

HB

233

Dr. Vassar

CS

Tomorrow
9:00 AM
3/17/71

BY: RESOURCES COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 233

For an Act entitled: "An Act relating to land under the Alaska Native Claims Settlement Act; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. PURPOSE AND STATEMENT OF POLICY. (a) Section 17 (d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Department of Interior to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act . . . up to, but not to exceed, eighty (80) million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems are suitable for addition to or creation as units of the National Park Forest, Wildlife Refuge, and Wild and Scenic Rivers System."

(b) Congress is now considering bills calling for up to one hundred fourteen (114) million acres for inclusion in the aforementioned systems. The legislature finds it essential that Alaskans be provided an opportunity to affect the system and nature of public land management in Alaska in order to insure that the rights of the State of Alaska under the Statehood Act are fully recognized. The Legislature further finds it is in the best interest of the Nation and the State not to immediately classify the large tracts of Alaska Public Lands.

* Sec. 2. STEERING COUNCIL FOR d-2 LAND. There is created in the Office of the Governor the Steering Council consisting of nine members as follows: the state co-chairman of the Joint Federal-State Land Use Planning Commission for Alaska, four members appointed by the governor, two members of the house of representative appointed by the speaker of the house, and two members of the senate appointed by the president of the senate. The Steering Council may select one of its members as chairman.

* Sec. 3. COMPENSATION. Members of the Steering Council receive the same travel pay and per diem as provided by law for boards and commissions.

* Sec 4. STAFF. The Council may employ those persons necessary to carry out the purposes of this Act, including but not limited to regular or temporary employees, consultants or other experts in the field.

* Sec. 5. (a) The Steering Council shall develop a unified lobbying and informational effort to make Alaska's needs and future land use requirements known to Congress and the public in all matters relating to land withdrawals and classifications under the Alaska Native Claims Settlement Act or any other federal act, regulation, or order.

(b) The Steering Council is to provide a forum for Alaskans interested in the d-2 land to develop recommendations to protect Alaska's present and future needs and to assist Alaskans in presenting their views on Alaskan land questions before Congress.

(c) The Steering Council may expend funds to enable independent Alaskan groups to make presentations before Congress and the public.

(d) The Steering Council may do other things considered advisable for maximizing the development of positions on the issues of withdrawal and the effectiveness of presentation of these positions to Congress and the public.

* Sec. 6. This Act takes effect immediately in accordance with AS 01.01.070(c).

MOENING-GREY & ASSOCIATES, INC.
GEOLOGISTS AND ENGINEERS

715 L STREET, SUITE 8 ANCHORAGE, ALASKA 99501

TELEPHONE 274-2314

February 23, 1977

Section 17
(d)
of
ANCSA

Honorable Alvin Osterback, Representative
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

The Department of Interior published proposed regulations for the Proposed Amendment of Principals and Procedures for Land Classifications in the January 19, 1977 Federal Register. The period for comment expired February 22, 1977. Little or no other publicity was made regarding the proposed regulations and they could apparently go into effect with few revisions.

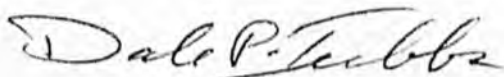
Our attention was drawn to the notice on February 17th, thus, leaving no meaningful time for comment. Contact with the Alaska Division of Lands on that date indicated that there was casual concern on the impact of such regulations if they were promulgated.

Since then we have learned the state will be asking for an additional 120 days to prepare comments. They also are proposing to have the Department of Interior combine regulations necessary to interpret Section 17(d)(1) of ANCSA and the BLM Organic Act.

These proposed regulations have to do with the classification of land set aside by Section 17(d)(1) of the Alaska Native Claims Settlement Act. None of the proposed regulations appear to honor the 90 day preference right provided in the Alaska Statehood Act.

It must be made clear that these regulations pertain to the (d)(1) lands and not the (d)(2)(National Interest) lands. Your awareness to this important issue cannot be over emphasized. Review of the States interest may be warranted by the legislature or appropriate committee.

Sincerely,



Dale P. Tubbs

DPT/lv
attachment

[40 CFR Part 52]

[FR 672-7]

ILLINOIS

Approval and Promulgation of State Implementation Plans; Emergency Episodes

On January 31, 1972, the State of Illinois submitted to the Administrator of the United States Environmental Protection Agency an implementation plan to achieve and maintain the National Ambient Air Quality Standards. The plan was approved by the Administrator on May 31, 1972 (37 FR 10862) with several exceptions, including disapproval of regulations pertaining to Prevention of Air Pollution Emergency Episodes. These deficiencies were corrected and the plan was fully approved on October 23, 1973 (38 FR 29297).

