100 Built between 1974 and 1977, the Trans-Alaska Pipeline System provides a transportation corridor from Prudhoe Bay, along Alaska’s northern coast, to Valdez along the
Despite answering the long overdue question of Native land claims, ANCSA was received with mixed emotions by many. For conservationists, concern grew from the notion of wilderness areas being carved up into zones focusing exclusively on economic development rather than conservation. Even the 80 million acres of “d-2” land designations awarded beneath ANCSA, included largely to gain support from conservationists and by far the most controversial aspect for pro-development Alaskans, was met with opposition from conservationists. Under the “d-2” land designations, the Secretary of the Interior was authorized to withdraw up to 80 million acres of federal land for study and recommendation to Congress for possible additions to national wildlife refuges, parks, and wild and scenic rivers.\(^{101}\) In the eyes of conservationists, the pre-determined window of opportunity for “d-2” land designation closing in 1978 gave those in favor of exploiting Alaska’s natural resources a set timeframe in upholding opposition in Congress.

Others, like State of Alaska officials saw themselves slipping from first in line for land selections immediately after statehood, to second in line after Alaska Native claims in the 1960s, to third in line after environmental activists in the 1970s.\(^{102}\) State officials could however find solace in the required expedited oil and gas-leasing program on federal land outside the North Slope established by ANCSA to be managed by the Bureau of Land Management.\(^{103}\)

Southeastern coast of Alaska. In total, TAPS transports crude oil over 800 miles to an ice free, deep-water harbor in Valdez. From here, the crude oil is transported by ship to refineries in Alaska, California, Hawaii and Washington. More information about TAPS is available at http://www.alyeska-pipe.com.


\(^{102}\) Allan, 70.

Virtually every aspect of Alaska’s history since 1971 has been framed and influenced by ANCSA; the state’s economy and the administration of state government are uniquely dependent on tax revenue generated from oil production, the notion of racial equality between Native and non-Native residents has been greatly improved and the environmental provisions found within ANCSA would eventually lead directly to the passing of ANILCA. Although ANCSA provoked an increased interest from powerful oil and commercial and industrial groups, it also helped to ignite an environmental crusade that had been gaining ground within Alaska throughout much of the 1950s and 1960s. As early as 1963, the National Wilderness Society held its annual meeting just outside of Denali National Park in an effort to raise awareness of Alaska conservation issues for national environmental organizations. As the rest of the country continued to experience increased environmental consciousness throughout the decade, so too did Alaskans. Participation in state and national environmental organizations, such as the Sierra Club and the Alaska Coalition, continued to grow.

By 1971, however, it had become clear that congressional delegation would be the only effective way to successfully protect any wilderness in Alaska. In order to create an influential lobbying group in Washington, numerous national conservation groups came together under the leadership of Chuck Clusen, the Sierra Club’s Executive Director, to form the Alaska Coalition and to lobby on behalf of

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104 Haycox, Frigid, 101.
105 “History: Sierra Club Timeline”. Membership in the Sierra Club grew from 33,000 members in 1965 to over 114,000 members in 1970 with Chapters in all 50 states.
several environmental issues within the state of Alaska.\textsuperscript{106} Over the next two decades, the Alaska Coalition would eventually grow to a membership of nearly ten million people and continue to lobby in Washington against the Alaska pipeline construction project, resource extraction and development in the Tongass National Forest and in support of ANILCA.

Not all Alaskans welcomed outside help. Many Alaskans fought proposed land use restrictions...Alaskans saw themselves as getting the remnant, and they considered the process a violation of promises they thought had been made in the statehood act.\textsuperscript{107} One Fairbanks resident claimed the tactics and issues targeted by environmental organizations had done themselves and our country a great disservice, “The alarmists have in reality created a confidence gap; therefore, in the future, when there is a real environmental cause and support is crucial, we may find public support withheld or grudgingly given.”\textsuperscript{108} In fact, one small group of extremists, Alaskans For Independence, urged secession rather than allowing the federal government any comment on the disposal of land in Alaska. In a far less radical gesture, the State legislature headed by Mike Gravel petitioned for a joint federal-state land use planning commission to ensure some sort of voice for the state in the designation of land usage.\textsuperscript{109} Gravel would later highlight the tendency

\textsuperscript{106} Haycox, \textit{Frigid}, 102. The groups included the Wilderness Society, the Sierra Club, National Wildlife Federation, the Wildlife Management Institute, Friends of the Earth, Defenders of Wildlife, Trout Unlimited, the National Rifle Association, Zero Population Growth, Environmental Action, Citizens’ Committee on Natural Resources, and the Alaska Action Committee.

\textsuperscript{107} Haycox, \textit{Alaska}, 295.


\textsuperscript{109} Haycox, \textit{Frigid}, 105. Stephen Haycox argues such conservation decisions made by Congress in response to national environmental campaigns, endorsed and supported by people who have no direct economic stake in the consequences, and who may not even know the location of the
among Congressmen to view the Alaska Bill as a way to appease constituents by backing environmental legislation, while at the same time not jeopardizing economic interests in their home districts.\footnote{110}

With the construction of the Trans-Alaska Pipeline now in limbo between lawsuits from various environmental groups (the Wilderness Society, Friends of the Earth and the Environmental Defense Fund) who claimed the scientific and engineering studies required under the National Environmental Policy Act had not been properly completed and a number of Native villages claiming the Trans-Alaska Pipeline had not taken appropriate action in fulfilling commitments of training and jobs for the Natives, pro-development Alaskans began to fear for the investments and economic gains they thought only the oil companies could bring to the area.\footnote{111}

One group of long time residents and pro-development Alaskans, The Pioneers of Alaska, grew so concerned with the possibility of the Trans-Alaska Pipeline being prevented they actually considered suing the national chapter of the Sierra Club if the project was not carried out as planned.\footnote{112}

Ultimately, the decision to carry on with the Trans-Alaska Pipeline project would gain widespread support from Americans in October 1973, when the United States intervened on behalf of Israel in the Arab-Israeli War. In retaliation, the Arab nations in OPEC (Organization of the Petroleum Exporting Countries) imposed an oil embargo on the United States creating gasoline shortages unlike any that had been

\footnote{110}{Mike Gravel, “Gravel Explains Reasons Behind His Maneuvers” \textit{Daily Sitka Sentinel} (July 14, 1978).}
\footnote{111}{“Environmental Suits Hinder Spending: ARCO’s Bradshaw,” \textit{Fairbanks Daily News-Miner}, (November 16, 1971).}
\footnote{112}{Haycox, \textit{Frigid}, 106.}
experienced in the United States since World War II. The new energy concerns made
the committee sensitive to the arguments of the oil companies that wilderness
designations would cripple the energy search.\textsuperscript{113} With restrictions on gasoline
purchases and reports of at least 5.8 million acres in the reserve possessing oil and
gas potential, the American public quickly called for the completion of the Trans-
Alaska Pipeline in an environmentally respectful manner.\textsuperscript{114} When the Middle East
oil embargo began, the scales were firmly tipped in favor of pipeline construction
and in November 1973 President Nixon signed the Trans-Alaska Pipeline
Authorization Act. For pro-development Alaskans, the dream of an oil boom was
becoming a reality, while environmentalists saw the demise of the Wilderness
Society's founder Robert Marshall's dream for a pristine Arctic wilderness.

