

companies, the mining interest, and so on. These exploiters of Alaska favor the Senate Energy Committee bill which fails to give Alaska's wilderness and wildlife the protection it merits for its unique and irreplaceable values."

Would it be worth the effort to write to the same newspaper and supply the truth with accurate figures? Would those in sympathy with our view be as responsive to a down-to-earth appeal as the environmentalists who will respond to the untruths and emotional garbage Ms. Parks is spreading around the eastern seaboard states?

To both questions, I doubt it. At least certain-

ly not in time to have an effect on the outcome of present d-2 negotiations, as of this writing, in Washington, D.C.

However, Ron Arnold, our speaker of July 24 at the Captain Cook Hotel is right: "An activist movement can only be defeated by an activist movement." So we will persevere and attempt to set the lady and her readers to rights because there will be more issues and more land battles before the smoke and dust clears away. We have no alternative but to stay in the fight because we can't afford to lose.

June 17, 1980  
MEMORANDUM  
Subject:  
Reorganization  
of the  
Department  
of  
Natural  
Resources

On July 1, 1979, the Department of Natural Resources implemented a reorganization plan. A major change was the disappearance of the Division of Lands. Responsibilities assigned to the Division of Lands by the legislature were reassigned administratively to newly created divisions. The reorganized divisions receiving jurisdictions were the Division of Forest, Land and Water Management; Division of Minerals and Energy Management; Division of Technical Services; Division of Research and Planning; Division of Agriculture; and Division of Geological and Geophysical Survey.

Reorganization of a department is necessary to more efficiently administer a program; however, the authorities established by law, through the legislative process, cannot be rearranged and redelegated by the administration without having the laws amended to transfer the authorities delegated. At issue is the authority delegated to the directory of the Division of Lands found throughout Alaska Statute 38.05. AS 38.05.035 lists specific authority assigned by the legislature and throughout the title the director is as defined in AS 38.05.365(5). Some of the duties are administered, but others are specific as to the authority to act as the certifying agent of the state. Of major concern are land title documents. If an unauthorized person is signing these documents, the whole chain of title can

collapse.

Many of the "director's" duties regarding land transactions have presumably been assigned by the commissioner to the Division of Forest, Land and Water Management. The Division of Forest, Land and Water Management was established by the legislature in AS 41.17.020(a), the Forest Resources and Practices Act. In this statute, the director is to be called the state forester, and his duties pertain to managing the state forests and provide technical advice to the *division of lands* on sound forest practices (AS 41.17.030).

Some of the legislative background relating to the Forest Practices Act was an intent to establish a division to administer the forest interest separate from the Division of Lands. Apparently, both the land and the forest are now under the State Forester, but whose authority by statute is limited by AS 41.17.

The DNR reorganization should be reviewed by the appropriate legislative committees to determine if the existing statutes in Title 38 should be rewritten to follow the reorganization, or if the reorganization should be brought into conformity with the laws.

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for Alaska, Inc.

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**RESOURCE REVIEW**

BOX 516

ANCHORAGE, ALASKA 99510

JULY-AUGUST 1980

**RON  
ARNOLD**

In July the Council brought Ron Arnold to Alaska to speak to as many RDC members and those who are basically in sympathy with the Council as we could get to listen.

Arnold is a former member of the Sierra Club and Alpine Lakes Protection Society. He is now a communication consultant, author and lecturer. He is an articulate man who has studied the problem of environmentalism thoroughly, understands its roots, its techniques for imposing its will; and he tells us how to counter the no-growth, anti-industrial, anti-people syndrome surrounding the "ism" of environmentalism. He describes the environmentalist movement as activism and uses as his underlying theme, "An activist movement can only be defeated by an activist movement." He adds to that thought, "It is important to understand that defeating environmentalism will not defeat the environment."

Arnold spoke in Ketchikan, Juneau, Anchorage,

Valdez and Fairbanks to a large variety of people. Watching and listening as he spoke, we realized that his approach changed slightly under the varying conditions where his speeches were made. Some presentations appeared better, more effective than others. So, we are now in the process of transcribing a composite speech from the tapes we made and will make the composite available to RDC members soon.

In Arnold's series of analytical articles -- now in book form -- entitled "The Environmental Battle", he discusses the immense political power of the environmental movement and exposes the threat it now presents to basic American values. His talks explain how the true environmental movement began in the 19th century with people honestly concerned only about the ecology and how it turned into a political power grab which now has brought the industrial, productive might of the U. S. virtually to its knees.