On April 9, 1976, the Illinois Pollution Control Board revised its emergency episode regulations after due notice and public hearings. The regulations (Illinois Pollution Control Board Regulations, Chapter 2, Part IV) took effect on April 1, 1976 and were submitted to U.S. Environmental Protection Agency (EPA) on July 22, 1976 as revisions to the Illinois State Implementation Plan (SIP).

The new regulations primarily address one episode situations, and would revise the plan as follows: (1) The regulations specifically state that Illinois Environmental Protection Agency has sole authority for declaring episode stages; (2) The requirement for a forecast of 8 hours of poor dispersion before an episode can be declared has been revised to allow the declaration of an episode whenever specified ozone levels occur one day and are expected to recur the next day, or if an air stagnation advisory is received for any area within the State; (3) The term Ozone Advisory replaces the former designation of Ozone Watch, and is issued when a 2 hour average of 0.07 ppm of ozone is measured; (4) Episode stages have been set for concentration levels occurring for a one hour period at any monitoring station as follows: ozone yellow alert level has been raised from 0.10 to 0.17 ppm; ozone red alert level has been decreased from 0.40 to 0.30 ppm; ozone emergency level has been decreased from 0.30 to 0.50 ppm; (5) The regulations establish a procedure for filing emission reduction contingency plans and requirements for reduction of pollution levels during periods of high concentrations. Indirect sources of pollution such as large government agencies, parking garages, and fleet vehicle operations are included among sources required to file emission reduction contingency plans.

Approval of the revisions depends on their consistency with the requirements set forth in section 110(a)(2)(A)-(D) of the Clean Air Act, as amended, and implementing regulations found in 40 CFR Part 51. The Administrator has received the submission and found it to be a necessary revision to the existing

The Administrator is also proposing these proposed changes to the Illinois plan for the purpose of securing public comments. Any interested party may make a comment on the proposed rule-making in writing by addressing correspondence to Region V's Air Programs Branch, Air and Hazardous Materials Division, 230 South Dearborn Street, Chicago, Illinois 60604. All comments received no later than thirty days from the date of this notice will be considered. Receipt of comments will be acknowledged.

Copies of the proposed regulations and public hearing transcript of hearings conducted by the State of Illinois are available for public inspection during normal working hours at the Illinois Pollution Control Board, 309 West Washington Street, Suite 300, Chicago, Illinois 60606. Copies of the proposed regulations are also available at the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706; and at Air Programs Branch, Air and Hazardous Materials Division, EPA, Region V, 230 South Dearborn, Chicago, Illinois 60604.

Authority: 42 U.S.C. 1857c-5(a)

Dated: January 11, 1977.

GEORGE R. ALEXANDER, JR.,
Regional Administrator.

[FR Doc. 77-1624 Filed 1-18-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2400]

ALASKA

Proposed Amendment of Principles and Procedures for Land Classifications

This proposed amendment of and addition to the regulations contained in Part 2400 of Title 43 of the Code of Federal Regulations is being made to add the authority for classification and reclassification of lands in Alaska contained in section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610.2(d)(1)), and to place all classification criteria and procedures relating to lands in Alaska under the proposed Subpart (2480).

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11621 and OMB Circular A-1071.

In accordance with section 310 of the Federal Land Policy and Management Act of 1976, public participation is invited in rulemaking. Interested parties may

submit comments to the Bureau of Land Management, Department of the Interior, Washington, D.C. 20250, or to the Regional Office, 230 South Dearborn Street, Chicago, Illinois 60604.

Comments on this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m. to 4:15 p.m.).

It is therefore proposed to revise Chapter I, Subchapter B, Group 2400 of 43 CFR as set forth below.

JACK O. HORTON,

Assistant Secretary of the Interior.

JANUARY 14, 1977.

PART 2400—LAND CLASSIFICATION

1. Section 2400.0-2 is amended by designating the existing paragraph a paragraph (a) and adding a new paragraph (b) to read as follows:

§ 2400.0-2 Objectives.

(b) Procedures for land classification in Alaska are contained in Subpart 2480 of this part.

§ 2400.0-3 [Amended]

2. Section 2400.0-3 is amended by deleting the words "In the case of Alaska" from the first sentence in paragraph (f).

3. Section 2400.0-3 is amended by deleting paragraph (h) and renumbering paragraphs (i) and (j) accordingly.

4. Part 2400 is amended by adding new Subparts 2480 to 2495 to read as follows:

Subpart 2480—Land Classification; Alaska

- Sec.
- 2480.0-2 Objectives.
- 2480.0-3 Authority.
- 2480.0-4 Procedures.
- 2480.0-5 Exclusions.
- 2480.0-7 Appendix.

Subpart 2490—Land Classification; Alaska

§ 2490.0-2 Objectives.

