

Chapter I: Executive Summary

Background

The series of Public Land Orders (PLOs) issued from 1972 to 1975, signed by the Secretary of the Interior under the authority of Section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA) withdrew and reserved lands for study and classification. These d-1 PLOs closed the lands to disposal and appropriation under the public land laws (including mining and mineral leasing laws) except for PLO No. 5180, which did allow for location of metalliferous minerals. The intent was to limit appropriations of the land in order to complete inventories of resources and assessment of values which would allow for orderly development of land use and management objectives for present and future public needs.

In the 1980's pursuant to Section 1008 of Alaska National Interest Lands Conservation Act (ANILCA), some limited studies and environmental assessments were done and about 10 million acres of the land withdrawn by the d-1 PLOs were opened to entry. No further openings have been offered since that time. The BLM's land use planning (LUP) process now serves as the means to assess resource values and make recommendations for opening lands withdrawn by these PLOs. However, the time-frame requirements and priorities of the LUP process frustrate stakeholders and industry who view the PLOs as obsolete and no longer appropriate. As land ownership patterns become more stable, pressure on BLM has been increasing from the State of Alaska, local governments, Native corporations, and development interest groups to expedite the opening of lands affected by these PLOs. In response, a section was included in the proposed legislation for the Alaska Land Transfer Acceleration Act that would give the Secretary authority (with some limitations) to open lands without environmental review. This proposed authority met opposition and the final negotiated version of this section requires the Secretary to complete a report to Congress by June of 2006 which will determine and identify withdrawn lands that can be opened to appropriation. The report is to be prepared with public notice and recommendations are to be "consistent with the protection of the public interest in these lands."

Scope

This report contains only recommendations. There is no action pending by the BLM and therefore no environmental analysis was conducted pursuant to the National Environmental Protection Act (NEPA).

There are approximately 158,958,000 acres of land affected by d-1 PLO's in Alaska. This BLM review identifies all d-1 withdrawals in Alaska regardless of the surface managing agency. However, the BLM formulated recommendations only on lands administered by the BLM. Where d-1 withdrawals overlap Conservation System Units (CSU), the managing agency was afforded an opportunity to make recommendations. In instances where no recommendations were received, this report defers to the agency's administrative process for future recommendations.

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Roughly 56,870,900 acres of BLM-managed lands are withdrawn by the d-1 PLOs. Some of the d-1 PLOs affect lands which include overlapping withdrawal orders (PLO 5150 Utility Corridor withdrawal), ANILCA designations (BLM-managed CSU, WSR,) or State and ANCSA selections.

Selected lands will remain segregated regardless of the status of the d-1 withdrawal or until the selections are fully adjudicated or relinquished. It is anticipated that 20,000,000 acres will be conveyed out of federal ownership by 2009.

The report considers the segregation of overlapping withdrawals that would remain on the lands if a d-1 withdrawal is lifted, but no recommendations are made to the disposition of the remaining withdrawals.

Some of these lands are undergoing land use planning by the BLM. The recommendation on the disposition of the d-1 withdrawals have been adopted from the plans and incorporated into this report. *See page 120-121, Planning Schedule.*

Effects

Lifting a d-1 withdrawal will primarily open the lands to leaseable and locatable minerals. It could also open lands to other disposal actions such as land sales which are discretionary. However, in many instances lifting the withdrawal will have no immediate effect. For example, selected land will remain segregated from leaseable or locatable entry. Or an overlapping withdrawal may require additional action by the managing agency. Regarding mineral leasing, the BLM is required to consider environmental consequences and conduct sufficient NEPA analysis prior to selling any leases. An Application for Permit to Drill must also be approved prior to ground disturbance on BLM-administered lands. Any mining activity for locatables requires an approved plan of operations and NEPA analysis.

Report Organization

The d-1 withdrawals are widely distributed across Alaska. For that reason the analysis is divided into 12 geographic areas. There is no political or resource significance to the boundaries of the 12 areas other than compactness. A geographic area may have one or more PLO. Each PLO within the area was reviewed and analyzed for the effect of lifting the withdrawal, and a recommendation was made. The analysis and recommendations were then compiled into a single matrix for each of the 12 areas. A statewide summary was then compiled.

All acreages are approximate based on the best information available. Some discrepancies with computer records were discovered during the development of the maps but were insignificant accounting for less than .01 % of the lands involved. After the public comment period some acreages were adjusted based on updated records.

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The BLM developed a communication plan which included the public, the State of Alaska and other federal agencies. There was a 90 day comment period to review and comment on the existing d-1 withdrawals. The input received was incorporated into this report. All comments received are contained in Chapter III, along with analysis and summary. Comments were generally categorized as in favor of lifting the d-1 withdrawals, opposed to lifting the d-1 withdrawals, or outside the scope of this report.

Summary

The BLM is responsible for determining what is in the public interest and has discretion to balance factors in making a public interest determination. To determine if the d-1 withdrawals were needed to protect the public interest in the lands, BLM gave full consideration to the opportunity to achieve better management of federal lands, and to meet the needs of state and local residents and their economies through a public involvement process and resource analysis.

The ANCSA withdrawals were intended to protect resources, to prevent encumbrances that could interfere with State or Native entitlements, and to study lands for further inclusion into conservation units. In the early 1970s when the lands were withdrawn under Section 17(d)(1) and (d)(2) of the ANCSA, there were few regulations to oversee the development of the public lands and protect important natural resources. Since then Congress has passed significant legislation for the orderly development of the public lands and to protect the environment from adverse impacts. The BLM has 1) developed extensive oil and gas lease stipulations, required operating procedures (ROPs), and surface management regulations for miners, which are now in place and sufficient to assess and protect the resources in most situations, 2) the selection period is over and the BLM is completing conveyance of State and Native entitlements, and 3) more than 102,097,900 acres have been withdrawn by ANILCA and incorporated into CSUs sufficient to protect those lands.

Approximate Acreage in 1,000s

	Total Lands Withdrawn	Other Fed Agencies Administered Lands	BLM Administered Lands	BLM Lands Previously Opened	BLM Lands Selected	BLM Overlapping Withdrawals	Recommend Maintaining	Recommend Lifting	Immediately Opened to Entry
TOTALS	158958	102097.9	56870.9	9876	28584.4	4849.3	6776.6	152181.4	21459.7

In summary, there are more than 158,958,000 acres of d-1 withdrawals in Alaska. Many of these d-1 withdrawals have outlived their original purpose. It may be appropriate to lift many of d-1 withdrawals and the most effective and preferred means in managing this process is through BLM's land use planning process. Approximately 152,181,400 acres or 95% of these withdrawals could be lifted consistent with the protection of the public's interest. Many of these lands would remain segregated or require additional administrative procedures (NEPA/decisional) before any development can take place. Because remaining segregations overlap the d-1 withdrawals, lifting these withdrawals would provide immediate entry on only 21,459,700 acres or 14% of the d-1s recommended to be lifted. A majority of these lands have

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low to medium locatable mineral potential with a few scattered areas of high potential. Very few of these lands have any known potential for coal, oil or gas. Most lands with medium to high locatable mineral potential, or known leaseable mineral potential, were previously opened, or selected by the State of Alaska or Native corporations. This and more stringent requirements for managing development, means the original protections from the d-1 withdrawals are no longer critical for the protection of the public's interest. The d-1 withdrawals are an unnecessary encumbrance on the public land records complicating interpretation of the title records by the public. In contrast, it is apparent that the retention of approximately 6,776,600 acres of d-1 withdrawals is warranted to provide temporary protection on specific sensitive areas. Maintenance of these withdrawals is appropriate until another withdrawal is put into place.

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