On June 20\textsuperscript{th}, 1977, oil began to flow down the Trans-Alaska Pipeline in what
would be the largest privately funded construction project in history reaching a
total cost of nearly nine billion dollars.\textsuperscript{115} As Alaskan Governor Jay Hammond would
later lament, Alaskans were now faced with the unsettling problem of how to
balance “having it all”; oil, minerals, abundant wildlife, protected wilderness, state
land, native land, federal land, and private land or mineral claims.\textsuperscript{116}

\textsuperscript{113} Allin, 231.
\textsuperscript{114} Seth S. King, “Planning of Alaska Land Use and Oil Leases Starts,” \textit{New York Times}, sec. 1,
April 5, 1981. Throughout design, engineering and construction the Trans-Alaska Pipeline had
environmental concerns at mind, "Almost one-half of the pipelines length (380 of about 800 miles)
was elevated to avoid thawing the permafrost, and the terminal at Valdez we built to withstand even
major earthquakes...The elevated pipeline was built in a zigzag pattern to absorb any shock from
thermal expansions or seismic activity." Willis, 124.
\textsuperscript{115} Willis, 126.
\textsuperscript{116} Margot Hornblower, "Alaska: Develop or Conserve? Issue is Moving Toward a
subject files, Archives and Special Collections, Consortium Library, University of Alaska Anchorage.
Figure 6: Transportation Map (Courtesy The Institute of The North) ¹¹⁷

Chapter 3
ANILCA: Nine Years of Debate

We Alaskans must reconcile our pioneering philosophy and move on to the realization that the wild country that lies now in Alaska is all there is left under our flag. Those who see the wildlife range as a threat to their individual rights refuse to face the fact that unless we preserve some of our wild land and wild animals now, the Alaska of the tundra expanses, silent forests, and nameless peaks inhabited only by caribou, moose, bear, sheep, wolf, and other wilderness creatures can become a myth found only in books, movies, and small boys’ imaginations as the Wild West is now. And I regret as much as anyone that the frontier, by its very definition, can only be a transitory thing. The wilderness that we have conquered and squandered in our conquest of new lands has produced the traditions of the pioneer that we want to think still prevail: freedom, opportunity, adventure and resourceful, rugged individuals. These qualities can still be nurtured in generations of the future if we are farsighted and wise enough to set aside this wild country immediately and spare it from the exploitation of a few for the lasting benefit of the many.  

- Virginia "Ginny" Wood, 
Alaska Conservation Society


ANILCA, also referred to as the “Alaska Lands Bill,” was first presented in its recognizable form in 1977 by Arizona Representative Morris Udall, former Secretary of the Interior Stewart

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Udall’s brother, as House Resolution (H.R.) 39, designating over 110 million acres of parks, refuges and wildlife areas. H.R. 39 essentially aimed to place all federal land in Alaska into three categories: land to be transferred to the state, land to be retained in the “public domain” with relatively free access to resource development, and land to be placed in “protected” categories with reduced or prohibited access. Later that year, Ohio’s John Seiberling would be appointed chairperson of the Department of Interior’s General Oversight and Alaska Lands Subcommittee. In order to attract the national interest he saw fit, Seiberling scheduled subcommittee hearings in various locations across the nation in Washington D.C., Chicago, Atlanta, Denver, Seattle and various cities in Alaska; including Anchorage, Fairbanks, Sitka, Juneau, and Ketchikan. In an effort to drum up support for the bill, the Alaska Coalition broadly publicized the hearing in advance, which ultimately encouraged over two thousand people to express their opinions in testimony. The vast majority of those responding were in favor of the bill.

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120 Ken Ross, *Environmental Conflict in Alaska* (Boulder: University Press of Colorado, 2000), 198. Morris Udall had a strong reputation and was a key supporter of Native American rights and a vocal member of the 88th Congress, otherwise known as the ‘Conservation Congress.’


Despite the overwhelmingly positive reaction received by the Alaska Lands Subcommittee, opposition was widespread; especially within the state of Alaska. For some Alaskans, to develop Alaska meant to extract the resources as the base of an economy that could expand, providing jobs, livelihoods, and material comfort for all who wanted to live in the state.\(^{124}\) Editor of the *Fairbanks Daily News-Miner*, Tom Snapp, expressed his disapproval stating, “We were supposed to be taken in as a State on an equal basis, but we’re not going to be allowed to develop the way other states develop their resources.”\(^{125}\) Both of Alaska’s Senators expressed similar fears claiming the measure could, “cripple the state’s economy and hamper the exploitation of critical mineral and petroleum resources.”\(^{126}\) H.R. 39 provoked opposition from virtually all Alaskan newspapers. *Fairbanks Daily News-Miner* referred to Udall’s bill as, “oppressive in its nature...the d-2 legislation represents one last great try by Washington D.C. to regain the rule they had here before statehood.”\(^{127}\) Opponents of the legislation characterized it as feudal and colonialistic, a clear violation of state’s rights in general and the Statehood Act in particular.\(^{128}\) Alaska Governor Jay Hammond called attention to the dilemma lamenting, “It is not easy to be both oil barrel to the nation and national park to the

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125 Citied in Haycox, *Frigid*, 111.
128 “Suing the Feds” *Fairbanks Daily News-Miner* (February 18, 1977). State Senator Jalmar Kerttula even proposed the idea of suing the federal government over Alaskan statehood rights that had not yet been fulfilled, particularly that of state land selections. Allan, 230.
world.” Other opposition would come from the REAL Alaska Coalition, which represented over forty sports hunting, and fishing groups, and the Alaska Board of Game whose primary goal was to minimize National Park and Wilderness status for lands. Furthermore, The REAL Alaska Coalition also rejected H.R. 39’s alleged subsistence provisions allowing only Natives to hunt and fish on federal lands.130

Other groups, like the Alaska Conservation Society, found themselves torn by H.R. 39. Although they disapproved of hunting in parks, they called for less park and wilderness designation, favored subsistence rights for all Alaskans and favored a cooperative federal-state game management system. Ultimately, the Alaska Conservation Society viewed H.R. 39 as, “the best of inadequate options.”131

In the spring of 1978 the combined efforts of environmentally conscious delegates prevailed with the House passage of H.R. 39 receiving a vote of 277-31. Reflected in H.R. 39 were the primary concerns Alaskans had voiced during the Seiberling hearings; the restrictions of access to wilderness areas, the loss of subsistence rights, plans for cooperative land management and a renewed method for designation of State lands.132 The original H.R. 39 had been a negotiating instrument, utilized to test the bottom line demands of pro-developers, while allowing preservationists to compromise in dramatic fashion and still retain a

130 Ross, 198.
strong wilderness bill. Passage of the House bill further demonstrated the
effectiveness of the cooperation between the administration, members of the House
and conservationists.

Despite the momentum built with the House passage of H.R. 39 and the
looming self-imposed “d-2” deadline, H.R. 39 would lose steam as it lay stagnant in
the Senate bogged down by energy debates. Exacerbating the situation, both
Alaskan Senators Ted Stevens and Mike Gravel began gravitating towards differing
approaches on how to best handle the Alaska Lands Bill. Although easily categorized
into a strictly pro-development versus conservation debate, for many Alaskans the
primary concern of the Alaska Lands Bill was more about preserving the Alaskan
lifestyle. The pioneers and recent transplants to Alaska shared many of the same
core values, appreciation of and respect for wilderness as the conservationist front.
However, unlike environmentalist from across the United States who had grown so
vocal on how to best utilize Alaska’s land and resources, Alaskans caught in the
middle had actually come North to live a frontier lifestyle and evade the constraints
of the lower forty-eight, only to once more find themselves being told how best to
live their lives. It is from this understanding that both Senator Stevens and
Senator Gravel adopted strategies they believed could best preserve the Alaskan
lifestyle and most importantly the relationship between humans and environment.
On the one hand, Senator Stevens was becoming increasingly devoted to a

133 Allin, 227.
134 Roderick Nash, Wilderness and the American Mind (London: Yale University Press, 1982),
312. Nash highlights that while many Alaskans did not support the Alaska Lands Bill, that does not
equate to a hatred of wilderness, rather Alaskans opposed restrictions on resource usage that so
many had grown accustomed to and felt could continue to be utilized in a responsible manner
consistent with living a frontier lifestyle.
bargaining strategy that would modify the bill making it more palatable to Alaskans. On the other hand, Senator Gravel had adopted the strategy of using every available tactic to defeat any bill from being passed, including filibusters. No stranger of extreme tactics, Gravel is single handedly credited with ending the draft in the United States after waging a five-month filibuster in 1971 and would later play a prominent role in the release of the Pentagon Papers utilizing similar tactics.135

Gravel strongly believed that Congressmen, newspapers and environmental organizations had purposely misinformed, misled and misused the Alaska Land Bill to appease self-serving interests. Gravel explained his stance to filibuster H.R. 39 by claiming that in the House, opposition to H.R. 39 was overrun by a “tyranny of the majority” and that the Senate was created, with foresight by the founding fathers, to allow the minority to hold up the majority and make them listen.136

Two schools of thought have emerged on Senators Gravel’s and Stevens development of different approaches to the Alaska Lands Bill. In one scenario, the difference in strategy stems from Senator Stevens’ realization that the Carter Administration had both the authority and the will to act if Congress failed to pass the legislation. In the other scenario, the major difference in approach to the land debates is directly linked to differing ideal timeframes for legislative action. While Senator Gravel favored the idea of postponing a vote in the Senate until after the 1980 elections, Stevens preferred action before the election, fearing some western

135 “Mike Gravel’s Legislative Accomplishments.”