Various statutes, many of which are cited in § 2490.0-3, authorize the Secretary of the Interior of classify Federal lands. The objectives of this subpart are (a) to establish the criteria and procedures for the classification of the Secretary's authority and (b) to establish the procedures for the prompt and efficient exercise of this authority with the knowledge and participation of interested parties, including the general public.

§ 2490.0-3 Authority.

The Secretary of the Interior, or his delegate, is authorized by 43 U.S.C. 2 to perform all executive duties in anywise respecting the public lands of the United States. He is also authorized by 43 U.S.C. 1624 to enforce and carry into execution by appropriate regulations every part of the provisions of the Alaska Native Claims Settlement Act (ANCSA). The following statutes, among others, authorize land classification by the Secretary:

(a) Section 17(d)(1) of the ANCSA (43 U.S.C. 1610(d)(1)) authorizes the

in Alaska withdrawn for classification and to open such lands to appropriation in accord with such classification. By various Public Land Orders, lands have been withdrawn from all forms of appropriation under the public land laws, including State selections (some exceptions); from location and entry under the mining laws, with some exceptions for locations for metalliferous minerals (30 U.S.C. Ch. 2); and from leasing under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. sections 187-287 (1970)). By these Orders, all such lands not otherwise withdrawn or appropriated are subject to classification and reclassification.

(b) The Recreation and Public Purposes Act, as amended (43 U.S.C. 369-869-4), authorizes the Secretary to classify lands for lease or sale for recreation or public purposes.

(c) The Act of August 30, 1949, as amended (43 U.S.C. 687b), authorizes the Secretary to sell at public auction lands that he classifies as suitable for industrial or commercial purposes, including construction of housing.

(d) Section 6(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(d)) authorizes the Secretary to exchange federally owned property which he classifies as suitable for exchange or other disposal for nonfederal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system.

§ 2480.0-4 Responsibility.

Except where specified to the contrary in this subpart, the authority of the Secretary to classify lands and make other determinations in accordance with the regulations of this part has been delegated to officials of the Bureau of Land Management.

§ 2480.0-5 Definitions.

As used in the regulations of this subpart—

(a) "Agricultural" refers to the growing of cultivated crops; it does not include grazing or the production of native grasses or native forage plants.

(b) "Authorized Officer" refers to the head of a Bureau of Land Management field office who has been delegated authority to make classification decisions.

(c) "Bureau" means the Bureau of Land Management.

(d) "Classification" means a positive determination as to whether certain Federal lands will be subject to appropriation under specified law(s) or will remain in Federal ownership and control.

(e) "Appropriation" means, but is not limited to, grant, sale, exchange, selection, entry, or location for purposes of transfer of title from Federal ownership; or a lease under the Recreation and Public Purpose Act (43 U.S.C. 869, et seq.) or under the Act of May 24, 1928, as amended (40 U.S.C. 211-214).

(f) "Land Use Plan" means a plan, as of a given point in time, that sets out the future use(s) of the land based upon a systematic analysis of physical, environ-

fective, the land.

(g) "Secretary" means the Secretary of the Interior.

(h) "State Director" means the Director of the Alaska State Office, Bureau of Land Management.

§ 2480.0-7 Applicability.

The regulations of this Subpart govern all classification of lands administered by the Bureau that are made pursuant to the authorities described in § 2480.0-3. They also apply to lands not administered by the Bureau where the head of the administering agency agrees and the specific classification authority applies; e.g., the Recreation and Public Purposes Act (43 U.S.C. 869, et seq.). Classification is a prerequisite to the approval of all appropriations and sales under the following parts, chapters, and sections of this chapter: Exchange—Part 2482; Commercial, Agricultural, and Industrial—Part 2481; and Ranged Homesteads in Alaska—Subpart 2511.2512. Classification of Indian Allotments—Part 2563; and Manufacturing Sites—Subpart 2563; State Grants—Subpart 2627; Recreation and Public Purposes—Part 2740 and Subpart 2912; Airports—Subpart 2911.

Subpart 2481—Classification Principles

Sec.

2481.1 General.

2481.2 Requirements.

Subpart 2481—Classification Principles

§ 2481.1 General.

The authorities in § 2480.0-3 of Subpart 2480 of this part grant the Secretary full discretion, subject to statutory guidelines and limitations, to determine whether to classify any particular tract of Federal Lands for appropriation. The regulations in this subpart contain the principles and procedures which personnel of the Department of the Interior shall consider and follow in the exercise of land classification authority delegated to them by the Secretary.

§ 2481.2 Requirements.

(a) In arriving at the classification decision the authorized officer must find that the lands involved have the geographical, physical, and economic attributes to support the use or values upon which the classification decision is based.

