

Thunder in the Tundra: The Enduring Legacy of the Alaska National Interest Lands Conservation Act
By Aaron Siegle

Angry mobs burned President Jimmy Carter's effigy in Fairbanks, Alaska in December 1978. Across Alaska, towns warned any National Parks Service personnel from even setting foot in them.¹ Such was the rancor caused by efforts to protect the last remaining large tracts of Alaskan wilderness via the Alaska National Interest Lands Conservation Act (ANILCA). What for environmentalists was a singular opportunity to preserve ecologically precious lands was seen by many local residents as a threat to their livelihoods— and way of life.

The battle for ANILCA was on the surface a continuation of the age-old tension between developers who saw the land solely as a resource to exploit versus environmentalists tapping Americans' growing consciousness of the fragility of the country's rapidly shrinking wilderness. Yet, ANILCA was more than this. Many environmentalists saw Alaska as “the last chance to do it right,”² a chance for redemption for the many mistakes made in the development of the continental United States—with irreversible costs paid by Native Americans and the environment. Despite these tensions, the competing stakeholders were eventually able to hash out a compromise leading to the passage of ANILCA in 1980. The legislation doubled the size of the National Parks system and established a sustainable revenue flow for Alaskan residents, while respecting the interests of Native Americans. ANILCA, thus, represents a triumph of the American environmental movement and democracy, providing a template for future environmental and land policy.

¹ Candace K. Garry, “Alaska: A New Frontier for NPS,” *Courier*, 4, no. 1 (January 1981).

² *The National Parks: America's Best Idea*, Part 6, “The Morning of Creation (1946-1980),” directed by Ken Burns, Public Broadcasting System, (2009).

The Alaskan Frontier

Secretary of State William Seward acquired Alaska from Russia in 1867 for \$7.2 million.³ While critics of the treaty dubbed it “Seward’s Folly,” Seward’s foresight gained America a massive amount of territory for a bargain price of two cents an acre.⁴

Conservationists, moreover, saw Alaska as much more than a sterile, frozen tundra. Sierra Club founder, John Muir, remarked in 1915 that, “To the lover of wilderness, Alaska is one of the most wonderful countries in the world.”⁵ Congress responded by setting aside a few small parklands in 1917.⁶ Despite their limited size, the blowback from Alaskans was ferocious, “It leads one to wonder,” a local newspaper wrote, “if Washington has gone crazy through catering to conservation faddists.”⁷

Few European Americans had ever journeyed to Alaska prior to the Klondike Gold Rush in 1896. The majority of the population consisted of Native Alaskans⁸ until further gold rushes and government spending made white Alaskans the majority.⁹ This influx led to calls for the federal government to regulate Native Alaskan affairs. Rather than emulate the detrimental effects of the reservation system imposed on Native Americans in the continental United States, however, Territorial Governor John Brady (1897-1906) adopted a more inclusive approach.¹⁰

³ “Treaty with Russia for the Purchase of Alaska,” *Journal of the Executive Proceedings of the Senate of the United States of America*, vol. 17, (30 March 1867), 675.

⁴ Sofia Tokar and Alison Reynolds, “The Myth— and Memorabilia— of Seward’s Folly,” University of Rochester, March 29, 2018.

⁵ John Muir, *Travels in Alaska* (New York: Houghton Mifflin, 1915).

⁶ Frank G. Williss, *‘Do Things Right the First Time’: An Administrative History of The National Park Service and the Alaska National Interest Lands Conservation Act of 1980*, (Washington DC.: National Parks Service, 1985).

⁷ John M. Kauffmann, “A History of its Boundaries: Glacier Bay National Park,” (Washington DC.: National Parks Service, 1954), 35.

⁸ Frank Norris, “Alaska Subsistence: A National Park Service Management History,” National Parks Service, (September 2002), 3.

⁹ *Ibid*, p. 4.

¹⁰ *Ibid*, p. 5.

Having lived in the American West, Brady was well aware that Native Alaskan land and culture would be quickly overrun, considering the legacy of earlier land settlement policies in the United States. The Land Law of 1800, Homestead Act of 1862, and Dawes Act of 1887 made large swaths of territory easily accessible to settlers. The haphazard allotment of land was rife with abuse from land speculators and railroad companies who were granted domain over territory for 20 miles adjacent to the railroad tracks via right of way clauses.¹¹ The effects on Native populations and the environment were devastating.