Senators might vote to appease their environmental constituents in case the Alaska Land Bill did not go to vote in 1979.  

While both schools of thought present valid arguments, to suggest that Senator Gravel, given his knack for unorthodox tactics, would underestimate the abilities of the Carter Administration appears to be misguided. However, given the simultaneous and equally volatile Sagebrush Rebellion captivating the western United States, the second school of thought speaking to Senator Stevens concern for Senators looking to appease conservationist constituents highlights a valid concern. Senator Stevens understood that given the opportunity to improve his standing with environmentalists, Senators might vote more favorably towards a conservationist minded bill in Alaska while simultaneously battling in the ranks of pro-developers in their home states.

Despite multiple mark-ups of H.R. 39 on the table for discussion, Senator Gravel continued his threat to filibuster any bill sent forth. Then, three days before the final legislative day, Gravel lifted his threat to filibuster leading to hopeful negotiations between Committee leaders, the Alaska delegation and Secretary Andrus. During this House-Senate committee conference, Secretary of the Interior Cecil Andrus points out that Gravel employed various obstructive tactics and chose to focus on issues he knew could not be agreed upon. Senator Gravel would ultimately walk out on the conference breaking up the negotiations and once more obstructing legislative action. Following Gravel’s departure, all other participants

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agreed to a one-year “d-2” extension, including both Alaskan Senator Stevens and Congressman Young. Staying true to his word, Senator Gravel continued to employ various procedural delays in the postponement of H.R. 39 and ultimately in filibustering Secretary Andrus’ and the Senate committee’s suggestion of extending “d-2” deadlines another year. With no time remaining, the 95th Congress would once more adjourn without addressing the fast approaching deadline for “d-2” withdrawals- December 17, 1978.

Anticipating Gravel’s refusal to negotiate and lack of time in the Senate, the Alaska Coalition hastily compiled and presented a petition to President Carter with signatures representing members of over one thousand citizen organizations and 146 members of Congress. The petition urged President Carter to utilize existing administrative powers established beneath the Federal Land Policy and Management Act of 1976 and the Antiquities Act of 1906 to guarantee protection through various land designations. Alaska Coalition Chairman, Charles Clusen argued national monument designation through the Antiquities Act was the, “best opportunity for the achievement of our Alaska land objectives in the long run...The President will have met the wildlife and land conservation challenge of the century in a truly dynamic, bold, and historic way whereas Congress, because of a very few,
failed as an institution.”

It is interesting to note that while the Alaska Coalition petition was strongly in favor of President Carter utilizing existing executive powers to provide considerable protection to vulnerable Alaskan lands, it did not view the proposed land designation as the final step in the Alaska land debate. Instead, the Alaska Coalition strongly supported and encouraged legislative action following President Carter’s unprecedented land designations.

Guided by his own convictions, while also heeding the advice of Secretary Andrus and a growing army of environmentalists, President Carter and his administration took action on the “d-2” deadlines beginning in November 1978. First, armed with an executive order from President Carter and utilizing the authority of the Federal Land Policy and Management Act of 1976, Secretary Andrus withdrew 110 million acres of federal land in Alaska for a period of three years. Almost simultaneously, Secretary of Agriculture Bob Bergland requested the suspension of public land laws, ultimately closing 11 million acres of proposed Tongass and Chugach National Forest lands to mining until further evaluations could be completed. Then, on December 1st, just sixteen days before the Senate’s self appointed deadline for action on “d-2” withdrawals, President Carter followed suit invoking the Antiquities Act of 1906 to provide further protection for 56 of the

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142 Ross, 200; Allin, 236; Nelson, 222-223; Haycox, Alaska, 296.
110 million acres withdrawn previously by Andrus as national monument areas. In
total, President Carter created fifteen national monuments, a designation that
provides permanent protection, which can only be modified or revoked by Congress.
The 1906 Antiquities Act authorizes the President, at his discretion, to declare
“historic landmarks, historic and prehistoric structures and other objects of historic
or scientific interest that are situated upon the lands owned or controlled by the
Government of the United States to be a national monument."143 National
monuments established under the Antiquities Act further fall into four categories:
areas of biological importance, remains of an archeological nature, regions of
geological interest, and sites of historical interest.144 In addition, it is also stipulated
that withdrawals should be limited to the smallest area compatible with proper care
and management. In Alaska with President Carter’s guiding principle to protect
entire ecosystems, the opportunity quickly opened itself to the possibility of
wilderness designations that would be millions of acres in size.

According to Carol Vincent and Pamela Baldwin’s study, National
Monuments: Issues and Background, the Antiquities Act of 1906 had originally been a
response by President Theodore Roosevelt to answer concerns over the destruction
and theft of archeological sites in the American West. Since Roosevelt’s
Administration, no President has protected more land as designated national
monuments than President Jimmy Carter with his 1978 withdrawal of more than 56

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144 Michael J. Carey, “Iniquities of the Antiquities: Fairbanks Residents Are Leading The
Charge Against Jimmy Carter and His Land Withdrawals” Alaska Advocate, January 1979, 1. Alaska
Center for the Environment Records, Archives and Special Collections, Consortium Library,
University of Alaska Anchorage.
million acres in Alaska to establish 15 new monuments and enlarge two others.\footnote{Carol Hardy Vincent. National Monuments: Issues and Background (New York: Novinka Books, 2004) 6; For additional information on the designation of National Monuments, see Hal Rothman, Preserving Different Pasts: The American National Monuments (Champaign: University of Illinois Press, 1989). Protecting the next largest amount of land was President Bill Clinton who designated approximately 4.8 million acres across the contiguous forty-eight states either enlarging or creating 13 monuments.} As a direct result of the Carter Administration’s withdrawals, provisions would later be set under ANILCA requiring congressional approval for withdrawals larger than 5,000 acres in Alaska.\footnote{Enacted under ANILCA, See Public Law 96-487, 16 U.S.C. § 3213.} In a staggering demonstration of executive authority, President Carter designated national monument status to an area slightly larger than the state of Minnesota; effectively doubling the size of the National Park System.\footnote{Wilderness Society, Alaska National Interest Lands Conservation Act: Citizens’ Guide, (Washington DC: The Wilderness Society, 2001), 7.
President Carter’s decision was received with mixed emotions across the nation. For many conservationists like Edgar Wayburn, the Sierra Club’s Alaska Specialist, the designations were celebrated, referring to Carter as the, “Greatest conservation President of our time.” However, the excitement expressed by conservationists did not translate in Alaska where many of the state’s residents reacted angrily to the administration’s actions. Alaskan Congressman Don Young

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149 Allin, 236.
compared the Andrus designations to, “colonial rule from Washington, D.C,” while Alaskan Senator Ted Stevens called President Carter’s actions, “arbitrary and dictatorial,” and Alaskan Senator Mike Gravel called the designations an attempt to, “bully and dominate the lives of the people of Alaska.”

Newspaper headlines from the Fairbanks Daily News-Miner read, “Alaskans Said ‘Confused’ About Antiquities Act,” while The Anchorage Times ran stories covering the opposition of Alaskan organizations like the Alaskan Alpine Club who stated, “We can no longer accept agency treatment which contradicts the very concept of simple freedom...In frustration, we will violate these government edicts and will publicly encourage others to do so.” Demonstrations across the state continued to grow out of feelings of betrayal and perceived injustices of the Antiquities Act withdrawals. Others, like the REAL Alaska Coalition, staged protests including the “Great Denali Trespass” just outside of Cantwell on the outskirts of the Mt. McKinley National Park. The trespass included an organized snow machine ride into the park, a wolf hunt, bonfires, camping and a turkey shoot; all in direct violation of new park rules. Civil disobedience became the most common form of protest around Alaska, with protesters carrying signs with slogans like, “Don’t Tread on Me”, “Land in Private Hands Not Government Hands” and “Alaska for

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In Anchorage, the Alaskans United Group attempted unsuccessfully to organize a citywide strike. In Fairbanks, protestors reacted more angrily burning President Carter in effigy; others carried a coffin with the remains of “Dead Alaska”, while another Fairbanks resident camped outside of the Post Office for nearly eleven days in the frigid cold. It became increasingly clear that the local people directly affected by the land designations felt victimized.

As expected, with the convening of the Ninety-sixth Congress, Arizona Representative Morris Udall once more introduced an updated version of H.R. 39.


Embodied within Udall’s new version of H.R. 39 were the recent Carter administration’s emergency land designations and the withdrawal of legislative compromises pivotal in the previous success of H.R. 39. Utilizing the massive land designations as their starting point, Morris Udall and his conservationist allies would work for more but accept nothing less.