(b) In arriving at a classification decision under the regulations of this part, the authorized officer shall consider:

(1) Federal uses, policies, programs and plans, including Bureau Land use plans and applicable policies and objectives set forth in Group 1700 of this chapter;

(2) State and local governmental uses, policies, programs, plans and laws, including zoning and other land use regulations, to the extent such are consistent with Federal uses, policies, programs and plans;

(3) Reasonably ascertainable present and potential uses and users of the lands;

(4) Environmental effects, including economic and social impacts;

could be used for such purposes; and the availability of such lands for such purposes under the laws of the State.

(6) Effect on the administration of other public lands;

(7) The impact on resources utilized for such purposes.

Subpart 2482—Classification for Appropriation

Sec.

2482.1 General.

2482.2 Relative values for types of appropriation.

2482.3 Classification for appropriation under particular laws.

Subpart 2482—Classification for Appropriation

§ 2482.1 General.

When lands are classified for appropriation, the classification decision shall specify the particular public law(s) under which they may be appropriated and, where applicable, the particular types of use and appropriation for which the lands will be open under such law(s).

§ 2482.2 Relative values for types of appropriation.

Where lands are found to have value for more than one type of nonfederal use or appropriation under more than one public land law, the law or laws specified in the classification decision shall be chosen so as to give the most benefit to the public, as determined by the authorized officer, with particular regard to the considerations in § 2481.2 (b) of Subpart 2481 of this part.

§ 2482.3 Classification for appropriation under particular laws.

(a) A Classification allowing appropriation for a homestead (Part 2510 and Subpart 2567 of this chapter) may be made if the lands are (1) chiefly valuable for agriculture, (2) suitable for development as a home and farm, (3) sufficient to provide an adequate return anticipated for the farm family, and (4) in an area where rainfall or groundwater and/or irrigation water is adequate and available under Alaskan law in sufficient quantity to permit agricultural development of the particular lands.

(b) A classification allowing appropriation for an Indian allotment (Part 2530 of this chapter) may be made if (1) the lands are chiefly valuable for agriculture; (2) the lands are, on the whole, suitable for a home, and (3) the anticipated agricultural use would support the allottee and the allottee's family.

(c) Needs in relation to subsistence living will be considered in investigations of the classification of lands for possible appropriation for headquarter sites, homesteads, or trade and manufacturing sites (Subparts 2563 and 2562 of this chapter).

(d) The authorized officer will not finalize a proposed classification allowing appropriation solely for exchange unless the estimated fair market values of the offered and selected lands are approximately equal. Where the exceptions con-

Section 17 of the Act of January 19, 1916 (39 Stat. 1156) are desired to be used by the authorized officer, the classification will not become final without the specific approval of the Secretary.

Subpart 2483.1—Applications

- 2483.1-1 Application or Bureau Motion.
- 2483.1-2 Filing.
- 2483.1-3 Rejection or suspension.
- 2483.1-4 Administrative Review.

Subpart 2483.2—Proposed Classification

- 2483.2-1 Commencement of Classification Action.
- 2483.2-2 Proposed Classification Decisions.
- 2483.2-3 Protests.

Subpart 2483.3—Classification

- 2483.3-1 Involving an environmental impact statement.
- 2483.3-2 In absence of protests.
- 2483.3-3 With protests.
- 2483.3-4 Classification by Secretary without certain procedures.
- 2483.3-5 Administrative Review.

Subpart 2483.1—Applications

- § 2483.1-1 Application or Bureau Motion.

Lands may be classified for appropriation in response to either an application for appropriation or on Bureau Motion.

- § 2483.1-2 Filing.

(a) An application must be on an approved form. Application forms and lists indicating the proper office for the filing of applications may be obtained from any office of the Bureau. All applications must be submitted in accordance with the applicable provisions of Subpart 1821 of this chapter and all other regulations concerning filing.

(b) The filing of an application gives no right to enter, occupy, or settle upon the lands.

(c) All filing fees which accompany applications submitted in accordance with the regulations of this Subpart shall be earned upon the filing of such applications with any office of the Bureau.

- § 2483.1-3 Rejection or suspension.

The classification authorities cited in § 2480.0-3, authorize classification action and applications requesting classification may be rejected without classification action at the discretion of the authorized officer or as provided by other regulations of this chapter.

(b) If the requested lands have already been classified and the application is for a type of appropriation not allowable by the existing classification, the application shall be rejected.

(c) An application for a type of appropriation not allowable under a proposed classification decision shall be suspended until the proposed decision is vacated or a final decision is issued.

(d) Applications shall also be rejected where the provisions of Subpart 2091 and other regulations of this chapter concerning segregation apply. However, applications shall not be rejected solely on the basis that the land is withdrawn pending classification under this Part.

(e) Upon finality of a classification decision, any inconsistent applications, which are then pending, will be rejected.

(f) Decisions rejecting applications will contain a statement giving the reasons for rejection and advising the applicant of corrective steps, if any, that may be taken.