The illusion that land and resources were unlimited in the American West was discredited with the closing of the American frontier in 1890 and the near extinction of the once abundant American Bison.¹² This reckoning was famously captured by Frederick Jackson Turner's "The Significance of the Frontier on American History," which argued that the frontier provided a limitless sense of opportunity that resulted in the formation of an unique American individualism.¹³ This rugged individualism and dislike of government especially defined Alaskan frontier culture, making collective action around conservation and land management a challenge.¹⁴

Statehood Shifts Alaska's Fate

Alaska achieved statehood with the passage of the Alaska Statehood Act in 1958.¹⁵ The Act was consequential for the future of Alaska's land, stipulating that the state of Alaska would

¹¹ Ray Allen Billington, "The Origin of the Land Speculator as a Frontier Type," *Agricultural History*, 19, no. 4, (October 1945), 212.

¹² Dean Lueck, "The Extermination and Conservation of the American Bison," *The Journal of Legal Studies*, (2002), 609.

¹³ Frederick Jackson Turner, "The Significance of the Frontier in American History 1893," a paper read at the American Historical Association, (July 12, 1893).

¹⁴ Samuel Bazzi, Martin Fiszbein, and Mesay Gebresilashe, "Frontier Culture: The Roots and Persistence of "Rugged Individualism" in the United States," *NBER Working Paper*, No. 23997, (2020), 2334.

¹⁵ "H.R. 7999 – An Act to Provide Admission of the State of Alaska into the Union," 85th Congress (1957-1958), July 7, 1958.

be awarded 103.3 million acres of land from federal control (representing roughly one-fourth of the total land area).¹⁶ Scientist Richard Cooley noted that Alaska was a prime opportunity to deviate from the haphazard system of land speculation used in the American West, advocating for a systematic distribution of land that would take into account the public good.¹⁷ Nonetheless, by the early 1960s, the state of Alaska was intent on selling tracts of its land to private sector interests, primarily oil and natural gas companies, prompting concerns from both Native Alaskans and conservationists that they were being left out of the process.¹⁸ Native Alaskans were facing the bisection of their land by the proposed Trans-Alaska Pipeline and testing sites for the U.S. Atomic Energy Commission. Native advocacy groups responded by convincing Secretary of the Interior Stewart Udall in 1966 to impose a freeze on state land allocations until the Native land claims could be settled.¹⁹

This action put pressure on Congress to solve the dispute, which led to the Alaska Native Claims Settlement Act (ANSCA) of 1971.²⁰ ANSCA was hailed as a turning point in federal policy toward Native groups.²¹ The Act appropriated 43.7 million acres of land to Alaskan Natives as well as \$963 million, mostly from oil taxes.²² Bypassing the dysfunctional Bureau of Indian Affairs model used in the continental U.S. for 12 “village corporations” that would allocate the land and funds provided by the government,²³ ANSCA gave Alaska Natives almost

¹⁶ Roger Pearson, “Alaska’s Great Land Experiments,” *Yearbook of the Association of Pacific Coast Geographers*, 64 (2002), 11.

¹⁷ Richard A. Cooley, *Alaska: A Challenge in Conservation* (University of Wisconsin Press, 1966).

¹⁸ *Ibid.*, p. 15.

¹⁹ Norris, “Alaska Subsistence,” 10.

²⁰ “H.R. 10367 – An Act to Provide for the Settlement of Certain Land Claims of Alaska Natives and for Other Purposes,” 92nd Congress (1971-1972), December 18, 1971.

²¹ John R. Boyce and Mats A. N. Nilsson, “Interest Group Competition and the Alaska Native Land Claims Settlement Act,” *Natural Resources Journal*, 39, no. 4 (1999), 761.

²² Gary C. Anders, “Implications of the Alaska Native Claims Settlement Act,” *Journal of American Indian Education*, 25, no. 3 (1986), 12.