**NEPA  
BREEDING  
GROUND  
FOR  
LAWSUITS**

Over the past five years the Resource Development Council has been involved with countless environmental impact statements. During that time we have had members of groups -- obstructionists we call them -- tell us that no matter how well the environmental review is conducted, no matter how long the process takes, they will still file a lawsuit to stop the development when the process is concluded.

Obviously this attitude is incredibly frustrating to an organization whose goals are to develop a sound economic base in a clean environment.

What has occurred is that the NEPA process has become a breeding ground for lawsuits, with the groups supporting no-growth taking full advantage of the law; our side, on the other hand, lacks the legal standing to support its point of view. Our activities favoring specific development projects in the

state are generally supported by 80% or more of the population; yet we lose, and worse, the nation loses when development is paralyzed.

Our concern over the NEPA process also relates to its pervasiveness, which gives the federal government almost total control over state and local issues. We question whether Congress intended NEPA to be such an extreme intrusion into a state's jurisdiction over its own lands, its own resources.

An interesting task would be to fully document the costs to taxpayers of the environmental review process. For example, government review of the Beaufort Sea lease sale may have cost between \$23 and \$28 million dollars. It is very likely that the private sector and local governments spent an equivalent amount. The costs in man hours to prepare the EIS, the costs of delay, the costs in terms of lost

Continued next page

jobs, the costs in terms of energy shortages, and so on are staggering.

It is difficult to accept that the Corps and other government agencies are not as aware as we of the stalemates between government and industry, between bureaucracy and the private sector. Because of the well-known obstructionists, getting almost anything done within the free enterprise system becomes "Mission Impossible."

We are told by Herbert Meyer, author of THE WAR AGAINST PROGRESS, that Alaska has been

singled out as a target by the no-growthers. They are successful in much of what they try to obstruct largely because they receive help and comfort from elected officials. Working from both outside and inside government, the anti-business forces have made great inroads.

In all probability the only answer to the problem is in the voting booth; we have to elect people who will not provide obstructionists and no-growthers the help from government they absolutely have to have to succeed.

**COMPATIBLE CARIBOU** The Anchorage Times has reported what many of us were already inclined to believe to be true: Oil and animals can coexist just fine.

Raymond Cameron and Kenneth Whitten are caribou biologists for the Alaska Department of Fish and Game and say that their studies of calving and migration of caribou herds in areas of intensified oil exploration indicates no serious conflict. "Serious conflict" is their terminology; however, if one is to relate oil exploration activity to the fact

that 1979 caribou calving nearly doubled 1978, you could interpret oil exploration in the calving area as having some sort of positive effect on herd reproduction.

Secretary of Interior Cecil Andrus made statements recently that oil and animals don't mix. Sohio's study of the subject of wildlife in petroleum exploration areas proves Andrus' statements to be untrue.

**MORE WETLANDS** Attorney Tom Hookano, Chief of the Land Use Section of the Pacific Legal Foundation, tells us the Army Corps of Engineers is about to revise its Wetlands regulations at 33 C.F.R., Sections 320-329, and that the revisions are expected to be major. Hookano says that when the proposed revisions are published in the Federal Register, it will give us an

opportunity to comment and urge more equitable and efficient procedures as well as a more workable definition of the term Wetlands.

There is no indication whether the changes will be favorable to permit applicants or unfavorable. We'll keep the membership advised.

**FAIR'S FAIR** The Junior Livestock Auction at the state fair at Palmer will be at 2PM August 29. Young FFA and 4-H'ers hope their year of hard work bringing their animals along to prime time for sale will pay off. The Junior Livestock Auction has been anything but a sure thing for these youngsters who are getting started in the great world of free market enterprise. We think they deserve our support.

Resource Development Council will be at the Fair as well. No auctions, but we have questions to ask as many people as we can get to. Thanks to ATCO we have a trailer and will spot it across from the Hoskins Building on the main thoroughfare.

We can use your help at the trailer and participation in our opinion poll.

**TUNDRA** In May the Executive Committee of the Resource Development Council elected to support the Tundra Rebellion initiative proposed by Representative Dick Randolph of Fairbanks.

Initiatives similar to the Tundra Rebellion initiative have been passed into law in at least six other western states. Land-hungry Alaskans who believe in private ownership of land should have no trouble collecting the necessary voters' names.

The petition forms are in the hands of sponsors and available for signatures now. To get the initiative on the 1982 ballot requires a minimum of 10% of the number of voters who will vote in this fall's election. Sponsors of the initiative estimate 20,000 signatures are needed to be sure of at least 15,000 valid names. This, we are assured, is a safe number.

It is our position that whatever can be done to convey federal land to state ownership and state land to private ownership should be done.