(g) Upon finality of a decision rejecting an application, any advance payments on other such monies, except filing fees and reimbursement payments, submitted with the application will be returned or refunded.

- § 2483.1-4 Administrative review.

A rejection or suspension of an application pursuant to § 2483.3(a) through (e), supra, shall not be appealable to the Board of Land Appeals.

Subpart 2483.2—Proposed Classification

- § 2483.2-1 Commencement of classification action.

If an application is not rejected or suspended, or if the classification action is initiated by Bureau motion, the authorized officer shall proceed to examine the lands and prepare a proposed classification decision.

- § 2483.2-2 Proposed classification decision.

(a) Before issuing a proposed classification decision, the authorized officer shall determine whether the proposed action requires preparation of an environmental impact statement (an EIS) under section 102(2)(c) of the National Environmental Policy Act (43 U.S.C. 4332 (2)(c)). In those instances where he determines that an EIS is required, the authorized officer shall proceed to prepare an EIS based on the proposed classification decision.

(b) The authorized officer shall make and issue a proposed classification decision which shall (1) state whether the lands will be retained or offered for appropriation; (2) if appropriation, state the extent or under which authority (ies) appropriation will be allowed as provided in § 2482.1 of Subpart 2482 of this part; (3) state whether an EIS has been or is being prepared; (4) identify any and all applications filed for the land; (5) if no application has been filed and disposition is contemplated, state that the land will be open to application by all qualified persons on an equal-opportunity basis after public notice; (6) contain a statement of reasons in support of the decision proposed; and (7) specify a period of not less than 30 days during which protests shall be received. Should the authorized officer find good cause, the protest period may be shortened, and, if so shortened, the proposed decision shall contain the reason(s) in support of such lesser period of time.

(c) Such decisions shall be served upon (1) each applicant for use or appropriation of the land; (2) each permittee, licensee, or lessee using the land; (3) the local governing board, planning commission or other official body having

control authority in the area where the land is located; (4) any governmental officials or agencies from whom written comments concerning future use of the lands have recently been received; and (5) such other persons as the authorized officer deems appropriate.

(d) A proposed classification decision that would classify more than 2,560 acres shall be published in the FEDERAL REGISTER and in a newspaper having general circulation in the vicinity of the lands. A proposed classification decision for 2,560 acres or less may be also so published if it is deemed appropriate by the authorized officer.

(e) The authorized officer shall hold a public meeting on the proposal if the proposed classification is for more than 100,000 acres, or he determines that sufficient public interest exists to warrant the time and expense of a meeting.

- § 2483.2-3 Protests.

After a proposed classification decision has been issued, any interested party may file a written protest with the State Director during the period specified in the proposed decision. No particular form of protest is required. The protest must be sufficient to identify the specific proposed decision being protested.

Subpart 2483.3—Classification

- § 2483.3-1 Involving an environmental impact statement.

If, under § 2483.2-2(a) of Subpart 2483.2 of this part, it was determined that an EIS is necessary, no classification will become final until the final EIS has been filed. In such cases, the authorized officer shall issue a final classification notice or decision as appropriate.

- § 2483.3-2 In absence of protests.

If no protest is filed within the time allowed, the proposed classification shall become final, and the authorized officer shall serve a notice of final classification upon those served with the proposed decision. A notice shall also be published in the FEDERAL REGISTER and a local newspaper if the proposed decision was so published.

- § 2483.3-3 With protests.

If a protest to the proposed classification decision is timely filed, the following procedures shall apply:

(a) The protest shall be reviewed by the State Director. At the conclusion of the review, the State Director shall either vacate, affirm, or modify the proposed classification decision. Notice of his decision shall be served upon those served with the proposed classification decision and upon all protestants. It shall also be published in the FEDERAL REGISTER and a local newspaper if the proposed classification decision was so published.

(b) For a period of 30 days after service of the notice of the State Director's decision, any interested person may petition the Secretary for review. Notice of the filing of a petition with the Secretary

must be served on the State Director within the 30-day period.

(c) If within the 30-day period, the State Director does not receive notice of petition to the Secretary, the decision shall become the final classification decision.

(d) If a petition is timely received, including service on the State Director, the State Director's decision shall be suspended. Notice of suspension shall be given to the same persons and in the same manner as notice of the State Director's decision. Therefore, the Secretary shall make the final classification decision. Notice of the Secretary's action shall be given to the same persons and in the same manner as the notice of suspension.

§ 2483.3-4 Classification by Secretary without certain procedures.

Where the Secretary determines that the public interest would be served thereby, he may issue a final classification decision without following any or all of the procedures in §§ 2483.2-2(b) through 2483.2-3 of Subpart 2483.2 of this part and §§ 2483.3-2 and 2483.3-3 by publishing his decision in the FEDERAL REGISTER and a newspaper having general circulation in the vicinity of the lands being classified.

