



**Opening Statement**  
**Full Committee Oversight Hearing on ANILCA**  
**Chairman Lisa Murkowski**  
**December 3, 2015**

Good morning, everyone. The Committee will come to order. This morning we are conducting an oversight hearing on the Alaska National Interest Lands Conservation Act. We refer to this as ANILCA. This was a law that President Carter signed on December 2, 1980. We are 35 years and a day into enactment of ANILCA and it's certainly time for a review and that's the purpose of this oversight hearing before the energy and natural resources committee this morning.

ANILCA set aside 104 million acres of national parks, refuges, monuments, and wild and scenic rivers in one state and that's in my state, the state of Alaska and modified the use of another nearly 40 million acres of parks and refuges located there. Overall, the bill protected an area larger than the state of California and classified more than 57 million acres as wilderness representing, at that point, 61 percent of all formal wilderness in our nation.

The 35th anniversary of ANILCA is an opportunity to examine how the law has and has not worked for Alaskans and really for all Americans. This is also a perfect moment to reassert that the law must be implemented as it was written, not as federal agencies wish it was written. And that means the federal government must honor rural preference, protect subsistence rights, provide Alaskans with access to our lands, and allow us to responsibly develop our resources.

For those who are not familiar with the long history of ANILCA, its final form reflects a series of compromises that were largely developed here in the United States Senate. The House of Representatives agreed to them, as did President Carter. And that was critical, because those compromises provide a measure of balance to ANILCA in the form of declarations, restrictions, and exceptions intended to limit the negative effects this that law could have on Alaskans.

For example, the first section of ANILCA asserts that the Act "provides sufficient protection for the national interest in the scenic, natural, cultural, and environmental values on public lands in Alaska."

The same section declares that ANILCA "represents a proper balance between the reservation of national conservation system units and those public lands...and thus Congress believes that the need for future legislation designating new conservation system units...has been obviated thereby."

This section, 1326, which we in Alaska refer to as the "no more" clause, ANILCA explicitly prohibits the President from ever again using the Antiquities Act to create new monuments in Alaska without congressional approval. It also sought to limit new land set-asides in the state by prohibiting some of the studies that precede them.

Now along with the words are contained in the act itself within ANILCA, we have the words of those who worked on ANILCA to go by. At the signing ceremony for ANILCA, President Carter observed and I quote here:

“... strikes a balance between protecting areas of great beauty and value and allowing development of Alaska’s vital oil and gas and mineral and timber resources. A hundred percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration and drilling. With this bill we are acknowledging that Alaska’s wilderness areas are truly this country’s crown jewels and that Alaska’s resources are treasures of another sort.”

That was President Carter’s comment at the time of signing ANILCA that 100 percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available to exploration and development. What a promise that was.

When you look at the plain text of ANILCA, and the statements made about it by the people who wrote it, you see efforts to seek and maintain balance. ANILCA would not only protect lands and wildlife in Alaska, it would also protect the people who live there. The Act acknowledged that when it comes to formal wilderness, we had done our part and contributed our share. And at least in my read, it was not intended to close off our best opportunities or threaten our livelihoods.

ANILCA has protected Alaska’s “crown jewels” and has aided our tourism industry. But there are other aspects, particularly associated with its implementation, that have proven far more problematic. Take, for example, the promises made to Alaskans:

- That we would not have to live in a “permit society”;
- That we could continue to use the newly created conservation system units for recreation, hunting and fishing and subsistence;
- That we would be guaranteed access to and across inholdings; and
- That we could access our timber, our oil, our gas, and our mineral resources.

Today, all of those have been diminished, if not abandoned.

And it’s not just that lands and waters for oil and gas development in Alaska have either been withdrawn or regulated to the point where no operator can do business, in violation of President Carter’s promise.

And it’s not just that more than 40 million more acres of Alaska have been withdrawn or proposed for protection over the past seven years, including half of our National Petroleum Reserve and almost all of ANWR, clearly undercutting ANILCA’s “no more” clause.

And it’s not just that nearly 15 million acres have been removed from the timber base in our national forests, contributing to the demise of an industry that once employed thousands in the Southeast.

And it’s not just that Alaskans are increasingly denied the ability to access private inholdings in or by passing through conservation system units, or that existing traditional rights such as our ability to hunt and fish on public lands are being extinguished.

And it’s not just the series of new land planning efforts that seek to make temporary withdrawals permanent, and evade ANILCA with new withdrawals through tools like “Areas of Critical Environmental Concern.”

And it's not just the access rights promised in Title 11 of ANILCA, which have never been successfully implemented and never provided access to a single acre of Alaska's 365 million acres of land.

And it's not just Alaskans like John Sturgeon, who will go before the U.S. Supreme Court next year fighting for his right to access traditional hunting grounds after being denied access by the National Park Service.

It's the combination of all of those. It is the cumulative effect. It is the fact that the federal government, in ways large and small, is trampling state on our state sovereignty over state lands and private sovereignty over private lands in Alaska.

The federal government is changing its interpretations of ANILCA to suit itself, with bureaucrats seeking to apply the law as they would have written it, but not as it was agreed to by congress and as stated by President Carter. As that happens, no one in Washington, D.C. ever seems to hear the Alaskans who are impacted by the loss of access, rights, and opportunities that inevitably follow.

This is a law that's out of balance. It's out of balance. It is admittedly a very complex law, and sometimes with seemingly contradictory directions to federal agencies. And that likely is because ANILCA is the only time that Congress has passed legislation that applies to virtually all federal lands within a single state's borders.

Clearly we could spend many days discussing this Act. Just the issue of subsistence, and its importance for Alaska Natives, and the management of fish and game stocks could consume many hours.

My hope is that this hearing will serve as a starting point to make ANILCA work better for Alaskans, even as we protect our natural treasures and the subsistence rights of our native peoples. We had dozens more witnesses who wanted to speak this morning, but time and space just simply preclude the size of the panel needed to truly depict the impacts of the Act in Alaska, and across the nation. But I can promise you that there will be more opportunities to be heard on this.

I am grateful that we have a strong panel of witnesses, many of whom including our governor and our state senator who have flew thousands of miles, four thousand miles, to be here.

Governor Walker, Senator Coghill, and our whole panel thank you for being here to share your expertise on ANILCA and for the discussions that will follow. Senator Sullivan has joined the committee for his comments this morning.

And as Alaskans have shown great interest in submitting comments on the law, I have statements that I will also like to submit for the record. These are statements from Kirk Dahlstrom, of Viking Lumber Inc. of Klawock on some of the timber issues. We have a statement from Ms. Sally Gibert, former Alaska ANILCA program coordinator on ways to improve the operation of the act. We have comments from Mr. Ron Yarnell and Mr. Jim Kowalsky, both supporting the act's environmental benefits, and a comment from Sarah Leonard of the Alaska Travel Industry Association, supporting the act's impacts on Alaska. I'm told that there's going to be plenty more testimony coming from others including many in Alaska's Native community and we would look forward to receiving them at the time.

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