²³ Arthur Lazarus and W. Richard West, “The Alaska Native Claims Settlement Act: A Flawed Victory,” *Law and Contemporary Problems*, 40, no. 1 (1976), 135.

complete autonomy over their affairs, including land.²⁴ ANSCA, however, did not set aside significant amounts of land as wilderness— as hoped for by conservationists.²⁵ An amendment in ANSCA to set aside these lands (known as “d-2” lands in reference to the clause in the Act) was defeated in the U.S. House of Representatives, meaning the future of Alaska’s wilderness remained open to exploitation.²⁶

One Last Chance for Conservation

Despite these setbacks, environmental leaders still pressed for comprehensive wilderness protection legislation for Alaska. The fight for ANILCA reflected a shift in the environmental movement that viewed conservation primarily as wilderness protection and ecological balance versus the pre-World War II emphasis on natural resource exploitation, scenic vistas, and recreation.²⁷ Works like Aldo Leopold’s *Sand County Almanac* (1949) and Rachel Carson’s *Silent Spring* (1962) popularized the concept that people belonged to the land and not the other way around, emphasizing the fragility of the environment.²⁸ The movement’s growth can be seen by increases in membership to the Sierra Club, which doubled from 1960 to 1965 and then tripled between 1965 and 1970.²⁹ Eager to please this new constituency, President John F. Kennedy and Secretary of Interior Stewart Udall adopted these environmental ideals in their management of American land in the early 1960s.³⁰ A prominent example of this was the passage

²⁴ John F. Walsh, “Settling the Alaska Native Claims Settlement Act” *Stanford Law Review*, 38, no. 1 (1985), 230.

²⁵ John R. Boyce and Mats A. N. Nilsson, “Interest Group Competition and the Alaska Native Land Claims Settlement Act,” *Natural Resources Journal*, 39, no. 4 (1999), 761.

²⁶ Boyce and Nilsson, “Interest Group Competition,” 769.

²⁷ Adam Rome, “‘Give Earth a Chance’: The Environmental Movement and the Sixties,” *The Journal of American History*, 90, no. 2 (2003), 529.

²⁸ Thomas G. Smith, “John Kennedy, Stewart Udall, and New Frontier Conservation,” *Pacific Historical Review*, 64, no. 3 (1995), 331.

²⁹ Rome, “Give Earth a Chance,” 527.

³⁰ Smith, “John Kennedy,” 337.

of the Wilderness Act of 1964, which set aside 14 million acres of public land in the continental United States as wilderness.³¹

Buoyed by this success, the conservation movement focused their attention on Alaska. In 1970, 1,500 environmental organizations representing over 10 million members joined together to form the Alaska Coalition to lobby for the protection of Alaskan wilderness areas, the largest grassroots conservation movement in American history.³² Opposing these conservation efforts were Alaska's two senators, Mike Gravel (R-AK) and Ted Stevens (R-AK), who were backed by oil and natural gas companies and believed that parkland would hinder their state's economic potential.³³

While ANSCA hadn't created any new parkland, it did protect potential parkland ("d-2 lands") from being sold by the state of Alaska for development until Congress had completed additional conservation legislation.³⁴ The clause provided an incentive for Senators Gravel and Stevens to negotiate, knowing that the conservation issue had to be resolved in order for the development of Alaska to continue.³⁵ Debates ensued within the House Committee on Interior and Insular Affairs during the first half of the 1970s, with extensive haggling over park boundaries, fishing and hunting rights, and wilderness designations.³⁶ Finally, two conservation minded representatives on the committee, John Seiberling (D-MI) and Morris Udall (D-AZ), brother of Stewart Udall, introduced H.R. 39, which designated 115 million acres of Alaskan wilderness for conservation.³⁷ The bill had the support of the Carter administration and passed

³¹ "H.R. 9070- An Act to Establish and National Wilderness Preservation System for the Permanent Good of the Whole People, and for Other Purposes," 88th Congress (1963-1964), September 3, 1964.

³² *The National Parks: America's Best Idea*.

³³ Williss, *'Do Things Right the First Time,'* Ch. 4.

³⁴ Theodor Swem and Robert Cahn, "The Politics of Parks in Alaska," *Ambio*, 12, no. 1 (1983), 17.

³⁵ *Ibid*, 16.

³⁶ Williss, *'Do Things Right the First Time,'* Ch. 4.

