

Call number: 01-79-08 PT. 4

Name: General discussion

Date and place: 10/16/1976, University of Alaska Fairbanks

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Date of summary's creation: 10/27/15

Notes: Original on 7-inch reel. Master copy on CD.

The previous speaker [Chuck Herbert, 01-79-08 PT. 3] continues talking about Section 8 of Alaska State Constitution mid-sentence. Then he starts talking about Section 11. He says that people think that mineral resources are Alaska's and shouldn't be extracted by outsiders. That's not written into Alaska's constitution which follows U.S. law. U.S. law states that discovery and appropriation are the basis for rights to minerals.

They have seen various attempts to change the law in Congress where they thought that discovery isn't important. Herbert thinks that discoverer is essential. He thanks the audience.

2:14 The chairperson thanks Chuck and says that the commissioner of natural resources won't lack things to do, introducing Guy Martin. Guy says that he's not as prepared to discuss natural resources as he would have liked to be. He wanted to answer a question of whether the people who wrote Alaska constitution have a different vision for what they wanted than people in other states.

He understood that people in Alaska did have a different vision than people in other western states but he thinks that despite of the feeling, the vision doesn't show in the constitution. Even though constitution is of considerable integrity, there's very little new or visionary in it.

5:44 The speaker found a number of the same impressions while reading the constitution as the other panelists did. He agrees with other panelists that the orientation of Alaska constitution is toward settlement and development to the maximum value according to public interest and that is stated throughout the document. Alternative values or definition of public interest weren't written in. It was left for future interpretation as were concepts of replenishment and sustained yield.

The ideas of sustained yield and replenishment of resources were a strong orientation for the framers [of Constitution]. The concept has held up to time, but they still don't have a clear picture of what replenishment of the state's many resources looks like. They have a valuable concept but they aren't carrying it as well as they should.

7:47 Multiple use or concurrent use is a strong concept in the constitution and Guy thinks they meant that several things could be going on at the same time in a certain land area. They haven't formed a clear idea of what multiple use means, however, and it's true that the most prominent uses are the important ones regardless of what else might be listed.

There's a strong trend toward unified use of resources and states that have broken up resources management into very specialized areas envy Alaska for unified management of natural resources.

9:50 Guy talks about their lack of awareness of Native cultures. He thinks that the delegates were trying to build a constitutional society on top of existing Native cultures, not in partnership with them. During the Alaska Native Claims Settlement, that was recognized widely.

Guy thinks that there's also unevenness in the natural resources article. Fisheries and minerals got greater attention than many other resource values and commodities that were not suspected to be of great importance in Alaska's future. Language considering minerals is rather statutory rather than constitutional.

12:19 Guy thinks that 20 years ago, the framers missed the importance of Native land claims issue and its impact on natural resources in Alaska. They also missed the size and importance of energy development like Prudhoe Bay and other large scale developments that force one to rethink resource management. One example is oil tax debates.

14:20 [Talks about cost of development that is much higher in Alaska and how only large scale projects are profitable. The speaker thinks that costs determine certain amount of their policy rather than their desires or even the value that the resource have.

He thinks that it would also have been difficult for framers to see the continued federal involvement in Alaska. Contrary to people's expectations, it hasn't diminished and Federal government still holds land and resources that are rightfully theirs under the Native Claims Settlement or Statehood acts.

16:40 Another example of federal role is the development programs that take place on federal lands and drive Alaska's resource policy, depriving Alaska of the capability of making independent decisions.

There's a challenge of designing cooperative structures for resource management and answering to unmet challenges by designing resource development and management structures between federal government, Native corporations, local communities and the state. Guy thinks that they can form cooperative structures under the constitution.

Other challenges are the cost, and the question of how they could have any role for the small resource user who is not a major corporation.

Yet another challenge is to cope with the results of Alaska Native Claims Settlement Act and having to answer to questions about subsistence and easements.

Finally, there's a question of whether they are able to settle state-federal issues and reduce federal government's role in the state to level that Native corporations, the State and people of the state can understand.