§ 2483.3-5 Administrative Review.

No person shall be entitled to any administrative review of a classification decision other than that provided by § 2483.3-3.

Subpart 2484—Opening of Lands

Sec.

- 2484.1 Preference rights.
- 2484.2 Appropriation in absence of preference rights.
- 2484.3 Right to enter, occupy, or settle.

Subpart 2484—Opening of Lands

§ 2484.1 Preference rights.

(a) No applicant shall have a preference right unless it is expressly provided by law.

(b) If it should be necessary for any reason to reject the application of the first applicant entitled to a preference right, other qualified applicants who filed prior to classification shall succeed to the preference right in order of filing.

§ 2484.2 Appropriation in absence of preference rights.

Where there is no preference right, the authorized officer shall, in accordance with the specifics of the classification:

(a) Seek application for the land from an applicant where there is only one possible qualified applicant, e.g., the State of Alaska.

(b) Publish a notice setting a time and place at which the land will be sold to the highest bidder.

(c) Publish a notice providing for a period during which applications may be filed, with the successful applicant to be determined by a drawing among all qualified applicants.

(d) In the event there is no response to the specific notices given in paragraphs (b) and (c) of this section, the

authorized officer, in his discretion, may cancel the classification or the final classification to stand until the first qualified applicant submits a proper application, or the classification is rescinded for other reasons.

§ 2484.3 Right to enter, occupy, or settle.

(a) A classification for appropriation does not give a right to enter, locate, occupy, or settle upon the lands unless the classification decision expressly opens the lands. If a classification decision does not so provide, no person shall be entitled to possession or use of the land until otherwise expressly authorized by the authorized officer. Entry, location, occupancy, or settlement on the land prior to that time constitutes a trespass.

(b) After lands have been classified, all the laws and regulations governing the particular type of appropriation must be complied with in order for title to vest or other interest to pass. No final determination on whether an applicant has satisfied all requirements for appropriation need be made until the lands have been classified. No conveying instrument or lease shall be executed until the lands are opened.

Subpart 2485—Termination of Classification

§ 2485.1 Continuance.

A final classification shall continue in full force and effect until it is revoked, until it terminates by its own terms or by operation of law, or until the lands are reclassified. Lands may be reclassified at any time.

§ 2485.2 Recreation and public purpose classifications.

If no application is received for lands classified for appropriation under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869-869-4), within 18 months of the date of classification, the classification shall automatically terminate.

[FR Doc. 77-1731 Filed 1-16-77; 8:45 a.m.]

Office of the Secretary
[43 CFR Part 29]

TRANS-ALASKA PIPELINE LIABILITY FUND

Establishment of Non-Profit Corporation

The United States Department of the Interior, in order to implement section 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. 1653(c) (the Trans-Alaska Pipeline Liability Fund), proposes to adopt regulations pursuant to the Act for the purpose of establishing a non-profit corporate entity to be strictly liable without regard to fault for all damages, sustained by any person or entity as a result of discharges of oil from vessels engaged in the coastwise transportation of oil from the terminal facilities of the Trans-Alaska Pipeline to a port under the jurisdiction of the United States. Specifically, the contents of these proposed regu-

ulations are hereby published for public comment and notice of the availability of the regulations is hereby published in the FEDERAL REGISTER.

The Department of the Interior hereby solicits public comment on the proposed regulations so that they may be improved. Comments should be submitted to the Office of the Secretary, U.S. Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240, on or before March 7, 1977. Following the close of the comment period and after review of the comments, the Secretary may amend these proposed regulations to reflect necessary and permissible changes. The Secretary shall then publish final regulations in the FEDERAL REGISTER.

Thomas S. Brantley,
Secretary of the Interior

This part of the Code of Federal Regulations is proposed to be revised as follows:

PART 29—TRANS-ALASKA PIPELINE LIABILITY FUND

- 29.1 Definitions.
- 29.2 Creation of the fund.
- 29.3 Fund administration.
- 29.4 General powers.
- 29.5 Officers and employees.
- 29.6 Financing of the fund.
- 29.7 Imposition of strict liability.
- 29.8 Notification and advertisement.
- 29.9 Claims, settlement and adjudication.
- 29.10 Subrogation.
- 29.11 Investment.
- 29.12 Borrowing.
- 29.13 Termination.
- 29.14 Audit.

AUTHORITY: Sec. 204(c), Trans-Alaska Pipeline Authorization Act, 43 U.S.C. 1653(c).

§ 29.1 Definitions.

As used in this part:

(a) "United States" includes the various States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) "Secretary" means the Secretary of the Interior or his authorized representatives.

(c) "Act" means the Trans-Alaska Pipeline Authorization Act, Title II of Pub. L. 93-153.