Don't wait for someone to find you to sign the petition; look us up and sign as soon as possible.

classified as wetland. She also cited bureaucratic problems in the permit process due to the large number of government agencies involved. As a result of these problems, for example, it has been difficult for her town to get a small boat harbor, and for Union Oil to explore for oil and natural gas in Kenai. Glick also related to the subcommittee the experiences of several individuals and organizations with regard to the discriminatory enforcement practices of the United States Army Corps of Engineers (Corps). Glick advocated centralization of all permitting power in the Corps. After Glick completed her prepared comments, she responded to Senator Gravel's questions. Her entire presentation took approximately one hour.

The next witness was Gerry Arnold, a District Landman of the Atlantic Richfield Co. Arnold's testimony dealt with his company's operational delays due to the burdensome regulatory process, and the general problems caused by lack of concise definitions of wetlands areas in Alaska. After his brief presentation, he was asked several questions by both Gravel and Chaffee. Significantly, at this point the observation came out that while Alaska holds significant quantities of proven reserves of gas and oil, and the Alaska Pipeline is being used to transport oil to the people who need it, the excessive wetland regulatory scheme is making it difficult to feed the Pipeline.

Mrs. Glick was then called back to the table to answer several questions of Senator Chaffee, who was not present during portions of her testimony.

Next to testify was a panel of the National Wetlands Technical Council. Present were John Clark, Executive Secretary of the Council; Dr. Joseph Larson, Professor of Wildlife Biology of the University of Massachusetts; and Dr. Dwight Billings, Professor

of Biology of Duke University. Clark called for a change in the manner in which wetlands are currently regulated. He cited lack of concise definition of wetlands, and delay in the permit review process as examples of the problems currently faced in the present scheme. He felt, however, that reforms could be accomplished administratively rather than legislatively. Larson spoke generally about a conference on bottomland hardwood wetlands in which the Council made certain recommendations to federal agencies in order to assist them in formulating policies with respect to these areas. Billings presented some brief technical remarks about the permafrost in the tundra of the North Slope and the Atkasook area. After their presentations, they were questioned by Senator Gravel, then by Senator Chaffee.

The last witness of the hearing was Thomas Thomasello, an attorney with the National Wildlife Federation, who also spoke on behalf of several other environmental organizations. Basically, Thomasello argued in favor of continuation of the status quo in wetlands regulation. Senator Gravel attacked his testimony, pointing out that the consensus of those intimately familiar with the situation from all sides - industry, conservation groups, and the public - is that the wetlands regulatory scheme in Alaska must be changed. He questioned how Thomasello could come in and say that there was no problem.

Attached are the prepared presentations of Vice-Mayor Glick, Mr. Arnold, Messrs. Clark, Larson and Billings and Mr. Thomasello, as well as a statement submitted jointly by the Western Oil and Gas Association and the Alaska Oil and Gas Association. The tape of the hearing has been sent to Paula Easley.

CHRISTOPHER H. COLLINS

**ALASKA'S RESOURCES...** Karen Lew is now Editor of the Department of Natural Resources newsletter called "ALASKA'S RESOURCES." Anxious to increase distribution, we are told it is now available to the public at no charge. For a sample copy, contact Alaska's Re-

sources, Department of Natural Resources, 323 E. Fourth Avenue, Anchorage, AK 99501.

We've seen a sample, and it looks good.

**ME TOO ON D-2** A letter to the editor of a Ft. Smith, New Hampshire newspaper, the Portsmouth Herald, has come to our attention. It is an appeal to citizens to contact Senators William Cohen and George Mitchell asking them to co-sponsor and support the Tsongas-Roth substitute Alaskan d-2 land bill and all five strengthening amendments.

With her title and the powerful letter she authored to the newspaper, possibly one of many sent to many papers, one might expect that Ms. Parks is something of an expert on the subject of Alaska's ecology as well as its land use. Please allow us to quote to you from her letter:

The letter was written by the Chairman of the Committee on Alaskan Public Lands Legislation of the York County Audubon Society of York, Maine. Her name is Charlotte Parks.

"Already, so I understand, 225 million of Alaska's 375 million acres have been slated for immediate industrial development by the subdividers, the logging companies, the pulp and paper

Continued next page

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It is interesting to note, however, that Section 3 of the Alaska Statehood Act, also requires that the Constitution of the State of Alaska not be repugnant to the Constitution of the United States. It is clear that any land disclaimers in statehood acts are ineffective to derogate from the grant under the Equal Footing Doctrine.