Once again in the House, H.R. 39 was referred to the House Interior and Insular Affairs and the Merchant Marine and Fisheries Committees, both of which held jurisdiction over proposed wildlife refuges. By the spring of 1979, two substitute bills had come out of the subcommittee hearings: the Huckaby and Breaux bills. Both had beaten out H.R. 39 for consideration and both were more favorable to pro-developers and Alaskans alike. The Huckaby and Breaux bill’s focused on addressing and expediting the transfer of State and Native lands as promised under the Statehood Act and ANCSA, but differed primarily over the acreage protected, designations awarded and resource development provisions. If approved, the Huckaby bill would have only provided protection for 120.6 million acres, whereas the Breaux bill would have provided protection for 127.7 million acres, but would permit more flexible resource development leasing programs and specifies that such leasing and exploration would be allowed in the National Petroleum Reserve.

154 Nelson, 225.
Blindsided by the adoption of the Huckaby and Breaux substitute bills, Udall was quick to point out the effectiveness of oil industry lobbying efforts, which had spent more than $650,000 over the last year; more than five times what the Alaska Coalition had spent.157 In a last ditch effort, Udall along side Congressman John Anderson (R-Ill) would draft H.R. 3651, a pro-environment bi-partisan substitute bill shaped after the previously House passed 1978 version of H.R. 39.158 The newly drafted substitute bill proposed protection of 110 million acres, designating 67 million acres wilderness, along with most of the Arctic Wildlife Refuge. In a stroke of necessary luck, the Rules Committee agreed to permit H.R. 3651 for consideration along side the Huckaby and Breaux bills on May 1, 1979.159 Two weeks later, just as the House was set to begin on the Alaska Lands debate, supporters of both the Huckaby and Breaux bills decided to merge bills in an effort to present a more united pro-development front.160 The following day, the Alaska Coalition once more mustered enough support for the new version of H.R. 39, passing through the house on May 16, 1979 by a vote of 360-65.161 The Carter administration had once more demonstrated their determination to protect Alaska’s vibrant yet extremely precious wilderness, while at the same time, hopefully forcing congressional action on the Alaska Lands Bill in 1979.

158 Copulos, 7.
160 Williss, H, Legislative Progress, 1979-1980. The Udall-Anderson bill would also face opposition from the National Rifle Association, which attempted to label the bill as a gun-control measure that would damage hunting rights all over the United States.
Despite the Carter administration’s success in engineering protection for the Alaskan wilderness, the success in the House had not yet translated into legislative action on behalf of the U.S. Senate and just as the 1978 bill had been delayed, the 1979 version of H.R. 39 now faced a similar fate by way of Senator Gravel’s filibuster. In the eleventh hour, and confronted with the realization that Senator Gravel, empowered by many of his constituents, might have forced the Alaska Land Bill into another year of debate, Interior Secretary Andrus extended the window of protection to 40 million acres previously withdrawn in 1978 under the authority of the Federal Land Policy Act of 1976 from three years to twenty years.162 Furthermore, Secretary Andrus promised to take similar action on an additional 12 million acres if the Senate failed to act. Andrus contends the emergency withdrawals and threats of more strict land designations were intended to force other Senators to recognize that Senator Gravel’s narrow-minded concerns should not obstruct major national conservation commitments.

Conservationists were delighted with the administration’s actions and much of the American populace seemed to view the decisions favorably. Newspaper headlines around the nation praised the Carter administration’s designations while highlighting the continued failures of the Senate to settle the Alaska Lands issue within their own timeframe. In Miami headlines read, “A Wilderness Saved” while newspapers in Kansas, Philadelphia and Milwaukee highlighted the victory in terms

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162 “Let the Senate Vote” *Kokomo Tribune* (March 15, 1980). National Audubon Society, Alaska Regional Office D-2 subject files, Archives And Special Collections, Consortium Library, University of Alaska Anchorage. Unlike the 1978 land designations that afforded three years of protection, the 1979 designations provided twenty years of protection.
of a national scale, “Saving The People’s Alaska,” “Insurance For The Future,” and “Big Victory For The Great Outdoors.”

Other media outlets reacted more negatively; The Washington Post called the withdrawals “An Unsatisfactory Solution” claiming, “while the solution provides some short-range stability, it serves no one’s interest well.” Similarly, the Boston Globe ran a story expressing comparable dissatisfaction stating Secretary Andrus’ designations were, “no substitute for congressional action that would better guarantee protection of the Alaskan wilderness.” The administration had certainly altered the dynamics of the battle over the Alaska Land Bill, but not in a way anyone had hoped. In his memoirs, President Jimmy Carter addresses the changing roles within the legislative process,

The Alaska congressional delegation prevented the bill being passed, but we can be even more restrictive than our bill would have permitted. Ted Stevens blames the breakdown on junior Alaska Senator Mike Gravel, when I think that he and Gravel are equally culpable. I told Cecil Andrus to be very strict on Alaska, and we got a commitment from Stevens to help us pass our basic proposal early in


165 “To Protect The Wildlands In Alaska” Boston Globe (February 29, 1980). Newspaper Clippings, Alaska Center for the Environment records, Archives and Special Collections, Consortium Library, University of Alaska Anchorage, box 35. “Let The Senate Vote” Kokomo Tribune, (March 15, 1980). National Audubon Society, Alaska Regional Office D-2 subject files, Archives And Special Collections, Consortium Library, University of Alaska Anchorage. The Kokomo Tribune voiced similar dissatisfaction stating,”a law would also better express the national will on this most important conservation issues of the decade.”
1979...The two senators were aligned with oil and other commercial interests, and I was determined to set aside large areas for forestry, parks, and wilderness areas.166

On the conservationist front, the Alaska Coalition had proven to have an exceptional ability to mobilize supporters. Serving as an umbrella organization for over fifty nationwide organizations, the Alaska Coalition could quickly generate grass-roots pressure on Senators and Congressmen across the country. The *Anchorage Times* described the Alaska Coalition as having created, “a tidal wave of public opinion in favor of huge reservations.”167 Another much smaller but vocal organization, Americans For Alaska, provided similar support with high profile members including photographer Ansell Adams, scientist Jacques Cousteau, singer John Denver and Former First Lady, Lady Bird Johnson.168

Equally intimidating was the opposition lobby, which under new leadership from the Citizens for the Management of Alaska Lands (CMAL) created a formidable opponent. CMAL claimed to represent the State of Alaska and many of its citizens and business interests, as well as many of the nation’s most important oil, timber, and mining corporations. Tapping into its deep pockets, CMAL received significant funding from the oil industry, as well as seasoned Washington lobbyists from both the National Rifle Association and Exxon Corporation who were assigned to help. Simultaneously, the Alaska State Legislature appropriated $5.7 million for lobbying

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166 Carter, 253.
purposes and national media campaigns.\textsuperscript{169} Throughout the remainder of the ANILCA debates, CMAL would enjoy the spoils of representing many of Alaska’s big businesses and corporations.

Campaigning tirelessly across the state and nation, Alaska Senator Ted Stevens urged Alaskans to accept a compromised “d-2” bill before Carter’s national monuments would become permanent. Just as Carter and Andrus had hoped, the emergency withdrawal and subsequent designation of additional national monuments had placed pro-developers across the nation into a corner with two options. They must either accept the massive land withdrawals as permanent protection to Alaska’s precious wilderness or utilize the democratic processes of the United States government and come to a compromise that would result in a balanced, more palatable policy for all. Carter and Andrus had effectively turned the tables; it was now Alaskans and pro-developers that mercilessly petitioned Congress for legislative action in overturning the widespread protection provided by the administration.\textsuperscript{170}

Ultimately, however, the legislative process had reached a standstill and as Americans went to the voting booths during the 1980 election they would themselves, whether consciously or not, make a major decision concerning the Alaska Lands Bill. With the election of Ronald Reagan and the new Republican majority in the Senate, the reality of passing any new, more environmentally minded legislation under the new administration was bleak. Representative Morris Udall of

Arizona expressed this concern in a news conference saying, "Ronald Reagan’s victory over Jimmy Carter and the impending Republican takeover in the Senate makes the bill the best conservationists can hope for at this time."171 The upper hand in negotiating the Carter administration and conservationists had crafted over the previous years of debate quickly dissipated, as both sides were involuntary brought back to the drawing board on more level ground.