(d) "Trans-Alaska Pipeline System" means any pipeline or terminal facilities constructed by the Permittees.

(e) "Fund" means the Trans-Alaska Pipeline Liability Fund established as a non-profit corporate entity by Sec. 204(c) of the Trans-Alaska Pipeline Authorization Act.

(f) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or a Government entity.

(g) "Oil" means petroleum in any form including crude oil, refined products, and other liquid hydrocarbons which have

(3781 - Ref)

Rio → Juneau - Las Vegas

(2 wks.)

Passport
Vacation

- Post office

↓
Application

(Water pills)

Rio
Dean

Face
↓

Rep
Mike
Miller
3738

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Introduced: 2/18/77
Referred: Resources and
Finance

BY GRUENING, MALONE, GARDINER
AND SWANSON

1 IN THE HOUSE

2 HOUSE BILL NO. 233 ✓

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land under the Alaska Native Claims
7 Settlement Act; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. STEERING COUNCIL FOR d-2 LAND. There is created in the
10 Office of the Governor the Steering Council consisting of nine members as
11 follows: the state co-chairman of the Joint Federal-State Land Use Planning
12 Commission for Alaska, four members appointed by the governor, two members of
13 the house of representatives appointed by the speaker of the house, and two
14 members of the senate appointed by the president of the senate. *The Council*

15 *may select one of its members as chairman.*
16 * Sec. 2. COMPENSATION. Members of the Steering Council receive the same
17 travel pay and per diem as provided by law for boards and commissions.

18 * Sec. 3. STAFF. The committee may employ those persons necessary to
19 carry out the purposes of this Act, including but not limited to regular or
20 temporary employees, consultants or other experts in the field.

21 * Sec. 4. DUTIES. (a) The Steering Council shall develop a lobby effort
22 to represent Alaska's interest before Congress in matters relating to land
23 withdrawals under sec. 17(d)(2) of the Alaska Native Claims Settlement Act
(43 U.S.C. 1601 et seq.).

24 (b) The Steering Council ~~is to provide a forum for parties interested~~
may coordinator for Alaska
representative on the d-2 land and may
25 ~~in the d-2 land to develop and maintain a common broad front on the issues~~
expert funds to carry out the purposes of this act.
26 ~~and to develop a capability for these interested parties to adequately~~
27 ~~present their views before Congress.~~

28 ~~[(c) In order to ensure the widest possible presentation of Alaska's~~
29 ~~views before Congress the Steering Council may make grants from the funds.~~

1 available to it to independent groups for the purpose of presentations before
2 Congress on these issues. ~~(These groups must have an interest in the issue of~~
3 ~~d-2 withdrawal, but their position need not be identical to the position of~~
4 ~~the Steering Council of the state or the official position of the executive~~
5 ~~branch of government of the state. The interest may concern specific issues~~
6 ~~or particular portions of the land being withdrawn.~~

7 ~~(d) The Steering Council may do other things considered advisable for~~
8 ~~maximizing the development of positions on the issues of withdrawal and the~~
9 ~~effectiveness of presentation of these positions to Congress.~~

10 * Sec. 5. The provisions of AS 39.50 (conflict of interest) apply to the
11 Steering Council for d-2 land created by this Act.

12 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).



Section 1. Purpose and statement of Policy

Section 17 (d) (2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Department of Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act.... up to, but not to exceed, eight million acres of unreserved public lands in the State of Alaska.... which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers System."

Congress is now considering bills calling for up to 114 million acres for inclusion in the aforementioned systems. The legislature finds it essential that Alaskans be provided an opportunity to affect the system and nature of public land management in Alaska in order to insure that the rights of the State of Alaska under the Statehood Act will be fully ^{and} recognized and that ^{the} needs and well being of all Americans are considered when Congress acts upon the status of Alaska's Public Lands. ~~and by providing measures to~~ ~~land classifications.~~

Section 4 (a) The Steering Council shall develop a unified lobbying and informational effort to make Alaska's needs and future land use requirements known to Congress and ^{the Public} throughout the other 49 states in all matters relating to land withdrawals ^{and land use} under Section 17 (d)(2) of the Alaska Native Claims Settlement Act ^{or any other federal act, regulation, order.}

(b) The Steering Council is to provide a forum for Alaskans interested in the d-2 land to develop recommendations protective of Alaska's present and future needs and to assist Alaskans in presenting their views on the ^{land} land questions ^{to} Congress, and the American public.

(c) The Steering Council may ^{expend fund} make grants from the funds available to it to independent Alaskan groups for the purpose ^{to make} of presentations before Congress ^{and the public.} on these issues.

