scomm

#22:70

Nov 7.

tell Sen. Colletta —

John Seiberling called for him personally — was unable to reach him. Message is: Seib soliciting our comments on his draft which was accepted for mark-up which Seib. would like to begin on the 28th or 29th of November.

DHPM HOME AHG

DHPM WSH
ATTN SFAAN
FROM BROOKS
DATE DECEMBER 16, 1977

THE FOLLOWING SHOULD BE GIVEN TO COWPER AND COLLETTA AND COPY TO RON WHEN HE ARRIVES ON TUESDAY.

AMENDMENT TO HR 39

PAGE 146, STRIKE LINES 14, 15, AND 16 IN THEIR ENTIRETY, AND ON PAGE 147, AFTER LINE 10 ADD NEW SUBSECTIONS AS FOLLOWS:

"(C) IN ANY CASE WHERE STATE-OWNED OR PRIVATELY OWNED LAND (INCLUDING NATIVE LAND) OR A VALID MINING CLAIM OR OTHER VALID OCCUPANCY IS SURROUNDED BY PUBLIC LANDS WITHIN ONE OR MORE CONSERVATION SYSTEMS UNITS, THE STATE OR PRIVATE OWNER OR OCCUPIER SHALL BE GIVEN SUCH EASEMENTS OR OTHER RIGHTS AS MAY BE NECESSARY TO ASSURE ADEQUATE ACCESS TO SUCH SURROUNDED LAND OR OCCUPANCY BY SUCH STATE OR PRIVATE OWNER OR OCCUPIER AND HIS SUCCESSORS IN INTEREST, UNDER REASONABLE REGULATIONS TO PROTECT THE VALUES OF THE UNIT OR UNITS."

Bill Mo Colletta

Jan

M.
PHPM HOME ANC

PHPM WSH
ATTN SPAAN
FROM BROOKS
DATE DECEMBER 16, 1977

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sistent with the purposes for which such unit was established. Before promulgating regulations under this section, the Secretary shall give at least sixty days public notice of the proposed regulations, including publication of the proposed regulations in a newspaper or newspapers having general circulation in each State judicial district in Alaska where the unit or units affected by the proposed regulations are located, and shall hold a public hearing or hearings concerning the proposed regulations at one or more locations convenient to the unit or units affected.

HR39
Committee Print
2/10/78

(c) In any case in which State-owned or privately owned land (including Native land) or a valid mining claim or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such unit or units.

ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

SEC. 1203. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the conservation system units described in sections 201 (2), 201 (6), and 201 (10), the Secretary of the Interior may ac-

RECEIVED JUL 0 2

II

96TH CONGRESS
1ST SESSION

H. R. 39

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, MAY 21), 1979

Read twice and referred to the Committee on Energy and Natural Resources

---

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,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act of 1979".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Definitions.

TITLE II—NATIONAL PARK SYSTEM

Sec. 201. Redesignated and additional units.
Sec. 202. Administrative provisions.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

Sec. 301. Redesignated units.
Sec. 302. Additional units.
Sec. 303. Additions to existing units.
Sec. 304. Administrative provisions.
Sec. 305. Cooperative management agreements.
Sec. 306. Special study.

TITLE IV—NATIONAL FOREST SYSTEM

Sec. 401. Additions to Tongass and Chugach National Forests.
Sec. 402. Administrative provisions.
Sec. 403. Protection of native lands in contingency areas under timber sales.
Sec. 404. National forest timber improvement program.
Sec. 405. Rights of holders of unperfected mining claims.

TITLE V—NATIONAL WILD AND SCENIC RIVERS SYSTEM

Sec. 501. Additions to the National Wild and Scenic Rivers System.
Sec. 502. Potential additions.
Sec. 503. Administrative provisions.
Sec. 504. Oil and gas pipelines across rivers and trails.

TITLE VI—NATIONAL WILDERNESS PRESERVATION SYSTEM

Sec. 601. Findings and purposes.
Sec. 602. Designation of wilderness areas within the National Park System.
Sec. 603. Designation of wilderness areas within the National Wildlife Refuge System.
Sec. 604. Designation of wilderness and wilderness study within the National Forest System.
Sec. 605. Reviews.