³⁷ *Ibid*.

the House by an overwhelming margin of 279 to 31 in 1978. However, it still faced steep challenges in the Senate, where Gravel and Stevens promised to delay the bill at every juncture.³⁸

A battle for public support in Alaska was simultaneously unfolding. While Senators Gravel and Stevens expected widespread opposition to the bill in Alaska, public hearings revealed a wide range of opinions.³⁹ Thirty-one public hearings were held throughout the state in 1973, from the remote village of Allakaket to Anchorage.⁴⁰ In the Eskimo village of Anaktuvuk Pass, residents lamented the increased encroachment from outsiders and the declining wolf and caribou populations from which they could hunt.⁴¹ They were divided on whether the proposed Gates of the Arctic National Park would benefit their community. Many believed it was the only way to halt development. Others were hesitant to restrict hunting access.⁴² In the town of Seward, resident Bev Dunham said, “Alaskans are being criticized for wanting as much of state lands under Alaskan control as possible. We have been termed selfish for wanting development.”⁴³ The *Fairbanks Daily News-Miner* newspaper released a statement from many of the city’s businesses opposing the parks proposal, citing its impact on the economy.⁴⁴ Still, many citizens supported the initiative, typified by Nathaniel Reed telling Congress that “scars on the land in Alaska and the lower 48 states give grim evidence of our past failures.”⁴⁵

While there was considerable support for Udall’s and Seiberling’s version of ANILCA in the Senate, the threat of a filibuster from Senator Gravel meant that the bill was not passed

³⁸ Swem and Cahn, “The Politics of Parks,” 17.

³⁹ Williss, *Do Things Right the First Time,* Ch. 4.

⁴⁰ “Alaska National Interest Lands Conservation Act (ANILCA) (d-2) Public Hearings in 1973,” University of Alaska-Fairbanks, Alaska and Polar Regions Collections and Archives, (December 2005).

⁴¹ “Anaktuvuk Pass (D-2) Hearings,” Audio Interviews, University of Alaska-Fairbanks, (May 12, 1973), 1.

⁴² *Ibid*, 2.

⁴³ *The National Parks: America's Best Idea.*

⁴⁴ “Statement of Policy for Citizens for Management of Alaska Lands,” (*Fairbanks Daily News-Miner*, 1978), 19.

⁴⁵ Williss, *Do Things Right the First Time,* Ch. 4.

before the session adjourned in 1978, killing the legislation.⁴⁶ Adding further urgency was that the temporary protections put on the “d-2” conservation lands in ANSCA were set to expire on December 18, 1978, leaving the environmentalists with few options.⁴⁷ With Congress in gridlock, President Jimmy Carter used his executive power on December 1st to create new parklands under the authority of the Antiquities Act of 1906, designating one-third of Alaska’s landmass as national monuments.⁴⁸ However, the national monuments designation only served as a temporary stopgap to protect the land and could easily be undone by a future president. Congress still needed to act if permanent preservation was to be achieved.

In the wake of Carter’s executive order, many Alaskans were livid about the supposed “theft” of their land by the federal government.⁴⁹ In what has become known as the “Great Denali Trespass,” a group of armed Alaskans entered the newly enlarged Denali National Park in 1979 to confront park rangers and conduct illegal hunting.⁵⁰ NPS planes were burned, park rangers received death threats, and President Carter was burned in effigy in Fairbanks. The pioneer sentiment, steeping in individualism, was still very alive in Alaska.

Despite an influx of lobbyists from Exxon, Morris Udall was able to get a more comprehensive H.R. 39 to pass the House again in 1979.⁵¹ Continued resistance by Alaska’s senators delayed a vote on the bill in the Senate until 1980. Then, the Senate was able to defeat a filibuster by Senator Gravel, paving the way for the bill to win passage by a vote of 78 to 14 on August 19, 1980. ANILCA was signed into law by President Carter on December 2, 1980.⁵² The

⁴⁶ Norris, 67.

⁴⁷ Williss, ‘*Do Things Right the First Time*,’ Ch. 4.

⁴⁸ Chance Finegan, “The Alaska Lands Controversy: A Fight Bigger than the Last Frontier,” *The George Wright Forum*, 32, no. 3 (2015), 296.

⁴⁹ Finegan, “Alaska Lands Controversy,” 297.

⁵⁰ *The National Parks: America's Best Idea*.

