

# United States Senate

WASHINGTON, D.C. 20510

November 14, 1979

Letter to a constituent  
from Senator GRAVEL:



Dear

Because of your past interest in the Alaska lands issue, I want to bring you up to date as to where we stand and share with you my views on this critical matter.

On October 30, the Senate Energy and Natural Resources Committee completed its "mark-up", or amendment process, of S.9, the Senate version of the Alaska lands bill. By a vote of 17 to 1 the Committee approved and reported the bill out. Senator Tsongas, who spearheaded the position of the environmentalists, was the only dissenting vote.

The bill now goes on the Senate calendar of bills where it will await consideration by the entire Senate, possibly in the next month or two.

Although I am not a member of the Senate Energy Committee, I received permission from the Chairman, Senator Jackson, to participate in the Committee's consideration of the Alaska bill and to offer amendments. Over the course of three weeks of "mark-up", Senator Stevens and I were able to secure literally dozens of amendments to last year's Senate Committee bill. Although many of these amendments were minor or clarifying in nature, taken in total the amendments make distinct improvements favorable to Alaska in the bill.

I think there can be no doubt that the bill reported out of the Committee is better in terms of Alaska's interests than the Senate Committee bill of last year. The new Senate Committee bill is far superior to the Udall bill, H.R. 39, which passed the House earlier this year.

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In terms of the Governor's and the State Legislature's seven "consensus points", I think the bill coming out of the Senate Energy Committee falls short. The most obvious point not met by the bill is the "no-more" provision. There is nothing in the bill which bans the Administration from creating or expanding additional conservation system units by Executive action such as with the Antiquities Act.

I personally feel the "consensus" point requiring a "rational means of access to state and private lands across federal enclaves" is also not met in the bill. Although the bill does contain a unique process for expediting decision-making in obtaining permission for rights-of-way for transportation and utility systems across conservation system units, the decision to permit such access rests in one case (refuges and national recreation and conservation areas) with the various agency heads with the possibility of an appeal to the President. In the case of parks and wilderness areas, the President must approve the access and then the Congress must okay it by joint resolution (a law). I offered an amendment in Committee which would have enabled the State of Alaska to file for access and then allow sufficient time for study and right-of-way location. If after a certain time, the Secretary did not issue a right-of-way providing reasonable access at some location, the application of the State would be automatically approved. To me, this would have been a "rational means of access".

Yet, another "consensus" point which I don't feel is strictly met by the bill is that "boundaries of federal reserves be drawn to exclude known highly valuable resources". While there is obviously some question as to what "highly valuable" may mean, we generally focused our attention on the seven mineral discovery sites identified in a Stanford Research Study as having the highest potential for mine development. Also considered were areas having potential for oil and gas such as the North Slope of the Arctic National Wildlife Range. All the mine sites except one, the US Borax molybdenum site in the Misty Fiords area, were excluded. No attempt was made to include the North Slope of Arctic Range in wilderness as some desired. The US Borax site is included in a Misty Fiords National Monument under the management of the U.S. Forest Service. Although there are specific provisions

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which would enable surface access to be constructed to the site and which would permit the claims to be "proved up", other regulations governing mine development within the Monument may prove formidable.

In addition, I'm sure others would argue that further "consensus points" concerning "continuation of traditional Alaskan uses of federal enclaves" and "continued state management of fish and game on all lands" may not have been fully met in the Committee bill.

Where we go from here depends very much on what the people of Alaska want. Many have said in the past that we need to finish the matter as soon as possible--take the best deal we can make and come back later if further modifications are needed. I personally am still of the belief that time is on our side and that if we refuse to accept bad legislation, our hand will strengthen.

However, if the sentiment in Alaska is that we should try to move forward with the Senate Committee bill, I will not stand in the way. If it appears that some kind of agreement might be obtained which would retain the Committee bill relatively intact on the floor of the Senate, and if Alaskans want to go that route, I would not block such an effort.

I think that it is imperative with any action, though, that we protect our ability to stop the bill should substantial changes take place in the bill which are detrimental to Alaskan interests. For that reason, I will not agree to any agreement under which we would lose the ability to filibuster a bill should substantial damaging amendments occur.

Senator Tsongas has already indicated he will seek changes in the bill on the Senate floor, possibly including a wholesale substitution of the bill with H.R. 39, the extreme bill which passed the House earlier this year. If that were to succeed, the bill would not go to conference but would go straight to the President for signing into law. But even several well-placed, comprehensive amendments could do equal damage. Thus, merely preventing the offering of a substitute, (which may or may not be possible), would not ensure passage of the Senate Committee bill in its present form.

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Beyond the perils of the Senate floor, we would still then face the conference with House members to work out differences between the Senate and House versions of the bill. The House members will be fighting hard to retain the provisions of H.R. 39, and some compromise on the part of the Senate conferees will certainly occur. Thus, we can expect further changes in the bill which will not be in Alaska's interests.

The prospects of even modest success are grim. At this time I am not locked into a definite course of action. Obviously the circumstances change daily and different conditions warrant different tactics. I am seeking the views of all Alaskans on this matter and hope this information will give you a better feel as to the issues involved. I would welcome any thoughts you might have on this matter.

With kind regards.

Sincerely,

  
Mike Gravel

MG/pp  
Enclosure