The Equal Footing Doctrine is a well settled truism of Constitutional law which has been developed by judicial interpretation. The actual term "equal footing" does not appear in either the Constitution or in the Articles of Confederation. The Supreme Court has repeatedly referred to the condition of equality between the states as if it is an inherent attribute of the federal union.

One argument given by opponents of the 'sagebrush rebellion' is that the Equal Footing Doctrine only applies to political rights. This is countered, however, by the Pollard case and the fact that without federal relinquishment of land, states would be denied federal political "rights" such as large property tax bases.

Another important concept in the 'sagebrush rebellion' issue is the "trust theory" which says that the federal government only holds land in trust for states until it can be transferred to them incident to statehood. The Articles of Confederation and ordinances thereunder recognized this trust theory, and, as mentioned in my historical discussion, the argument goes that this trust theory continued to be applied to Congress under the Constitution.

The Supreme Court has intimated on numerous occasions that it would deny the federal government the right to hold public lands permanently without the consent of the state.

Some see Article 12, Section 12 of the Alaska Constitution as an impediment to a successful 'sagebrush rebellion' for Alaska. It is true that an Alaska

'sagebrush rebellion' initiative might be legally challenged as unconstitutional under Article 12, Section 12. However, this may not be true if the courts hold that federal retention of this land is unconstitutional in terms of the United States Constitution. Obviously, the Alaska Constitution would have to yield. In addition, HJR 51 calls for a constitutional amendment to be placed on the ballot which would take out that hindrance in our State Constitution.

Time is on the side of the federal government and they are probably delaying as much as possible and hoping to appropriate or reserve as much of the public land as possible prior to suit. It would behoove Alaska to start this process as soon as possible. Nevada's stance at this time is to wait in hopes of having other states pass similar legislation and join them in the suit. It is obvious that the Supreme Court is a political animal and that unified political pressure by western states will increase the possibility of success. One case relating to this issue pointed this out clearly by making the remark that the Supreme Court is a constitutional convention which is constantly in session.

It is to the state's advantage that there is no precedent on the issue of the Equal Footing Doctrine application to public lands. Alaska and Nevada could argue that not only are they unequal to the original 13 states, but that they are unequal to other public land states.

It is clear that any future suit by states to settle this issue will be based on the theory that the states should have received this land under the Equal Footing Doctrine shortly after statehood. Further, such suit would claim that since the land has not been transferred, it has been held in trust by the federal government for the states.

*tion of "critical" and "non-critical" areas. Further wetlands problems in Alaska are caused by the fact that there are several government agencies regulating this subject, and in some instances their efforts are not coordinated and they lack sufficient staff to process permits.*

*Subcommittee Chairman Senator Mike Gravel presided at the hearing. Senator John Chaffee was the only other committee member present. The hearing lasted three hours and was taped, but unfortunately, due to the acoustics, the quality of the tape is poor.*

*The first witness was Betty Glick, Vice Mayor of the City of Kenai. Mrs. Glick called for a balancing of environmental and socioeconomic factors in the Section 404 permit process. Glick stated that, under the present designation, 51% of her city is*

*Continued next page*

#### NOTABLE QUOTES

"When I come back in my next life I want to be an Alaskan salmon or whale because they get a lot more protection than Alaskan people."

-- John Bowers

"It is a socialist idea that making profits is a vice; I consider the real vice is making losses."

-- Sir Winston Churchill

"It's hard to soar with eagles when you're dealing with turkeys."

-- Overheard in Captain Cook lobby on July 1, 1980

"Congress has not yet been able to repeal the law of supply and demand."

-- Ron Arnold

"To me this is the worst part of the bill. We've lost statehood in that document; that's what we've done."

-- Irene Ryan (referring to Title XII of HR 39, S 9 and the Tsongas

compromise bill. Title XII would establish an Alaska Land Use Council.)

"You cannot strengthen the weak by weakening the strong.

"You cannot help small men by tearing down big men.

"You cannot help the poor by destroying the rich.

"You cannot lift the wage earner by pulling down the wage payer.

"You cannot keep out of trouble by spending more than your income.

"You cannot further the brotherhood of man by inciting class hatreds.

"You cannot establish security on borrowed money.

"You cannot build character and courage by taking away an individual's initiative and independence.

"You cannot help men permanently by doing for them what they could and should do for themselves."

-- Abraham Lincoln.