Under forced circumstances, a compromise was agreed upon that failed to achieve what either side had fully hoped to accomplish and on August 19th, 1980 the Alaska National Interest Lands Conservation Act passed in the Senate. Despite continued attempts to strengthen the Senate passed H.R. 39, Morris Udall would seek the House of Representatives approval of H.R. 39 on November 12 stating, “that neither I nor those who support me consider this legislation to be a great victory for the cause.”172 In anticlimactic fashion, the nine years of debate surrounding the Alaska National Interest Lands Conservation Act came to an abrupt unsatisfactory ending.

During the signing ceremony on December 2, 1980, President Carter announced that, "Never before have we seized the opportunity to preserve so much of America’s natural and cultural heritage on so grand a scale...With this bill we are acknowledging that Alaska’s wilderness areas are truly this country’s crown jewels.”173 In total, ANILCA protected more than 100 million acres, more than

doubled the size of the national park and wildlife refuge system, tripled the size of
the wilderness preservation system and provided unprecedented allowances for
recreational activities in wilderness areas. Adding to the legacy, ANILCA would also
become the first state specific bill enacted over the objections of both of its U.S.
Senators.\footnote{Colin M. Beier, “Influence Of Political Opposition and Compromise On Conservation
Outcomes In The Tongass National Forest, Alaska,” \textit{Conservation Biology}, No. 6, Vol. 22 (Dec 2008), 1487.\textsuperscript{174} Similarly, the argument amongst Alaskans of a colonialistic relationship existing between the
State and U.S. government also gains considerable footing.\footnote{``Carter Inks Alaska Lands Act,” \textit{Oil and Gas Journal}, December 8,1980, 51.}} Further substantiating claims from Alaskan legislatures and various
lawsuits throughout the years that decisions on resource development and
conservation policies happen beyond her border and without her consent. President
Carter however described ANILCA as striking, “a balance between protecting areas
of great beauty and value, and allowing development of Alaska’s vital oil, gas,
mineral, and timber resources.”\footnote{Clippings, Alaska Center for the Environment records, Archives and Special Collections, Consortium
Library, University of Alaska Anchorage, box 35.}
Unique as the land it protects, the Alaska National Interest Lands Conservation Act includes provisions addressing both traditional land usages in Alaska and the protection of intact wilderness ecosystems. Section 101 of ANILCA outlines the purposes and vision of the act highlighting the multi-use dynamic of federal lands in Alaska:

(a) In order to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain national significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the units described in the following titles are hereby established.

(b) It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of *inestimable value* to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands and on free flowing rivers; and *to maintain opportunities for scientific research and undisturbed ecosystems.*

(c) It is further the intent and purpose of this Act consistent with management of fish and wildlife in accordance with recognized scientific principle and the purpose for which each conservation system unit is established, designated, or expanded by or pursuant to this Act, *to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.*

(d) This Act provided *sufficient protection* for the national interest in the scenic, natural, cultural, and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to *this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby.*

The broad framework outlined above in Title I of ANILCA not only places emphasis on protection of the environment but also provides the context from which all other provisions must be interpreted. Section 101(b) lays out the unique characteristics of ANILCA, a bill protecting and preserving

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national areas of archeological, geological, historical and scientific interests in their natural state, while at the same time preserving wilderness resource values and upholding recreational opportunities.

Most important to rural and Native Alaskans alike has been Section 101(c) laying out the intent of continued subsistence rights on federal lands across the State. Arizona Representative Morris Udall ultimately promised continued subsistence rights in 1977 at the beginning of the 95th Congress stating that any legislation passed would guarantee the protection and continuation of subsistence uses by Native Alaskans. In Title VIII: Subsistence Management and Use, ANILCA establishes the priority of subsistence activities on federal lands in Alaska. ANILCA recognizes the remote location many of Alaska’s rural populations thrive in and the absolute dependency and necessity of continued subsistence rights. A truly unique aspect of park management in Alaska was the preservation of existing human relationships with the land. ANILCA’s inclusion of subsistence rights for Alaska’s indigenous population was necessary because of the Alaska Native Claims Settlement Act, which had extinguished all claims of Native title in Alaska, and “any aboriginal hunting and fishing rights that may exist.”

The subsistence rights guaranteed under ANILCA ultimately expanded to include

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all rural Alaskan residents and established a race neutral position to avoid racial discrimination under state law.\textsuperscript{180}

Title VIII, Section 802 clearly defines Congress’s commitment to allowing the continued lifestyle rural Alaskans had grown accustomed to:

(1) Consistent with sound management principle, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes of each unit established, designated, or expanded by or pursuant to title II and through VII of this ACT, \textit{the purpose of this title is to provide the opportunity for rural residents engaged in subsistence way of life to do so.}\textsuperscript{181}

As promised in the debates, Title VIII: Section 802 provided the framework under which the subsistence lifestyles of rural Alaskans would be protected under ANILCA. Within the Native communities Section 802 not only represents the continuation of communal subsistence lifestyles for generations to come, but also provides protection of cultural traditions, and establishes precedence for the subsistence usage of particular species over sport and commercial use until subsistence needs have been fully satisfied.

Also highlighted in Section 101(d), the “No-More” clause as it has become more popularly known, bluntly lays out Congress’s firm belief that a balance between conservationist and development opportunities has been established under ANILCA. Section 101(d) states that, “Congress believes that the need for future legislation designating new conservation system units, new national

\textsuperscript{181} Alaska National Interest Lands Conservation Act, Title VIII, sec. 802. (Public Law 96-487-DEC.2, 1980).
conservation areas, or new national recreation areas, has been obviated thereby.”¹⁸² For many Alaskans ANILCA’s successes and failures have come to be judged primarily on the States ability to uphold the integrity of the “No-More” clause.

Not all of ANILCA could be as black and white as the legislation’s stance on continued subsistence rights and as is the case with most legislation, some provisions included highlight the necessity of compromise in achieving a finished act. One such provision, the most highly debated aspect of ANILCA, is detailed under Title X, Section 1002 and 1003.¹⁸³ Under these provisions, the Arctic National Wildlife Refuge (ANWR) was protected while studies were launched to determine the area’s oil and gas potential, ultimately reserving Congress the right to permit development if that energy potential proved to be great. The protection of ANWR under ANILCA continues to be a highly contested provision and while Congress has yet to authorize oil development in the coastal plain of ANWR, the barrage of attempts to open the area for drilling have only become more frequent in recent years.

Other important provisions under ANILCA addressed wilderness reviews to be conducted by the Bureau of Land Management (BLM) in Alaska, transportation and access rights across Conservation System Units (CSU’s), and administrative provisions allowing activities unique to the conditions in Alaska. ANILCA also offered basic direction for future development plans, requiring access to public participation in such planning.

Although ANILCA had not fully lived up to conservationists’ expectations, it did achieve more for conservation and wilderness preservation than any other law in human history. ANILCA provides unprecedented protection for ecosystems ranging from volcanoes to glaciers and coastal mountain ranges to the arctic tundra, all while maintaining public access rights for recreational activities not regularly found in Lower 48 wilderness areas. ANILCA reflects the strength of environmental sentiment and the ability of environmentalists to organize at the state and national levels and to translate that strength into tangible political achievements. Of Alaska’s 375 million acres, approximately forty percent are in federal conservation units, and of those 150 million acres approximately 38 percent are designated wilderness. Former Chief of the Forest Service, Max Peterson described ANILCA as a, “prime example of each side giving a little for the common good.”