Suggested Amendments to HB 233

Section 1. Purpose and statement of Policy

Section 17 (d) (2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Department of Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act.... up to, but not to exceed, eight million acres of unreserved public lands in the State of Alaska.... which the Secretary deems are suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and wild and Scenic Rivers System."

Congress is now considering bills calling for up to 114 million acres for inclusion in the aforementioned systems.

The legislature finds it essential that Alaskans be provided an opportunity to affect the system and nature of public land management in Alaska in order to insure that the rights of the State of Alaska under the Statehood Act ~~will be fully~~ *fully* are recognized, ~~and that needs and well being of all Americans are considered when Congress acts upon the status of Alaska's Public Lands.~~ *The legislature further finds it to be in the best interests of the Nation and the State that it be classified*

Section 4 (a) The Steering Council shall develop a unified lobbying and informational effort to make Alaska's needs and future land use requirements known to Congress and throughout the other 49 states in all matters relating to land withdrawals under Section 17 (d) (2) of the Alaska Native Claims Settlement Act.

(b) The Steering Council is to provide a forum for Alaskans interested in the d-2 land to develop recommendations protective of Alaska's present and future needs and to assist Alaskans in presenting their views on the d-2 land-question to Congress and the American public.

(c) The Steering Council may make grants from the funds available to it to independent Alaskan groups for the purpose of presentations before Congress on these issues.

These large portions of Alaska Public Lands

Suggested Amendments to HB 233

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out



Alaska State Legislature
House

JUNEAU ALASKA

Memo to: Alvin Osterback, Chairman
House Resources Committee

From: Subcommittee on Parks, Timber and Lands
Sally Smith, Chairman

Re: HB 156-Privately Owned Agricultural Land

February 23, 1977

On request of the sponsor, we recommend that HB 156 be held indefinitely and not be taken up by the complete Resources Committee as scheduled.

Handwritten signature of Sally Smith in cursive.

Sally Smith

Handwritten signature of Mike Miller in cursive.

Mike Miller

Handwritten signature of Dick Eliason in cursive.

Dick Eliason

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 22, 1977

SUBJECT: Land questions (Work Order #3369)
TO: Representative Alvin Osterback
FROM: Joel F. Bennett *JFB*
Legislative Counsel

You asked several questions relating to lands matters. As I understand it, they were as follows:

(1) What can the so-called "D-2 lands" be used for, and can the uses be changed?

The "D-2" lands were those federal lands withdrawn by the Secretary of the Interior under sec. 17(d)(2) of the Alaska Native Claims Settlement Act for designation by Congress as additions to or new National Parks, National Forests, Wild and Scenic Rivers, and Wildlife Refuges (approximately 80 million acres). Congress has until December, 1978 to act on "D-2" withdrawals. Until then, no state selections can be made on the lands. After lands are designated to be included within the four systems, no state selections within them may occur. Lands not designated by Congress under 17(d)(2) will be open to selection by the state. Uses within the four federal systems are restricted according to the provisions of the respective federal laws governing those systems and cannot be changed by the state. Change must thereafter come by congressional action. (The state eventually will be able to select from lands within the following: native withdrawals not chosen by the natives; "D-2" lands not acted upon by Congress; and "D-1" lands withdrawn to insure that the public interest is adequately protected, and not acted upon).

(2) What can the state do with the lands it selects?

After selection, the state has broad powers of classification for its lands under AS 38.05.300. The director of lands is directed to make a preliminary classification for surface use of "all lands in areas where he considers it necessary

and proper for future development." This must be transmitted to the commissioner, with a land use plan, for his approval, modification or rejection. However, no state land, water, or land and water area shall, except by act of the state legislature, be closed to multiple purpose use, if the area contains more than 640 acres. So although lands can be classified as agricultural, commercial, industrial, utility, grazing, mineral, timber etc., large areas over 640 acres closed to multiple purpose use (i.e., parks, recreation areas) must be done by act of the legislature.

Following its classifications, the state may dispose of it in accordance with those classifications; retaining it for public use (for ex, parks, recreation areas), leasing it (for ex, minerals) or selling it (for ex, as residential, utility land), or otherwise disposing of it (for ex, the sale of timber).

(3) Can the state select land specifically for timber harvest?

Yes, under the present classification system, state lands can be classified as timber lands and although this does not preclude other uses, they must conform to its primary use as timber land. Once classified, the state may contract for the sale of the timber on the land, but not for the sale of the land itself. Presumably, the state in many cases does select land with the primary intention of disposing of its timber resources. (See AS 38.05.110-125, generally).

(4) If land is put into state parks, can it later be withdrawn for timber and mineral development?

Whether the park is 640 acres or more makes a difference. If it is, it can be changed and devoted to timber development only by act of the legislature. If it is not over 640 acres, the director of lands can reclassify it (or any other category) for use as timber lands when the public interest warrants it (see AS 38.05.300).

JFB:smh