#### EXERPTS FROM TESTIMONY PRESENTED AT PUBLIC HEARINGS ON GAS LIQUIDS PROPOSALS

These events are now taking place with regard to the gas pipeline and petrochemical development:

1. Design of the gas pipeline project is underway including design of the gas conditioning plant. Removal of the gas liquids from the gas stream will have a substantial impact on the conditioning plant design.
2. Exxon has announced its intention to do a feasibility study on the gas liquids recovery.
3. The State of Alaska has received a number of outstanding proposals which would provide for gas liquids recovery and processing in Alaska using the state's royalty gas liquids and those belonging to the gas producers.
4. The gas liquids proposals provide for an independent feasibility study on the practicality of separating gas liquids and processing them in the state.

Based on prior experience with the Alpetco project and the difficulties encountered by both the company and the State of Alaska, it appears the following recommendations have merit:

1. All of the proposers expect a decision to be made in August. This date certainly appears to be in the best interests of all concerned in that it would allow adequate time for the state to assist the developing sponsor and the gas pipeline company to

move ahead. It would also provide substantial lead time for development of the feasibility study.

The suggestion has been made that perhaps a number of companies should be selected to do the feasibility study. This suggestion appears to be counter-productive in that it would make the ultimate selection more difficult. The selection of one project sponsor would assure the necessary financial commitment for a comprehensive study, whereas a multiple selection could ultimately cause each proponent to minimize its financial risk until it was assured of being finally chosen to build the facility. It is therefore our recommendation that a single project sponsor be selected this month, with instructions to complete the feasibility study as quickly as possible.

2. Recognizing that the facility will be a multi-billion dollar project, we feel it is important to select a firm with proven financial capability to complete the job without the necessity of a major delay while obtaining external financing.

3. The project sponsor selected should be willing to provide for maximum participation of Alaskan contractors, labor and management. If possible, direct financial participation by Alaska companies and/or individuals should be encouraged.

4. The project sponsor selected should be in a position to effectively negotiate with the owner companies for the purchase of gas liquids. We as-

Continued next page

#### WETLAND HEARINGS

Pacific Legal Foundation attorney Christopher H. Collins of the Washington, D.C. PLF office has sent a memorandum to the Council and Thomas Hookano, attorney in the Sacramento PLF office, on the subject of the Senate Environmental Pollution Subcommittee oversight hearing on implementation of Section 404 of the Federal Water Pollution Control Act (FWPCA) in Alaska, June 23, 1980.

The memo does not cover testimony submitted to the Washington hearings by the Council through PLF.

Collins' memo:

*The overall tone of the hearing was that, because of the unique situation in Alaska, in many instances traditional wetlands regulation under Section 404 of the FWPCA is impractical and improper. Under present criteria, much of Alaska is classified as wetland, with no provision for designa-*

sume the State of Alaska will assist in these negotiations, but the project sponsor would necessarily have to be able to deal effectively on matters involving costs and delivery schedules.

5. Finally, the company selected should have a proven record of experience in the field of gas liquids transportation, processing and marketing.

Gentlemen, time is of the essence. We commend your efforts to make a fair and timely decision on an issue that will favorably impact

**WILDERNESS,  
CIVILIZATION  
AND THE  
NEEDS  
OF  
HUMANKIND**  
by  
Arthur  
E. Hippler

One of the commonest assumptions underlying the thinking of the coercive utopian extremists who oppose human economic development in the name of environmental protection, is the untested and somewhat narrow minded idea that "untouched wilderness" is in some way superior to the works of man. More than that, in its extreme form it assumes man to be an excrescence on the face of the earth. It is a completely illogical and irrational point of view and is at its core immature, as even a cursory examination will show.

The "totalitarian greenies" tend to see the world in Mannichean terms, there is the unspoiled, un sullied wilderness, opposed to the befouled, bespoiled, humanly corrupted "used" part of earth. Part of their opposition to industrial development is a deep rooted belief that the works of man are ugly and abominable. They yearn for a time when there was greater hunger, poverty and want because they assume it was somehow greener then.

But let's look at it a bit more closely. Surely San Francisco didn't look so attractive when it was uninhabited scrub brush and sand dunes. Were the beautifully terraced rice fields of the Ifugao in Luzon actually aesthetically more pleasing as simple mountainside? The beautifully sculptured lawns of England, the sensually delightful horse pastures of Maryland, the dramatic beauty of the night sky over Pittsburgh, the New York City skyline, are these unattractive? The pyramids of Giza, the Wall of China, even the rows of houses in any suburban development, have they no beauty comparable to, let us say, a swamp, or a mosquito-infested jungle? To ask the question is to answer it.

It is argued that, nonetheless, when humans act on the environment, they alter it, subtly and dramatically, it is never the same; and in the process they create pollution, often in massive amounts.

