The story behind the D-2 confusion

From Our Anchorage Bureau

If you liked the fight for Native land claims, you're going to love the battle over federal d-2 lands.

Congress must decide the fate of federal lands in Alaska by December, 1978 and solve a variety of local, regional, statewide and federal differences over how the land should be used and managed.

How did Congress get itself into this mess?

In 1971, the Alaska Native Claims Settlement Act was passed allowing Eskimos, Indians and Aleuts to keep 40 million acres of land and authorizing payment of 962.5 million for the lands they gave up or had taken from them.

The State of Alaska, under its 1958 Statehood Act, is allowed to select nearly 104 million acres of land. Even after the state and Natives complete their selections, there will still be vast areas remaining in federal ownership, or public domain. It is this remaining acreage which is now under study by Congress.

(Continued on Page 12)

How the D-2 mess started ...

(Continued from Page 1)

The study areas are commonly known as d-2 lands because it was Section 17(d)2 of the land claims settlement act that created the mechanism to set them aside for public use.

This mechanism required the Secretary of the Interior to submit to Congress his scheme for the division of public domain among the four agencies that manage federal lands for recreation and resource development. They are: the National Park Service (national parks and monuments), U.S. Forest Service (national forests), Fish and Wildlife Service (national wildlife refuges) and the Bureau of Land Management (national resource lands, unclassified public domain).

In addition, all four agencies are responsible for units of the Wild and Scenic Rivers System in ther areas.

Because certain parts of the state are extremely valuable, whether for development or preservation, developers, conservationists and Natives are fighting over the same areas.

This means that there will probably be some kind of park or reserve in the Wrangell Mountains, a park in the central Brooks Range and some form of management system for several major rivers. Beyond this general understanding, there does not seem to be much agreement.

Jealous Agencies

There are differences over what kind of reserves should be set up, how large they should be and who should manage them. Federal land agencies, all jealous of the power they hold over their various existing reserves, are anxious to see their systems enlarged in Alaska. Each has different policies governing use and development of the land, some more strict than others.

Congress must ponder how the public is going to have access to public reserves in areas where there are no roads. Loggers, miners and the oil and gas industry will try to make sure they can develop their interests in and around the new reserves.

Although there certainly will be new areas set aside for wilderness, where no development at all can take place, Congress must decide just how much to set aside. Congress must also decide how much sport and subsistence hunting should be allowed.

Dozen Bills

At one time, there were nearly a dozen d-2 bills before Congress. In addition, various regional Native corporations had prepared or were drafting d-2 proposals of their own. Some of these bills and proposals are outdated or being revised. Most regions seem to be waiting to see if they can support a statewide Native position before proceeding with plans of their own.

Following is a brief summary of d-2 bills introduced in the new Congress since the first of the year and some of the more significant statewide proposals:

The Alaska Conservation Act of 1977 (S.499) comprises the original recommendations of former Interior Secretary Rogers Morton. Morton called for 83 million acres to be divided among the four land management agencies. Although the lands would be managed under the traditional policies of each agency, there are provisions for some joint management of reserves by the National Park Service and Fish and Wildlife Service and Fish and Wildlife and the Bureau of Land Management. Subsistence hunting would continue in areas where it is now practiced.

The Alaska National Interest Land Conservation Act (H.R. 39 and S. 500) has been introduced by Rep. Morris Udall and Senator Henry Jackson. This bill would add 114 million acres to the National Park, National Wildlife Refuge and Wild, and Scenic River Systems. It would authorize the President to add lands by executive order to the Chugach and Tongass National Forests. Subsistence would continue in all areas and regulatory subsistence boards, made up of subsistence users, would be set up to issue subsistence use permits.

Unified Position

Alaska Congressman Don Young has not reintroduced his H.R. 6848, apparently waiting to see if Alaska Governor Jay Hammond and the Congressional delegation can reach agreement on a unified d-2 position. Young's proposal would add 51.25 million acres to existing federal systems to be managed under traditional policies. In addition, 16 million acres would be set aside in a scenic reserve system administered by the state and federal governments. The bill is designed to encourage more resource development consistent with scenic values and to provide more state control than the other congressional proposals.

Governor Hammond has suggested setting aside 40 million acres in permanent federal reserves and 62 million acres in "cooperative management areas to be managed by a joint federal-state Alaska Land Commission. Some State land would also be managed by the commission. Private landholdings could be included if landowners so desired.

The Federal State Land Use Planning Commission proposes adding 39 million acres to existing management systems and setting aside 46 million acres as the Alaska Land Reserve in several separate units. The reserve would be managed by existing agencies, but classified by the federal-state body.