⁵¹ Williss, ‘*Do Things Right the First Time*,’, Ch. 4.

⁵² *Ibid*.

final provisions of ANILCA included significant concessions by both sides, including the continuation of select mining operations within protected areas.⁵³ Still, the sheer amount of land protected by ANILCA— 157 million acres— made it the single largest expansion of protected lands in history.⁵⁴



Environmental and Economic Benefits

In an attempt to assuage the concerns of Alaskans following the signing of ANILCA, the NPS sent veteran park ranger, John Cook, on a peacebuilding campaign across the state.⁵⁵ In advance of Cook’s visit to the town of Eagle, residents posted this warning across town: “NATIONAL PARK SERVICE EMPLOYEES and anyone else advocating a dictatorship (including those locally who support National Park Service activities under the Antiquities Act) ARE NOT

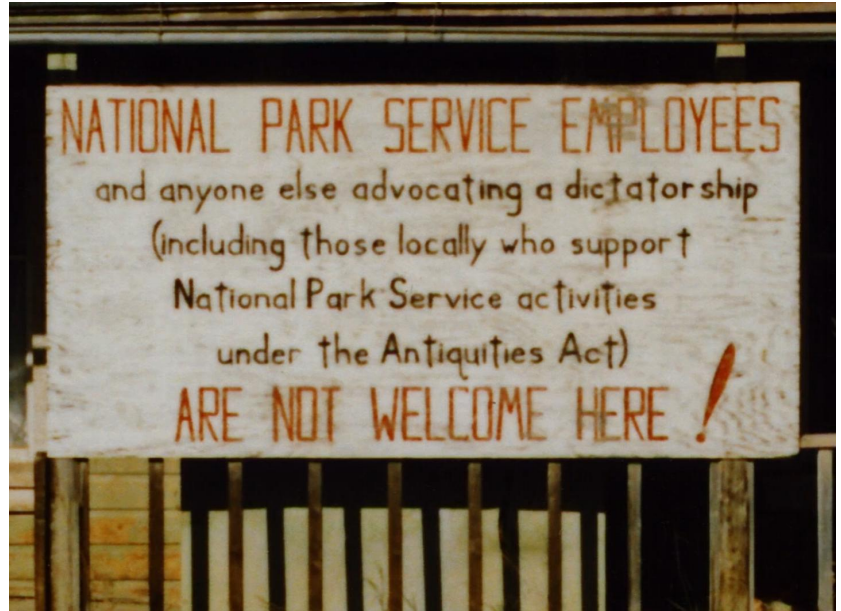
⁵³ Lynn Griffins and Russel Kucinski, “Mining Legacy in National Parks of Alaska,” in *The Legacy of ANILCA*, National Parks Service, (2020).

⁵⁴ Jonathan Waterman, *Atlas of the National Parks*, (Washington, D.C.: National Geographic Society, 2019), 343.

⁵⁵ *Ibid.*

WELCOME HERE!”⁵⁶ Undaunted, Cook’s professionalism, direct outreach, and low-key but firm style was able to tamp down much of the animosity and convince some of the benefits of the national parks and others to at least take a wait-and-see attitude.

With ANILCA now law, NPS and other federal agencies had the gargantuan task of administering massive amounts of land on a budget that contained only minor increases for the parks.⁵⁷ This challenge was captured by park ranger William Brown’s open letter, where he criticizes his superiors for not



enforcing the provisions of ANILCA and granting favors to interest groups⁵⁸. A barrage of lawsuits sought to capitalize on the sometimes ambiguous language of ANILCA, dealing with issues from mining to hunting rights. However, the guidelines of ANILCA have held firm, with the Act containing strong language against unabated mining and logging.⁵⁹ Native Alaskan rights were honored with permission for subsistence hunting in parks.⁶⁰

Despite the outburst of anger in the lead-up to ANILCA, many Alaskans who initially opposed ANILCA surprisingly quickly began to support the parks. This was largely because of

⁵⁶ Douglas Warnock, "Recollections of First Trip to Eagle, Alaska," National Park Service, (1983).

⁵⁷ Williss, "Do Things Right the First Time," Epilogue.