But, in fact, the natural wonders and beauties that most people admire most are, in fact, usually the results of catastrophes. The Grand Canyon is a classic piece of overwhelming non-human caused erosion; mountain ranges are the results of massive earthquakes; volcanoes such as St. Helens do more damage in hours than the entire human race can achieve in years. In fact, normal volcanic venting of

Alaska's economic stability.

We are confident development of a petrochemicals industry in Alaska will be accomplished in an environmentally sound manner, and we encourage the State of Alaska to assist in every way possible to make this new industry a reality.

Respectfully submitted,  
RESOURCE DEVELOPMENT COUNCIL  
for Alaska, Inc.  
Paula P. Easley  
Executive Director

gases is responsible for tremendously greater pollutants than human industrial activity. If the slag heap from a volcano is beautiful, why isn't one from a steel plant? Why? Obviously because the second is man made. The reality is that both are about aesthetically equivalent; but the coercive utopian can see the process of change which caused one, he merely assumes the other to the eternal. And it is what he thinks of as enduring, that he loves.

But what is so sacred about stasis? All nature is always in the process of change, change in environment is the basic push behind evolution and has created millions of species. The idea that one should (or even can) freeze some part of it forever intact is not merely reactionary. It's silly.

But, it is argued, not only do humans pollute by their activities, they destroy whole species. It is probably true that a number of species have become extinct, at least in part, through human agency. So what? The period hundreds of millions of years ago called the Permo-Triassic Boundary saw a 96 percent extinction of all life forms. This kind of thing we now know happened again and again in the long history of earth; and is a part of the heritage of life. Perhaps God has never read the Environmental Protection Act.

In any event, the only objection to the extinction of species has to be based on some human reasoning. It is man that is the highest good. Even the man who argues that this is not true has to do so from the basis of a human logic system. If humankind is benefitted by a reduction in some species, that is a perfectly legitimate reason to do so. The argument that this impoverishes us by reducing diversity assumes that there always were these and only these present species. It's akin to the argument that modern culture homogenizes people, reducing the number of interesting differences, when in reality is only in modern culture that there is room for vast diversity of viewpoint and then only in the Euroamerican industrial societies that are supposed to be so restrictive.

Humans by their most simple acts cannot avoid altering the world. Nothing can. All creatures alter the world, some such as elephants in obvious dra-

Continued next page

The other point noted in her remarks, addresses those who lobby:

*"That age-old saw about eternal vigilance was never more true than it is today. If you are work-*

*ing in favor of a bill, pursue it until you know that it has been signed into law and survived any court tests it might face. When you oppose a measure, keep hitting it until it is dead, buried, and then keep an eye on its grave."*

**INTERNATIONAL  
TRADE**

On June 26, 1980 Mr. Jack Wilburn, Director of International Trade Administration, U. S. Department of Commerce, addressed the Council at its regular Thursday morning breakfast meeting. Wilburn's speech concerned America's role in international trade. We were saddened to learn that Mr. Wilburn was one of nine who died in an airplane crash about 80 miles east of Nome on July 21, 1980.

In his remarks and discussion with the Council members, Wilburn talked about goals and programs of the ITA and some of the challenges and problems.

He said, in part: *"The U. S. economy no longer is or can pretend to be economically invulnerable. We live in a world where the markets for goods and services are global. We have realized our post-war goal of an interdependent world economy -- but at the expense of our economic dominance and freedom of action. In the process, domestic and international issues have become thoroughly intertwined."*

**TUNDRA  
REBELLION  
BACKGROUND**

Attorney Bob Shelley of Juneau has written an excellent background and explanation of the Sagebrush and Tundra Rebellions. It is quite lengthy, but we will be happy to make available copies of the full text.

Here is a condensation of Shelly's paper:

One might ask why Alaska should pursue the Tundra Rebellion at all. The reasoning behind this effort is one of more local control with individual control over one's own life as an ultimate objective. The theory is that federal control offers the least amount of Alaskan and individual choice. If title is transferred into state hands, Alaskans will have more control, and the likelihood of eventual transfer of land into private ownership is greatly enhanced.

The Articles of Confederation gave Congress no power to own land within a state. Ordinances and resolutions enacted under the Articles of Confederation confirmed the trust of the public lands and acknowledged the duty of the feds to dispose of the land. Included in these was the Northwest Ordinance regarding land north of the Ohio River. It provided for the admission of new states on an equal footing and for a duty on Congress to dispose of this land. Congress was to dispose of this land until the area became a state, in which case it would be transferred to the state along with sovereignty.