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Sec. 702. State regulations.
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Sec. 802. Access.
Sec. 803. Scientific and cultural resources.
Sec. 804. Cooperative information and education centers.
Sec. 805. Administrative sites and visitor facilities.
Sec. 806. Revenue-producing visitor services.
Sec. 807. Local hire.
Sec. 808. Management plans.
Sec. 809. Taking of fish and wildlife.
Sec. 810. Maps.
Sec. 811. Navigation aids and other facilities.
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Sec. 816. Alaska mineral resource assessment program.
Sec. 817. Wilderness administration.
Sec. 818. Application only to Alaska.
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Sec. 820. Congressional review.

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Sec. 904. Vesting date for reconveyances.
Sec. 905. Reconveyance to municipal corporations.
Sec. 906. Conveyance of partial estates.
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Sec. 911. Alaska townsites.
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Sec. 914. Supplemental grants for Native groups.
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Sec. 918. Submerged lands.

Sec. 919. Nana and Cook Inlet Regional Corporations lands.
Sec. 920. Doyon Regional Corporation lands.
Sec. 921. Hodzana River and Circle areas.
Sec. 922. Doyon and Fortymile River.
Sec. 923. Ahtna Regional Corporation lands.
Sec. 924. Bering Straits Regional Corporation lands.
Sec. 925. Eklutna Village Corporation lands.
Sec. 926. Eklutna-State Anchorage Agreement.
Sec. 927. Koniag Village and Regional Corporation lands.
Sec. 928. Pribilof Islands acquisition authority.
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Sec. 1003. Environmental impact statement.
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Sec. 1102. Alaska Land Bank.

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Sec. 1203. Applicable law.
Sec. 1204. Exploration.
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Sec. 1208. Special provisions for Tesh Apuk-Utukok National Wildlife Refuge.
Sec. 1209. Special provisions for nonwilderness wildlife refuges.
Sec. 1210. Special provisions for Bureau of Land Management lands.

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

FINDINGS

SEC. 101. Congress finds and declares that—

size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

ACCESS

SEC. 802. (a) SPECIAL ACCESS RIGHTS.—Notwithstanding any other provision of this Act or other law, the Secretary shall permit on conservation system units the use of snowmachines; motorboats; airplanes able to land on snow, ice, water, or land, and nonmotorized surface transportation methods, for traditional activities permitted by this Act or other law, including travel to and from villages and homesites. Such uses shall be subject to reasonable regulations promulgated by the Secretary in order to protect the natural and other values of the conservation system units. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

(b) TEMPORARY ACCESS.—(1) Notwithstanding any other provision of this Act or other law, the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit or

those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses of such State or private lands whenever he determines such access will not result in permanent harm to the resources of such unit or public lands.

(2) In providing temporary access pursuant to paragraph (1) the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

(c) ACCESS TO INHOLDINGS.—Notwithstanding any other provision of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors

in interest. Such access shall include, but not be limited to, the right to surface access across such unit or other public lands when, and to the extent, reasonably necessary to carry out such economic and other purposes. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of the affected public lands.

(d) VALID EXISTING RIGHTS.—Nothing in this section shall be construed to adversely affect any valid existing right of access.

(e) ACCESS TO UNITS.—The Secretary shall take whatever actions may from time to time be necessary to provide public access to the conservation system units, consistent with the purposes for which each such unit is established, designated, redesignated, or expanded, and consistent with applicable provisions of law.

SCIENTIFIC AND CULTURAL RESOURCES

SEC. 803. (a) ARCHEOLOGICAL AND PALEONTOLOGICAL SITES.—Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Park, the Bering Land Bridge National Preserve, the Yukon-Charley National Preserve, and the Kobuk Valley National Park, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

Leo Mark Anthony
2020 Lake Otis
Pkwy
Anch 99504

North Commission 3

586-1248 fax

& Cooper Calliotte
Arnold

DESK COPY

Committee Approved

FOR SENATOR COLLETTA

Breaux Bill

[COMMITTEE PRINT]

[April 3, 1979]

[Amendment to H.R. 39, As Reported by the Subcommittee on Fisheries and Wildlife Conservation and the Environment]

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Alaska National Interest Lands Conservation Act".

RECEIVED APR 18 1979

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Definitions.