19:31 Walt thanks Guy and welcomes comments from panel members before they will continue to general discussion. A man's voice asks people to consider whether the constitution has interfered with the legislature in meeting the requirements of the times.

A man's voice mentions that there was substantial effort to recognize Native culture in the constitution, but it didn't go through.

21:43 Another man tells a story about when he went back to Washington one time and got yelled at for not settling Native claims before the statehood act.

Another man recaps the question of whether constitution has interfered with legislative processes or making timely policies in changing situations. The speaker asks if the document was so good that it predicted the needs and events successfully or if it is so bland that it couldn't get in the way of anybody. The speaker says it isn't clear which is the case and asks if anybody from the audience would like to bring anything up.

24:36 A man's voice says he's enjoyed the conversation but he thinks they have missed a big issue. Alaska has hope for America in various resources that will help with running a great nation. He talks about raising vegetables in Alaska, growing population of the planet, and the government wanting to lock 1/3 of Alaska's land into national parks. He doesn't agree with priority going to the Sierra Club and

says they need power “or the Arabs are going to get us.” He also believes that there are more oil discoveries to be made but the land is locked. [Talks more about power Alaskans have and how they shouldn’t lock up Alaska.]

[Break in the recording.]

30:50 The man continues talking about them going gung-ho about statehood and how Sierra Club shouldn’t lock up Alaska.

The chairperson thanks Colonel Marston, and another man adds that he reminded people about how important agriculture might be for the state. University of Alaska has done much for agricultural research and the speaker hopes that agriculture could be started in Alaska, but notes that some of the proposals for withdrawing land badly damage agricultural development too.

32:51 Another man says that they are trying to analyze the land that the state selected. The man says that the state of Alaska has a strong hold on agricultural potential lands and they picked best 3rd agricultural land. [More talk about agriculture land and how the speaker thinks that there’s a rising interest toward agriculture in Alaska. He wonders if the interest will be able to overcome hurdles and get into production.]

35:31 A man wants to question the concept of sustained yield, and in Oregon, they have clear cutting which is opposed by Sierra Club. The clear cut timber will grow back in 50 years, and the speaker thinks that that’s sustainable yield.

37:04 Another man talks about the navigable waters issue that is “a piece of homework that hasn’t been done.” That issue between the state and the government is unresolved, but there’s some strong guidance for the issue in the constitution. They submitted a proposal about navigable waters to the government but the government didn’t like that.

Another man says that he’s one of the only Sierra Club members in the audience and he wants to comment that in 1950s, mineral production was at low ebb as were fishing and economic activity was uncertain in the state. There weren’t many park lands. Now they are they are threatened with having 1/3rd of their land locked up. Their economic activity also has reached a peak and the speaker would call it frantic. He wonders if all hell would break loose if Sierra Club expanded activities in Alaska.

39:33 Yet another man mentions that a fisherman was responsible for section 15 that deals with waters and fisheries, but they also have abolition of fish traps

ordinance. People voted for that too when they ratified the constitution. R. E. [Ralph Elliot] Robertson didn't sign the constitution because of that.

A man's voice addresses the audience and introduces himself as Tom Smith, a Fairbanks based geological consultant. He's impressed by Article 8 that deals with resources in Alaska. The language shows a perceptive view on what Alaska's current emerging role is as a key state in natural resource picture and particularly in nonrenewable resources. He wants to add that mining is still dormant in Alaska.

41:51 He mentions that Alaska's sustenance was, at one point, dependent on federal handouts. He thinks that the non-renewable resources have relieved Alaska's dependence on the federal payrolls. To large extent, that's due to diligent efforts of Governor Egan and Commissioner Herbert.

At present time, there is less recognition of the intent of Article 8. There's a blizzard of agency interpretations concerning implications of the legislation and in many cases, those agency interpretations are implemented, thus making them into regulations that aren't thought through by framers of constitution or by elected officials. [Gives an example.]