Under the Articles of Confederation, each state maintained its sovereignty but the federal govern-

*Improving the U. S. performance in the international economy requires new and bold steps. We must ensure that American business can compete successfully and vigorously in a dramatically new international economic order.*

*The challenge to America is to learn how to compete more effectively with other nations by solving our own problems, by developing our own advantages, and by adjusting to a changing world marketplace in the light of our own national interests.*

*Americans understand the issues and trade-offs involved, but they want leadership in developing a coordinated course of action they can support. That is the challenge.*

*Unless we put our house in order, our problems could lead to a dramatically smaller share of the world economic pie. The quality of our national life and the virtues in which we take pride -- our optimism, openness and generosity -- may be threatened."*

ment was charged with resolving boundary disputes. The Confederacy did not own one foot of land in the original 13 colonies.

Also under the Articles of Confederation, original states were to give back to the federal government claims to westward land which they had made following the Declaration of Independence. This was so the feds could hold this land in trust, both to sell and pay off revolutionary war debts, and to transfer to new states upon admission.

It is the contention of Nevada, based on legal arguments discussed elsewhere, that the new Congress under the Constitution succeeded the old Congress as the trust administrator for the land to be transferred to new states.

The first two new states admitted were Vermont and Kentucky in 1791 and 1792. No terms or conditions were placed on their admission to the union and the federal government kept no land within those states.

As new states were admitted to the Union, very little land was retained by the federal government until the Rocky Mountains were reached. From that point westward, most states had imposed on them, as a condition to becoming a state, that they forever disclaim all rights and title to any lands or other property not granted to the state under the authority of the Act. Because of this term of these statehood acts, many states, including Alaska, wrote into their state constitutions this disclaimer on land.

Continued next page

and they are used to identify soils that favor the production and regeneration of hydrophytic vegetation.

Most wetland plants can be characterized as "aquatic" (with floating or submerged leaves) or "emergent" (with aerial leaves). Vegetative terminology was explained as was reproductive terminology. Guides to "keying" were also practiced.

The topic of Clean Water Act Litigation -- "The Prevot Case: Its Policy and Program Implication" was part of the seminar, as the Corps considers it an extremely important case. It was divided into two

parts: (1) Does the clearing of land (bottomland hardwoods) to fill for agricultural land constitute a dredging and fill operation as it relates to Section 404? The case gave EPA final authority and said that it was a regulatory function for the Corps. (2) Was the U. S. government's methodology sound in determining "waters of the U.S.?" This opinion is still pending.

A detailed report and information paper is being compiled by Hayden and will be available for those requesting a copy. To reserve yours, call the RDC office today.

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We urge members to order the following books by calling or writing the RDC office:

**THE WAR AGAINST PROGRESS** by Herbert E. Meyer, Associate Editor of Fortune magazine and member of Council on Foreign Relations.

In this timely treatise, Meyer points out the conflict that rages between advocates of two philosophies:

(1) Those who argue that we are running out of resources and room, that economic growth and technological innovation are too risky to tolerate; and that the traditional emphasis on creating wealth must give way to redistributing existing wealth --

(2) Those who argue that we are running out of our confidence in ourselves and faith in the free-enterprise system; that the risks of pushing forward are not nearly as frightening as the risks of standing still; that our country's problems are solvable by creating more wealth in the private sector.

Meyer then explicitly explains how to stop the war. Absolutely *must* reading for Resource Development Council members. (Then there'll be a host of others you'll want to read.) COST: \$11.95

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**NO LAND IS AN ISLAND** (Individual Rights and Government Control of Land Use), Institute for Contemporary Studies.

If you own land, what do you really own? In recent years, clouds on land title have appeared from federal and state land use regulations, local zoning, etc., to the extent that there has been a virtual freeze on development in many areas. Increasing government control on land use has its roots in concern about the environment and quality of life. The book examines the public debate on land use and asks critical questions. Some juicy titles of articles by an impressive list of contributors are: "Why Are There No Poor People in the Sierra Club?" "The New Feudalism -- State Land Use Controls," "No Zoning is the Best Zoning," and "Eminent Domain and the Police Power." COST \$5.95

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**WHAT IS A LEGISLATOR?**

Speaking to the Free Enterprise Committee on July 1, Representative from District 10, Ramona Barnes, made a couple of important points and said it well.