TITLE II—NATIONAL PARK SYSTEM

Sec. 201. Establishment of new areas.
Sec. 202. Additions to existing areas.
Sec. 203. Administrative provisions.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

Sec. 301. Definitions.
Sec. 302. Purposes of refuges.
Sec. 303. Administration of refuges.
Sec. 304. Establishment of refuges.
Sec. 305. Cooperative management agreements.
Sec. 306. Round Bay Cooperative Region.
Sec. 307. Mining within refuges.
Sec. 308. Mineral leasing within refuges.
Sec. 309. Arctic National Wildlife Refuge Coastal Plain Resource Assessment.
Sec. 310. Porcupine caribou herd.
Sec. 311. Miscellaneous provisions.

TITLE IV—NATIONAL FOREST SYSTEM

Sec. 401. Additions to national forests.
Sec. 402. Seward National Recreation Area.

Breaux Bill - as passed by subcommittee

Title IX

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RECEIVED APR 18 1979

ACCESS TO INHOLDINGS

SEC. 909. Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and economically feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such lands.

209

NORTH SLOPE HAUL ROAD

SEC. 910. (a) IN GENERAL.—So long as that section of

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

CHARLES CONKLIN
GROUP DIRECTOR

LEE MC ELVAIN
GENERAL COUNSEL

STANLEY E. SCOVILLE
SPECIAL COUNSEL

MICHAEL C. MARDEN
MINORITY COUNSEL

November 8, 1977

State Senator Mike Colletta
Box 3188
Anchorage, Alaska 99501

Dear Mike:

It may well be that you have already received a copy of the revised version of H.R. 39 which the Subcommittee has adopted for markup purposes. However, on the possibility that you may not have received a copy, I am enclosing one with this letter.

While the Committee print will undoubtedly be further revised in the Subcommittee, it is an effort to eliminate as many areas as possible as to which there is no significant controversy. In particular, you will note that it covers all of the four general areas which, according to the Anchorage Daily News article of October 12, your council will concentrate on preparing your advertising campaign. Specifically these are:

-- No revocation of state land selections.

-- Speedy ~~evaluation~~ availability of land selected by Alaskan Natives.

-- Continued protection of subsistence life styles.

-- Protection of access to and through areas withdrawn by Congress.

While we believe that the Committee print represents substantial progress in these and other areas, we are hoping to have any ideas and suggestions that you may have so that, if possible, we can incorporate them in the markup process. Our Subcommittee markup is presently scheduled to start November 28, and will undoubtedly go on for some days before we are ready to send a bill to the full Committee.

Please feel free to communicate with me and the Subcommittee staff at any time with respect to any questions or comments you may have.

Sincerely,

JOHN F. SEIBERLING
Chairman, Subcommittee on
General Oversight & Alaska Lands

Enclosure

Basically last years ad hoc comp.

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MAR 13 1979

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FOR ALASKA LANDS

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96TH CONGRESS
1ST SESSION

H. R. 2199

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 1979

Mr. HUCKABY introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries

---

A BILL

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska National Interest Lands Conservation Act".

that no permanent harm will result to the resources of the unit.

ACCESS TO INHOLDINGS

SEC. 907. Notwithstanding any other provision of this Act or other law in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within one or more conservation system units, National Recreation Areas, National Conservation Areas, the National Petroleum Reserve in Alaska, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such lands.

NORTH SLOPE HAUL ROAD

SEC. 908. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with

95TH CONGRESS
2D SESSION

H. R. 39

passed House

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 17), 1978

Received

AN ACT

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, 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,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".

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Sec. 103. Definitions.

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Sec. 202. Additions to existing areas.
Sec. 203. Administrative provisions.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

Sec. 301. Definitions.
Sec. 302. Purposes of refuges.
Sec. 303. Administration of refuges.
Sec. 304. Establishment of refuges.
Sec. 305. Cooperative management agreements.
Sec. 306. Bristol Bay Cooperative region.
Sec. 307. Barren Ground Caribou Study.
Sec. 308. Miscellaneous provisions.

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Sec. 401. Additions to national forests.

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Sec. 502. Potential additions.
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Sec. 1107. Local hire.
Sec. 1108. Management plans.
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Sec. 1202. Klondike Gold Rush National Historical Park.
Sec. 1203. Navigation aids and other facilities.
Sec. 1204. Amendments to Naval Petroleum Reserves Production Act of 1976.
Sec. 1205. Withdrawals; mineral rights.
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Sec. 1208. Alaska Natural Gas Transportation Act.
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Sec. 1302. Continuation of mineral assessment programs in Alaska.
Sec. 1303. Presidential report.