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Chapter 4
Conclusion: The Alaska Difference- Post ANILCA

The statehood act, the discovery and development of oil at Prudhoe Bay, Congress’s settlement of Alaska Native land claims, and the environmental provisions of the settlement act culminating in the Alaska lands act--as well as Supreme Court decisions on the meaning of the statehood act, on Native sovereignty, and on Native subsistence--all underscore the fact that Alaska’s modern context, like its historical context, defined by its political economy, is not generated in Alaska. Rather, what happens in Alaska is overwhelmingly a function of forces and decisions made outside Alaska.\textsuperscript{186} -Stephen Haycox, Alaska Historian

Since the passage and initial implementation of the Alaska National Interest Lands Conservation Act, there have been continued debates over the legacy of ANILCA. Available historiography on the legacy of ANILCA has been replenished periodically over the past two decades as the promises made in ANILCA are examined with each passing anniversary. During the twenty year anniversary, ANILCA became the recipient of harsh criticism from the Alaska Miners Association, who in their 2000 publication \textit{d(2), Part 2} argued that the compromises agreed upon that were necessary in the final passing of the legislation were primarily made by the State of Alaska and Alaskans, both residential and native. The Alaska Miners Association proposes that promises made in ANILCA have been broken down or disregarded along with what was originally unique to ANILCA, the emphasis on maintaining the existing relationship between human beings and the wilderness. Others like Cecil Andrus and Tim Lydon utilized the twentieth and thirtieth anniversaries to bring ANILCA back into the national spotlight, using the legacy of

\textsuperscript{186} Haycox, \textit{Alaska}, 168-169.
the act to rededicate ourselves to wilderness protection, making certain that the great victory is not undone piece by piece. 187

Figure 10: Selected State and National Parks Map (Courtesy The Institute of The North) 188

In the most basic sense, ANILCA was a compromise between conservationists and pro-developers thus diversifying the legacy of ANILCA. For the pro-developers, conservation policy proposed a hurdle in the way of achieving economic growth on a scale most believed only capable from resource commodification; particularly oil extraction. In the eyes of pro-development Alaskans, the legacy of ANILCA can be seen in the roughly seventeen percent of all U.S. oil production taking place in

188 Alaska Geographic Alliance. Alaska in Maps, 76.
Alaska or the estimated 187,000 jobs created directly as a result of oil production and state oil revenues or as spinoff employment from oil wealth.\(^{189}\) Altogether, more than one third of Alaska’s jobs are tied to the oil and gas industry.\(^{190}\)

Additionally, the oil industry also provides tax relief for the State of Alaska where residents experience no personal state income or sales tax, as well as receive the Alaska Permanent Funded Dividend, which is awarded annually to qualifying residents of the State.\(^{191}\) According to the Alaska Oil and Gas Association, oil and gas revenues represented 88 percent of Alaska’s unrestricted general fund for the 2014 fiscal year, a fund generally used to pay for basic public services.\(^{192}\) It is hard, even for environmentalists, to argue the influential role the development of the oil industry has played in creating a more modern Alaska through increased employment opportunities and revenue flow.

On the other hand are conservationists who argue ANILCA’s legacy can be found in the protection of Alaska’s unique wilderness character, the establishment of new national parks, and the continued growth of Eco-tourism throughout the State. While the natural beauty of Alaska has made it host to a growing tourism industry since the early 1900s, it was not until the 1970s that tourism began to drastically increase as the environmental consciousness of the nation was on the rise. According to Robert Weeden, by 1973 more than 200,000 tourists were visiting the state yearly, at least ten times the number who had vacationed in Alaska two


\(^{190}\) “Facts and Figures,” Alaska Oil and Gas Association.


\(^{192}\) “Facts and Figures,” Alaska Oil and Gas Association.
decades earlier.... by 1976 tourism in Alaska had increased to annual revenues of roughly $90 million while attracting 280,000 tourists.193

Each year more and more visitors have traveled to Alaska to enjoy federal lands placed under the protection of ANILCA by the Carter administration. Between 1990 and 2006, the number of tourists visiting Alaska in the summer more than doubled, from under 700 thousand to about 1.6 million.194 According to the Resource Development Council, 1.93 million people visited Alaska in 2014: 50% came by cruise, 46% by air, and 4% by highway or ferry resulting in direct visitor spending of more than $1.8 billion annually.195 As of 2000, Alaska had become the third most popular cruise destination in the world, trailing only the Caribbean and the Mediterranean destinations, generating over $282 million in revenue for the southeastern Alaskan economy alone.196 In addition to the revenue generated in terms of money spent while visiting the state of Alaska via tourists, a recent study commissioned by the Alaska Conservation Foundation examines the economic benefits of a healthy environment on the Alaskan economy.197 The study found that over 84,000 jobs in Alaska, equaling a total income of $2.6 billion dollars and over 26 percent of the states total employment are directly reliant on a healthy environment. Industries reliant on healthy environments include: eco-tourism,

196 Haycox, *Frigid*, 173.
commercial fishing, sport fishing, wildlife viewing, subsistence harvesting, and
government jobs managing natural resources.\textsuperscript{198}

With the tangible evidence available to support the economic benefits the
natural resource industry and eco-tourism have provided Alaska, one must also not
lose sight of the environmental cost of such development. As Alaska moves forward,
the concern over recreational use versus the conservation of national parks and
wildlife refuges has continued to grow while the reminders of Yellowstone National
Park and the devastation experienced from overcrowding park patrons are still
fresh in many conservationists’ minds. However, with proper tourism and
recreation management suitable to Alaska’s unique needs, there is no reason why
tourism should not continue to contribute to the Alaskan economy as a substantial
and sustainable revenue source.\textsuperscript{199}

\textsuperscript{198} Steven Colt, “The Economic Importance of Healthy Alaska Ecosystem. Haycox, \textit{Frigid}, 173.
\textsuperscript{199} David N. Cole and Peter B. Landers, “Threats To Wilderness Ecosystems: Impacts and
Research Needs” \textit{Ecological Applications} No.1, Vol. 6 (February 1996). According to David Cole and
Peter Landers, the vast majority of impact to wilderness ecosystems can be traced to seven specific
human activities: recreational use and management, live stock grazing and management, fire
management, introduction and invasion of alien species, diversion and impoundment of water,
emission of atmospheric pollutants and management of adjacent lands. \textit{Also see}, “Ecotourism
Guidelines” Alaska Wilderness Recreation & Tourism Association. The Alaska Wilderness & Tourism
Association (AWRTA) is a member driven trade association formed to be a collective voice for
wilderness-dependent businesses that advocates for the sustainability of Alaska’s natural and
cultural resources, responsible tourism and tourism planning for communities throughout Alaska.
According to AWRTA’s “Ecotourism Guidelines” tourism business should, 1) See environmentally
sustainable economic growth and minimize visitors impact on wildlands, Native cultures, and local
communities by offering literature, briefings, leading by example, taking corrective action and other
appropriate means; 2) Travel modes and facilities should maintain a low impact on the natural
environment and tour use should be sustainable over time without significantly altering the resource
or negatively affecting the experience; 3) Tourism businesses should provide direct benefits to the
local economy and local inhabitants thereby providing an incentive for local support and
preservation of wild areas and wildlife habitats; 4) Tourism businesses should seek appropriate
means to minimize their effects on the environment in all phases of operations including office
practices; 5) Tourism businesses should ensure the managers, staff, and contact employees know and
participate in all aspects of company policy to prevent impacts on the environment, Native culture
and local communities; 6) Tourism businesses should emphasize education and inspire travelers to
learn about the natural and cultural history of the places they visit; 7) Tourism businesses and their
The National Park Service in Alaska has witnessed an 18% increase in recreational visitors since 2010 with 2.6 million visitors in 2014.\(^{200}\) According to the International Wildlife Law website, ecotourism in Alaska has grown to represent a dichotomy of environmental laws and regulations. On the one hand, the regulations seek to encourage tourism. On the other hand, the regulations also seek to preserve the popular natural resource of the state from over-exploitation, effectively preserving the ecotourism industry itself. What is left is a workable marriage between economic growth and environmental sustainability that has acted as a model for both other states and countries across the globe.\(^ {201}\)

In 2001, the Alaska Visitors Statistics Program found that over 80% of respondents claimed it was Alaska’s wilderness character and the opportunity to see or spend time in wilderness places that influenced their decision to visit Alaska.\(^ {202}\) To maintain that unique wilderness opportunity, the National Park Service Wilderness Stewardship Division released its 2014 publication, “Keeping It Wild in the National Park Service: A User Guide To Integrating Wilderness Characters Into Park Planning, Management, and Monitoring.”\(^ {203}\) The primary goal being to highlight and preserve

\(^{200}\) “Recreation Visitation By State and By Park For Year: 2010” National Park Service, Department of the Interior. Also see, “Recreation Visitation By State and By Park For Year: 2014” National Park Service, Department of the Interior.

\(^{201}\) “Eco Tours in Alaska- Sustainable Tourism and Conservation Laws” International Wildlife Law.


the wilderness character of protected spaces. While the global supply of wilderness continues to decrease, the push for access into protected spaces continues to grow. It is undoubtedly in the NPS', State of Alaska', U.S. Government', and citizens’ best interest to provide a balance between protection and access to the last wholly wilderness areas on our planet.