*"There is an eternal debate, one which will probably never be resolved, about what the proper role of a legislator is. Some hold that it is to vote as closely as can be determined the will and the conscience of the constituency: to slavishly follow what a member feels will make the most people in the district happy. The opposite view is that a legislator -- whether to a city council, a state governing body, or the national congress -- is sent to that capital to rep-*

*resent the constituency with one's own best judgment. It is held that often the electorate is not properly informed on many issues, and therefore the legislator should make the decisions on behalf of the constituency. I remain convinced that the real and ideal essential truth lies precisely in the middle. I know that there are times when I know more about an issue than you do, simply because I am in the middle of legislative matters. At the same time, I know that there are times when you know your own wants and wishes better than I, because you are living with the issue right here at home."*

Continued next page

matic ways, others such as photoplankton in the ocean in less obvious but far more dramatic ways. What was the world like before them? Very different, no doubt, as it will be when they are gone. But change of form is the only truth of life. Would it have been better to try to "protect" dinosaurs against extinction? If so why? What would have been lost in the process if some "econut" could have intervened?

There is nothing especially beautiful about untamed nature that does not owe its existence to dramatic forces of destruction and alteration. Yet any form of destruction or even alteration proposed by man is opposed by some. Unable to appreciate the beauty of mankind and its creations, and blind in the face of the overwhelming truth that human creativity overcomes all challenges; they cower in fear of altering nature; though from the first ape who climbed down a tree that was no longer possible.

It is the arbitrariness of it that is stunning. Stop the world at some older time, please. Where exactly: 1963, 1921, 1860, 1410? Not only is it inane, it provides us with the basis of understanding the nature of such fearful, human hating, knee jerk fear of mans capacities. It is infantile.

Infants are both attracted by and fearful of adult power. They want at every stage of growth and maturation, both to step ahead into life and to return to a dependent womb-like existence. We suggest that the extreme anxiety of those who fear mans acts on earth is another form of immaturity. They'd rather run and hide than work through new creative technological solutions. One of the most interesting things about anti-development, anti-industrial extremists is the high concentration in their ranks of the irrational, astrologers, believers in astral projection, visitation from outer space, the incorrect belief that things grown in manure are somehow better than those grown in phosphates, a belief in magic and witch craft, and a need to believe that

things are mysterious and unknowable.

Psychiatrists can easily recognize the immature components of this kind of belief system. It tends to relate to oedipal problems. How else explain the anxiety about "befouling mother earth," the need to "think small" (act more like a child). No growth. On the very face of it this is an anxious, fearful retreat from adulthood. If we all run off into the woods, we'll be safe from adult responsibility, is what they seem to say.

Of course, all of this is merely funny in the child from 7 to 12 years old. These beliefs so common in children of that age are part of what give them their charm. Such immaturity in association with other normal adult powers can be horrendously destructive.

So, such people, afraid of what will happen if they "fool around with nature" and anxious that their own inner controls will not keep them from "fooling around," project the need for rules onto everyone else. And that brings us to the great paradox of those who would return to some simpler time. They want to force everyone to do so in a totalitarian fashion. Their fear is so great that they espouse draconian rules to restrict everyone, always somehow in favor of some great good. But the great good usually turns out to be some infantile notion about the rights of trees or seals. They have a lust for regulation. By that they reassure themselves that they will not do the naughty thing they are afraid daddy will punish them for.

Bizarre, isn't it? And yet you see it all around you, the utter blindness to reality of the nature protecting absolutists, the anti-growth, anti-development litany they espouse is without question best described as immature oedipal anxiety, and a true hatred of the productive non-fearful adults of the world.

So remember, the next time some coercive utopian talks about protecting mother earth, you know something about him that he doesn't.

#### **ALASKAN WETLANDS SCIENCE & TECHNOLOGY TRAINING COURSE**

Although not the original intent of wetlands legislation, it is now used to preserve the numerous values of wetlands; i.e. commercial fisheries, agriculture, recreation, aesthetics, food chain production, habitat for land and aquatic species, shoreline protection, water storage, groundwater recharge and water purification.

The permitting process was established in 1972 and the U. S. Army Corps of Engineers established guidelines and is the chief administrator. The fulfillment of these responsibilities of recent legislation frequently requires the detailed study and evaluation of wetland areas for the purpose of establishing their baseline characteristics and qualities, and for assessing the probable impacts of construction work on the wetlands in question.

RDC staff member Larry Hayden attended the multi-parameter-approach class offered by the

Corps July 28 - August 4th. "It was a technical course offering identification methodologies," Hayden said.

Participants were acquainted with major wetland characteristics and applicable regulations. A wetland is considered a wetland when it can meet *all three* criteria of hydrology, vegetation and soils.

A distinction was made between an aquatic ecosystem hydrology and a wetland ecosystem hydrology as follows: in aquatic the substrate is permanently inundated or saturated; if wetland the area is inundated or saturated by surface or ground water with detectable intermittent periodicity during the growing season

Soil formation factors and taxonomy were covered in great depth. Hydric soils were defined

Continued next page