

ANILCA'S EFFECT ON ALASKA'S MINERAL LANDS AND DEPOSITS

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The passage of the Alaska National Interest Lands Conservation Act (ANILCA) had drastic effects on Alaska's mineral lands that still cannot be fully quantified. It placed known deposits and mineral belts within conservation units, it withdrew geologically promising areas from any type of private appraisal, and by erecting boundaries that blocked natural transportation routes, it effectively foreclosed development of deposits on BLM, State, and Native-owned lands. The legislation placed a few deposits, perhaps four of significance, outside of conservation units, but in general, it seemed that identifying deposits rendered them, more, rather than less, likely to be placed within a conservation unit boundary. In Titles 10 and 15 of the Act, processes were set up for government appraisal of certain lands for minerals, however, Section 1010 of Title 10 has not been used to any significant degree, and nothing has been done to acquire the background that Title 15 would need, if it were to be of any practical effect. At the time of Statehood in 1959, Alaska's once important mineral industry was nearly dormant.

The rich copper mines of Kennecott closed in 1938; the A-J, Alaska's largest gold mine, closed during World War II; the large placer mines at Fairbanks and Nome were still in operation, but they were almost subeconomic. Only the facts of existing infrastructure and that ground had been prepared in ad-

vance enabled their continued operation. Only a very few prospectors combed the hills: Gold, the prospector's main stay, was fixed at \$35.00 and only a few men, such as Reinhart Berg, pursued copper and more prosaic metals. That Alaska could hold great remaining mineral wealth was indicated by the discovery of a rich nickel-copper deposit in Glacier Bay National Monument in the late 1950's. In general, however, America's mining companies were not looking at Alaska. Prospecting activity increased only slightly in the 1960's. Kennecott acquired Berg's discovery at Bornite in the southern Brooks Range, but company-driven prospecting was still in its infancy in Alaska.

State selections of the 102 million acres promised at Statehood likewise moved slowly. By 1961, Alaska had selected only 1 million acres of its entitlement. By 1964, it had selected only 10 million acres. In 1967, Secretary of Interior Stewart Udall stopped all land selections until the native land claims were settled. Shortly after the passage of the Alaska Native Claims Settlement Act (ANCSA) in December 1971, Commissioner of Natural Resources C. F. Herbert selected 77 million acres, but in the fall of 1972, this selection was cut to 41 million acres to forestall the possibility of federal litigation. The amount of land actually granted to the state held at a plateau of less than 20 million acres until 1973; further large

transfers of lands to the state awaited the passage of ANILCA.

During the ANILCA debate, environmentalists stated that because of the state's generous land entitlement and freedom to select land from the Public Domain, the state had selected the best mineral lands, thus should not be discouraged by withdrawal of more federal lands from mining. The argument fails on two grounds. First the land process was never free and open; it was constrained by early acreage limitations, later by Udall's order and ANCSA. Second, neither the State, nor anyone else had a very good idea of the lands to select for minerals. How do you efficiently select the 1,000,000 acres that will contain most of Alaska's hard mineral wealth? Today, with much more knowledge of the geology, it still is a difficult question.

Other authors in this section will exemplify and amplify some of the specific problems. Some of the best state-owned mineral land is in the Southern Brooks Range. But these lands will only have value if there is transportation. Thus, the Battle of the Boot described by Dave Heatwole. Kantishna exemplifies another series of concerns. Kantishna had been mined almost continuously since 1905; further McKinley National Park, which was expanded to enclose Kantishna, was itself open for prospecting and mining. Several miners who have not been allowed to mine in Kantishna since 1985 still have not received compensation. Other concerns also exist. For example, the area is geologically very complex. Work done since the mid-1970's suggests that types of mineral deposits exist at

Kantishna that were never sought by prospectors.

McKinley Park, now Denali National Park, and Wrangell-St. Elias National Park are additions to the Park System known to be mineralized. But the extent of mineralization in these two huge units is still not known. The mineral potential of new parks, such as Lake Clark and the expanded Katmai National Park, is virtually unknown.

Section 1010 of ANILCA that suggests the United States still has a vested interest in the mineral estate has only been barely opened. The section states, "The Secretary shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands." Further, except on Park Service lands, the Secretary can even order drilling as a means of appraisal.

Recognizing the limitations of exploration carried out by relatively untrained scientists in the public sector, it would seem that such surveys would at least have great scientific value and would enlarge the database. They could, in theory, allow for a real use of Title 15 in a national emergency. Title 15 would operate on Public Domain (BLM) and Forest Service lands and would allow development in a national emergency. The process is long and cumbersome, but might work if a reasonable data base existed on such lands to identify them before the emergency started.

Conceding the loss of unappraised federal mineral lands as an intended consequence of ANILCA, perhaps the

most serious effect on other Alaskan sectors is the effective blockage of State and Native lands by Conservation Units whose extensions seemed to have been made solely for blocking the development of such lands. As an almost constant participant in the ANILCA process, I can attest that boundaries were changed to include, rather than exclude, known deposits; and further, that boundaries were adjusted to preclude economic development of many deposits. Quartz Hill, Greens Creek, Red Dog, and Golden Zone were excluded after the Carter exercise of the Antiquities Act, but many other deposits were enclosed. Of those deposits excluded, their development was rendered very difficult because of their location rela-

tive to conservation units.

Resolving access to legitimate-rights on State and Native lands seems the largest challenge to operation within the framework of ANILCA. The intent of Section 1010 should be a rational one that could be endorsed by many. Thus far, gathering of scientific mineral data seems to have few advocates — except among the miners.

During the ANILCA debate, Chuck Hawley was Executive Director of the Alaska Miners Association, and was a founding director for CMAL. He served on the advisory commissions to both pre- and post-ANILCA Land Planning Commissions.