⁵⁸ Brown, William E. "Letter from Gustavus: The Alaska National Interest Lands Conservation Act: An Open Letter." *The George Wright Forum*, 10, no. 3 (1993), 4.

⁵⁹ Eric A. Kueffner, "Southeast Alaska Conservation Council, Inc. v. Watson and the Future of the Alaska National Interest Lands Conservation Act," *Ecology Law Quarterly*, 12, no. 1 (1984), 150.

⁶⁰ Thomas F. Thornton, "A Tale of Three Parks: Tlingit Conservation, Representation, and Repatriation in Southeast Alaska's National Parks." *Human Organization*, 69, no. 2 (2010), 107.

the sustained economic activity the parks generated. By 2018, 2.9 million park visitors spent \$1.98 billion in Alaska, supporting 17,760 jobs.⁶¹ Park ranger John Cook described tourism as “the permanent pipeline that never runs dry,” providing long term economic viability, unlike the boom-and-bust cycles experienced by towns along the Trans-Alaskan Pipeline.⁶² This transformation in attitudes can be seen in towns like Seward. Prior to the passage of ANILCA, the city council passed resolutions condemning the creation of nearby Kenai Fjords National Park and vowed to oppose the NPS. However, as thousands of tourists lifted the town out of an economic recession, the city council quietly repealed the resolutions several years later, going so far as to request the park boundaries be expanded.⁶³ As the parks became an integral part of Alaskan communities and culture, many admitted they were wrong to have opposed the parks.

Conclusion

ANILCA’s success shows that while democratic processes may be slow, they allow for opposing interests to communicate and compromise, creating mutually beneficial solutions that could support both the environment and the economy. Although ANILCA contained flaws and angered many on both sides, it ultimately resulted in an outcome that most Alaskans, including Native Alaskans, could support. The good faith negotiations that resulted in ANILCA provide a model for the environmental challenges faced today including climate change, biodiversity loss, and plastic waste. Years later, Jimmy Carter cited ANILCA as one of his proudest achievements and held it up as a governance model for managing future environmental priorities saying, “We listened; we had respectful discussions; we sought thoughtful resolutions. We did not demonize,

⁶¹ Peter Christian, “National Park Tourism in Alaska Creates \$1.98 Billion in Economic Benefit,” National Parks Service News Release, (May 23, 2019).

⁶² *The National Parks: America's Best Idea*.

⁶³ *Ibid*.

rather we achieved a practical, enduring solution. This is how the legislative process works for the best interests of our nation.”⁶⁴

Word Count: 2,496

⁶⁴ Henry Fountain, “Jimmy Carter Enters Case Over a Small Alaskan Road” *The New York Times*, (May 31, 2022).

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Appendix

For the entirety of the text of ANILCA, see link:

<https://www.congress.gov/96/statute/STATUTE-94/STATUTE-94-Pg2371.pdf>

Public Law 96-487 96th Congress
PUBLIC LAW 96-487—DEC. 2, 1980
94 STAT. 2371

An Act

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the “Alaska National Interest Lands Conservation Act”.

Alaska National Interest Lands Conservation Act - =Title I: Purposes, Definitions, and Maps= - Declares it the purpose of this Act to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archaeological, geological, scientific, wilderness, cultural, recreational, and wildlife values. States that it is the intent of Congress in this Act to: (1) preserve unrivaled scenic and geological values associated with natural landscapes; (2) provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation; (3) preserve in their natural state extensive unaltered tundra, boreal forest and coastal rainforest ecosystems; (4) protect the resources related to subsistence needs; (5) protect and preserve historic and archeological sites, rivers, and lands; and (6) preserve wilderness resource values and related recreational opportunities.

States that it is the belief of Congress that this Act ends the need for future legislation designating new conservation system units, new national conservation areas, or new recreational areas in Alaska.

Excludes land selections of the State of Alaska which have been tentatively approved under the Alaska Statehood Act as well as certain other selections from the definition of "public lands."

Requires that the boundary maps described in this Act be on file and available for public inspection in the office of the Secretary of the Interior or the Secretary of Agriculture with regard to the National Forest System. Directs that: (1) a map and legal description of each change in land management status affected by this Act be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate as soon as

practicable after enactment; and (2) such maps and legal descriptions be on file and available for public inspection in the office of the Secretary of the Interior.