44:24 Smith acknowledges that his statements will repeat Governor Herbert's statements, but that he wants to reiterate that their nation is moving from an era of surplus to an era of shortage because there are more people. They have to address the move toward shortage. Alaska will have to play a key part in coming up with a solution to the problem and Smith concurs with Weeden's thoughts that Alaska is a part of the Nation and [the state of] Alaska is only going to own a 1/3 or less of their land.

They have to work toward meeting nation's energy and mineral needs especially since they need to be cautious about uncertainty of foreign sources for commodities. They have to utilize the resources that exist on public lands and, to lesser extent, on private lands. Alaska is one of the few places with unexplored commodities. They need to have a solid energy and resource policy that's something that people who own stocks can depend upon.

46:53 They need a resource policy that is insulated from political expediency and they also need a sound and stable policy on transportation corridors. They might need an amendment to the constitution that would incorporate concepts such as the ones in chapter that addresses navigable waters.

The speaker asks "you gentlemen" if diverse constituencies in Alaska could work toward a stable resource policy and if that would need a revision to the constitution

or if they could return to article 8. He wonders if they can solve the issue now or if they are going to stay in polarized advocacy groups. Advocacy groups don't know when to quit so they keep going until somebody beheads them. They should move away from polarized camps because they are counterproductive.

He welcomes responses to his questions especially from Commissioner Marten.

49:02 A person [probably Commissioner Marten] says that it's hard to know what the source of dissention is. [He reads a comment from Bob Bartlett that deals with need for wise development management and avoidance of exploitation in Alaska.] The speaker says that it seems to him that it can be stated that the constitution doesn't create hindrance to what people want to accomplish and it seems to him that the system of representative government should be used to do that.

It seems to the speaker that in view of the phenomenal changes in land and federal energy program, he's not sure if one can make a case for castigating all the administrators and legislators of that period.

52:27 Another man wonders if Tom was saying that they should secure a long-term resource policy that wouldn't be subject to political process. Another speaker [Tom?] says that he's a believer in political process and thinks that they should avoid amplifying the words of their elected representatives because that makes them removed from political process.

Another man says that sections 10-12 aren't inhibiting.

Yet another speaker brings up sunset law idea that Tom mentioned, and thinks that they could do things that deal with the regulatory problem. They have too many unchecked regulations and in other key areas they have no regulations at all. They need to consider requiring approval for an idea instead of letting it become a fact by acquiescence. There are advantages to laws like sunset law and they should make sure that any new programs that they establish in legislature have a lifetime so that they can gauge their effectiveness. If they don't like the programs, they should let them die. Now it's a much bigger project to end programs.

55:45 Ada Wien introduces herself and says that she was the only woman writing the resource article and the one with least background in resources. [Talks about her past and her ancestry.] He says he wants to defend the writers of the resource article and says that it was the first resource article written in any state constitution and she thinks they should be given credit for that. It was also a committee that had held more hearings than any other committee. Ada was impressed by the presentations that were made and by open-mindedness of the committee. She

wants also to remark that they weren't looking at the future as much as to the past. They were influenced by paternalism from United States and didn't have representation.

She doesn't believe that they realized what the Native land claims would do to resources but they were aware of aboriginal rights. Also as the representative of the Native corporation said, even Natives were unaware of the land claims. She thinks that they were responding to paternalism rather than acting out of ignorance, and she hopes that Alaskan independent spirit will continue. She's confident that Alaskans should have control over their resources, and that Alaska is able to make decisions that are right for Alaskan people and for the rest of the country.

They were unaware of inflation but not what the cost of mineral development would be.

59:03 A man's voice talks about fish traps and getting rid of them. Another man talks about his gold mining past.

Yet another one wonders if UAF would be what it is if there hadn't been dredges in Fairbanks.

[Steve] McCutcheon says that he was a part of the convention and asks Mr. Marton's [sp?] opinion about the relevancy of cost of production.

[End of the recording.]