When viewed from a broader perspective, as this study has attempted to facilitate, it becomes obvious that the 1968 discovery of oil in Prudhoe Bay, the Alaska Native Claims Settlement Act of 1971 and the Alaska National Interest Lands Conservation Act of 1980 have all had profound effect in creating a blossoming, diversified Alaskan economy. Through examining the process by which the Alaska National Interests Lands Conservation Act became law, it is possible to establish a historical understanding of public land usage in Alaska and the relationship between federal and state management bureaus. In addition to what ANILCA has done for Alaska, the reverberations of President Jimmy Carter’s prized legislation protecting the nation’s most pristine wildernesses can still be felt in American politics all over the country. For instance, further concern for the future of Alaska’s wilderness has focused on the attempted or realized expansion of new areas for resource extraction. As Americans everywhere face fluctuating gas prices and dwindling natural resources, Alaska’s bountiful supply of resources remains targeted as a possible avenue for alleviating the mounting stress.

Although still targeted for its vast natural resources, Alaska has recently fallen to fourth in United States oil production behind Texas, North Dakota, and California. According to a recent CNBC article, the current growth of oil production
in the lower 48, where production is up by seventy-seven percent since the shale-drilling boom began in 2009, is largely due to state and private ownership of oil fields.\textsuperscript{204} “The urgency to supply the nation with oil continues and hasn’t fallen at all. But Alaska has to navigate the political quagmire of Capital Hill to do it...In the case of North Dakota and Texas; you don’t have to deal with Capital Hill. It’s all on state and private land.”\textsuperscript{205} According to \textit{The Wall Street Journal}, oil production in Alaska has dropped nearly seventy-five percent since its peak in the 1980s of more than two million barrels per day to less than 400,000 currently. The recent drop in oil production has further been linked to a 2.5\% decrease in the state gross domestic product and an unemployment rate of 6.6\% in October 2015.\textsuperscript{206}

The persistent pressure from environmental organizations nationwide has created a unique dilemma in Alaska. On the one hand, you have the established mechanisms to deliver oil, a pipeline running well below full capacity and 3.3 billion barrels of “proved oil reserves.” On the other hand, you have exuberant opposition from national environmental organizations that has created a political atmosphere so hostile that productive debates can rarely be conducted.\textsuperscript{207} To offset such an atmosphere, state legislators led by former Governor Sean Parnell signed the More

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\item \footnotesize Javier E. David, “Oh, Alaska! Former Powerhouse Frozen Out Of US Oil Boom,” \textit{CNBC}, August 17, 2014. While the U.S. shale oil boom has seen considerable setbacks with the global collapse of oil prices, the factors making Lower 48 oil fields more attractive stay the same: Private or State ownership.\textsuperscript{204}
\item \footnotesize Javier E. David, “Oh, Alaska!”\textsuperscript{205}
\item \footnotesize Javier E. David, “Oh, Alaska! Former Powerhouse Frozen Out Of US Oil Boom,” \textit{CNBC}, August 17, 2014.\textsuperscript{207}
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\end{footnotesize}
Alaska Production Act (MAP Act) into law on May 21, 2013.\textsuperscript{208} Under the MAP Act, former Governor Parnell sought to increase oil production and economic growth by rebalancing Alaska’s oil tax credit system. Parnell aimed to protect the Alaskan treasury during periods of low oil prices and cut the taxes levied against oil companies, ultimately making additional exploration projects more feasible. More recently, Alaskan Senator Lisa Murkowski has sponsored legislation that would provide Alaska and other coastal states similar Outer Continental Shelf (OCS) royalty sharing rights as received by gulf coast states under the Gulf of Mexico Energy Security Act of 2006. Passage of such legislation would undoubtedly result in an increased attempt to bring major oil developments to the highly vulnerable and extremely valuable fisheries of Alaska’s OCS. According to a 2011 study by the Alaska Seafood Marketing Institute, the Alaska seafood industry represented 94.9 percent of all salmon caught in the U.S., accounted for 56 percent of the total U.S. commercial fishery harvest volume and created over 120,000 U.S. jobs.\textsuperscript{209}

Despite the attempts by Alaskan legislatures, oil production from the state has continued to decline and with it has come dire economic times for the state’s economy. Despite the continued production decline, over 90 percent of the state’s operating budget is still expected to come from taxes paid by the oil companies. Further exacerbating the situation is the current structure of Alaska’s tax system, which collects no state sales tax or income tax leaving little revenue to bridge the

\textsuperscript{208} Office of Governor Sean Parnell, “More Alaska Production Act: Homepage,” State of Alaska. Lower oil prices are being driven by the cheaper shale oil from states like North Dakota and California causing the price of Alaskan oil to slump in an effort to stay competitive with lower 48 oil markets. 

Additionally, a $6.1 billion spending plan for 2015 based on the notion of crude oil selling around $110 per barrel is expected to fall $3.5 billion short as oil prices hover around the $40 per barrel range.

While Alaskan legislatures struggle with how to best correct a multi-billion dollar fiscal gap and how to save the diminishing oil based economy, curiosity into Alaska’s renewable energy market has continued to grow. Two renewable energy resources have emerged as the front-runners of Alaska’s renewable energy potential: wind and tidal energy. Historically speaking, the ocean has been the primary provider of subsistence for Alaskan communities throughout the State for centuries. Thus, it is no surprise that over 34,000 miles of coastline in Alaska may provide yet another means of survival for Alaskans. In many rural communities, the ability to generate power from the surrounding environment is far more cost effective and practical than delivery from outside sources. According to Tracey A. LeBeau, Former Director for the Office of Indian Energy Policy & Programs, the cost of energy has increased threefold in the past 10 years for rural Alaska villages and it is not uncommon for families in Alaska Native communities to spend nearly half of their monthly income on energy costs. Community scaled renewable energy projects have become more popular with the availability of government funding, as government funding is often the only way to make renewable energy projects a reality.

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210 Facts and Figures,” Alaska Oil and Gas Association.
212 Alaska Energy Authority, Renewable Energy Atlas of Alaska: A Guide To Alaska’s Clean, Local, and Inexhaustible Energy Resources, April 2013, (Anchorage: Alaska Energy Authority, 2013). With some of the best renewable energy resources in the country, Alaska has an opportunity to be a leader in their development, save communities millions of dollars in energy costs each year, and bring new revenue streams into the state’s economy.
213 Alaska Energy Authority, Renewable Energy Atlas of Alaska, 12. Alaska’s 34,000 miles of coastline equals more than all other states combined.
backing from the Department of Energy, and the success of renewable energy projects in other rural communities.

Just as the Prudhoe Bay oil fields had once caught the creative imagination of engineers and oil companies with its vast oil reserves and unique environmental challenges, the Cook Inlet estuary has caught the attention of experts in the field of ocean power technologies. The Cook Inlet estuary extending south from Anchorage possesses North America’s second largest tidal flux averaging thirty-five feet during extreme minus tides and full or new moons. The very same coastlines along South-central and Southeast Alaska also boast one of the best areas of wave resources in the world with the capability to provide an estimated 1,250 TWh per year, or almost 300 times the amount of electricity Alaskans use every year. With such promising estimates, close proximity to Alaska’s largest city, and extensive tax breaks for companies exploring renewable energy options, one can only assume interest from various utility providers, private investors, and government agencies will eventually graduate into actual power production.

While ocean power technologies show promising potential for Alaska’s energy market in the future, another renewable energy source has already taken hold in Alaska. Since 1997, several wind energy projects have broken ground throughout the state. Front and center of the wind energy initiative in Alaska has

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217 Alaska Energy Authority, *Renewable*, 16. Alaska’s first wind farm located in Kotzebue, has been displacing a significant portion of the utility’s diesel fuel with wind power since 1997. Wind is the fastest growing energy sector in the world. The U.S. now ranks second in total installed wind generation capacity behind Germany, although the U.S. still generates less than one percent of its
been the Native-owned Cook Inlet Region, INC, or CIRI Corporation, as it has become more commonly known. Under CIRI, the Fire Island Wind Project, which currently operates eleven turbines three miles off the cost of Anchorage, sought to ease the strain of dwindling natural gas supplies in the Cook Inlet.  

Other major utility providers such as the Chugach Electric Association and the Alaska Village Electric Cooperative have similarly looked toward wind energy as a means of diversifying future energy sources to hopefully circumvent the rising prices of natural gas and other non-renewable energies.

The most promising example of community wide self-reliance and commitment to sustainability has been on the island of Kodiak, which has independently supplied power for itself with wind and water since 2013. According to a White House press release, Kodiak recently achieved 99.7% of its electricity from renewable sources and displaces over two million gallons of diesel fuel annually through the generation of wind power alone. As a result, the residents of Kodiak now pay less for electricity than they did fifteen years ago. Furthermore, Kodiak recently announced a $3 million public-private partnership that will make the island the first in the world to adopt new technology working to stabilize and store the energy it generates from wind. Such initiatives have encouraged the

denmark already generates over twenty percent of its electricity from wind, followed by Spain at eight percent and Germany at six percent.

218 Fire Island Wind, LLC., "Sustainable Wind Energy For Southcentral Alaska," Cook Inlet Region, INC. Also see, Chugach Electric Association, INC., "Fire Island Wind Power." CIRI is the regions first major independent power producer with the Fire Island Wind Project eliminating the need for an estimated 500 million cubic feet of natural gas each year. Fire Island currently provides approximately four percent of Chugach’s retail load.

219 Office of the Press Secretary, "FACT SHEET: President Obama Announces New Investment to Combat Climate Change and Assist Remote Alaska Communities," (September 2, 2015).

Department of Energy (DOE) to launch a $4 million remote Alaskan Communities Energy Efficiency Competition. The DOE hopes to significantly accelerate efforts to adopt sustainable energy strategies in remote communities that offer unique energy-efficient solutions which can ultimately be replicated throughout the region.\textsuperscript{221}

With such diverse energy options for Alaska’s future, ranging from renewable energies like wind, solar, and tidal to more traditional fossil fuel sources with established avenues to market, Alaska must once more find the balance that promotes both a healthy economy and environment. As has been demonstrated throughout this thesis, decisions based on the usage of Alaska’s natural resources are largely decided beyond her borders on a national stage. In continuing his commitment to fight climate change, President Obama brought that national stage to Alaska in September 2015, becoming the first sitting President to visit the Alaskan Arctic. President Obama’s trip came just months before the December 2015 UN summit on climate change in Paris (COP21), and just days after the administration announced the renaming of Mt. McKinley, North America’s tallest mountain, to its traditional name: Denali, honoring Alaska Native heritage.

While on his inaugural trip to Alaska, rather than focusing upon newly approved oil development projects in the National Petroleum Reserve-Alaska (NPR-A), President Obama opted to highlight the devastating effects global warming

\textsuperscript{221} Office of the Press Secretary, “FACT SHEET: President Obama Announces New Investment to Combat Climate Change and Assist Remote Alaska Communities,” (September 2, 2015).
is already having throughout the state.\textsuperscript{222} From extreme coastal erosion and rising sea levels to permafrost melting across the interior, Alaska has undeniably felt the effects of global warming. In spotlighting these visible impacts, President Obama attempted to not only personalize for the American people the very real, very devastating consequences fossil fuel development and more directly global warming is already having in this nation, but to also generate momentum heading into the COP21 meetings in Paris.

It is easy to question President Obama’s timely choice of an inaugural Presidential trip to the Alaskan Arctic just months before the COP21 meetings as politically motivated or half-hearted, especially considering the new oil development within the NPR-A. The inaugural trip, the commitment to fight climate change, the progressive legislation at COP21, and the recent oil development in NPR-A are actually all intertwined to represent the compromise and balance envisioned in ANILCA for the future of Alaska’s economy and environment. In many ways, the recently opened NPR-A and willingness to compromise on such vulnerable and ecologically important areas represents a microcosm of life in Alaska. In Alaska you have people living in harsh environmental conditions currently experiencing a transitional period. The effects of global warming are obvious and life threatening, yet the allure of increased development and commodification of resources are believed pivotal to economic survival and often prioritized over long-term environmental and cultural concerns.

Most recently however, the declining price of oil on the global market has become a favorable ally to conservationist efforts, as costly arctic oil development projects have been deemed economically unfeasible. In September 2015, Royal Dutch Shell announced it would be abandoning its hugely controversial Arctic offshore drilling operations for the ‘foreseeable future.’ The news of Shell’s retreat from the Arctic was met with jubilation from environmental organizations that quickly claimed victory in the sudden and largely unexpected departure. Shell, however, turned the knife deeper into the hearts of pro-development Alaskans citing the high cost of Arctic operations in general and an unfavorable, unpredictable, and challenging federal regulatory environment as the primary reasons for pulling the plug on Arctic operations in offshor e Alaska. Following Shell’s withdraw from the Arctic, the Department of Interior seemingly shut the door on future Arctic offshore oil development when they announced they would not only be declining lease extensions filed for leases held by Shell and Statoil in the Beaufort and Chukchi seas, but would also be cancelling two Arctic offshore lease sales scheduled for 2016 and 2017 citing current market conditions and low industry interest.

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223 Terry Macalister, “Shell Abandons Alaska Arctic Drilling,” The Guardian. September 28, 2015. In total, Shell is expected to lose around $4.1 billion on future earnings paired with the $7 billion Shell has already spent on exploration of arctic oil.

224 Yereth Rosen, “Myths About Shell’s Arctic Alaska Pullout Persist,” Alaska Dispatch News. October 3, 2015. “This is your victory! You have shown that even the most powerful corporations in the world can’t win when faced with grassroots pressure united to protect the wildlife and wild lands we love.”


While Arctic offshore operations have been halted for the near future, the previously unaltered National Petroleum Reserve-Alaska (NPR-A) has been opened for development. Operated by ConocoPhillips, drill site CD5 represents the first oil development within the boundaries of NPR-A and drastically increases potential for future development within the reserve. ConocoPhillips has already announced plans to bring another development called the Greater Moose’s Tooth into production in 2018 representing an additional 30,000 barrels of oil per day and speculation builds on a third development.\textsuperscript{227} For many Alaskans, pro-developers, and even some conservationists, the current oil production permitted within NPR-A represents the responsible and balanced approach envisioned for Alaska’s future during the struggles for Statehood, the Alaska Native Claims Land Settlement Act, and the Alaska National Interest Lands Conservation Act.\textsuperscript{228}

While recent years have represented a struggle for conservationist efforts against the combined energies of investors, pro-development lobbyists, and State legislatures to open the Arctic to increased resource development, the NPS and various environmental organizations have been focusing to engage the next generation of park visitors, conservationists, and pro-developers in sustainable and responsible usage practices of National lands to ensure their existence for future generations. If nothing else, ANILCA has proven that conservation policy is part of a

\textsuperscript{227} Alex DeMarban and Annie Zak, “ConocoPhillips Cracks Open Giant Petroleum Reserve, With Good Results.” \textit{Alaska Dispatch News}, February 20, 2016. The federal government receives 16.5\% share of oil produced from federal lands.

\textsuperscript{228} According to Melanie Smith, the Conservation Science Director at Audubon Alaska, one of the primary factors in the NPR-A escaping similar controversy to drilling in other areas of Arctic is linked to the unfortunate name of the reserve itself. Smith does however highlight the BLM efforts to provide balanced protection for wildlife in the area, particularly caribou, while also allowing for responsible development of the reserve.
much larger evolutionary process that changes with the social, political, and economic environment from which it has emerged. ANILCA demonstrates the necessity for public involvement and awareness in resource development agendas, represents a framework that allows for a balanced policy based on the ability of both sides to compromise, and places emphasis on communication and cooperation between management bureaus.

With the passage of ANILCA, the United States Congress, the Carter Administration, and the American people agreed upon a bill paying tribute to both long-term environmental stewardship and committed openness to resource development. Ultimately, ANILCA demonstrates the power of national organizations and the ability of the United States government to operate in a responsible manner focused primarily upon the enrichment of American society, while providing for both the protection of our nation’s vast ecological treasures and the responsible development of its natural resources. President Carter would later recall during a visit to Anchorage that, “the words ‘national interest’ were inserted into the bill’s title very deliberately...These national parks don’t just belong to the people whose state they happen to be.” In fact, the future of Alaska’s wilderness rests beyond her own borders and in the ability of the American people, conservationists and pro-development organizations, and the United States government to make responsible compromises finding the balance between national parks and resource development, environmental protection, and economic profit.

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In total, the Alaska National Interest Lands Conservation Act designates an area larger than the State of California for conservation purposes, including four national forests, ten national preserves, sixteen national wildlife refuges, and seven national parks. ANILCA doubled the size of our nation's national parks, tripled the wilderness areas, and protected twenty-five free-flowing rivers in their natural state. In the end, it would be the voice of national environmental and big business lobbyist organizations that would have the most influence on the debates and compromises surrounding the final passage of the Alaska National Interest Lands Conservation Act; the best of inadequate options.

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