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

FINDINGS

SEC. 101. Congress finds and declares that—

(1) through passage of the Alaska Statehood Act and the Alaska Native Claims Settlement Act, the Congress established policies for the disposition of the public lands in Alaska and provided for future economic, social, and cultural development in Alaska and for the fair and just settlement of claims of Natives and Native groups

conservation system units in Alaska, the Secretary shall permit the continuation of customary patterns and modes of travel across such units. Such travel may be conditioned by such reasonable regulations as the Secretary shall promulgate to assure that such travel is consistent with the purposes for which such unit was established. Before promulgating regulations under this section, the Secretary shall give at least sixty days public notice of the proposed regulations, including publication of the proposed regulations in a newspaper or newspapers having general circulation in each State judicial district in Alaska where the unit or units affected by the proposed regulations are located, and shall hold a public hearing or hearings concerning the proposed regulations at one or more locations convenient to the unit or units affected.

(c) SPECIAL ACCESS RIGHTS.—In any case in which State owned or privately owned land (including Native land) or a valid mining claim or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such unit or units.

95TH CONGRESS
2d Session
SENATE
REPORT
No. 95-1300

DESIGNATING CERTAIN LANDS IN THE STATE OF ALASKA AS UNITS OF THE NATIONAL PARK, NATIONAL WILDLIFE REFUGE, NATIONAL WILD AND SCENIC RIVERS, AND NATIONAL WILDERNESS PRESERVATION SYSTEMS, AND FOR OTHER PURPOSES

REPORT

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

together with

MINORITY, ADDITIONAL, AND SUPPLEMENTAL VIEWS

TO ACCOMPANY

H.R. 39

OCTOBER 9 (legislative day, SEPTEMBER 28), 1978.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
84-309 WASHINGTON : 1978

(c) In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsection (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

RIGHTS-OF-WAY STUDY

SEC. 1105. Except for rights-of-way subject to section 1103(h), no right-of-way shall be issued pursuant to this title after years from the date of enactment of this provision unless the need for such right-of-way has been identified in a study of the regional requirements for rights-of-way for transportation and utility systems which—

(1) has been conducted by the State in consultation with the Secretaries of Transportation, the Interior, and Agriculture and the Alaska Land Use Council;

(2) is updated in a similar manner no less than biennially; and

(3) includes the considerations set forth in section 1103(f)(1) (B) through (I).

SPECIAL ACCESS RIGHTS

SEC. 1106. Notwithstanding any other provision of this Act or other law, the Secretary shall permit on conservation system units National Recreation Areas, National Conservation Areas and the National Petroleum Preserve—Alaska, for traditional activities, where such activities are permitted by this Act or other law, and for travel to and from villages and homesites the use of snowmachines; motorboats; airplanes which may land on snow, ice or water, or on designated sites; and nonmotorized surface transportation methods. Such use shall be subject to reasonable regulations by the Secretary to protect the values of the conservation system units, or National Conservation Areas and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

TEMPORARY ACCESS

SEC. 1107. (a) Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, National Recreation Area, National Conservation Area, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit.

(b) In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

ACCESS TO INHOLDINGS

SEC. 1108. Notwithstanding any other provision of this Act or other law in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within one or more conservation system units, National Recreation Areas, National Conservation Areas, the National Petroleum Reserve in Alaska, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest.

such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such lands.

NORTH SLOPE HAUL ROAD

SEC. 1109. (a) So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder. The State of Alaska shall have the authority to limit access, impose restrictions and impose tools, notwithstanding any provision of Federal law.

(b) The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

VALID EXISTING RIGHTS

SEC. 1110. Nothing in this title shall be construed to adversely affect any valid existing right of access.

TITLE XII—FEDERAL-STATE COOPERATION

ALASKA LAND USE COUNCIL

SEC. 1201. (a) ESTABLISHMENT.—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

(b) COCHAIRMEN.—The Council shall have Cochairmen. The Federal Cochairman shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) MEMBERS.—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation; and

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs.

"Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) STATE DECISION NOT TO PARTICIPATE.—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Cochairman and the agencies referred to in subsection (c)(1). The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) COMPENSATION AND EXPENSES.—

(1) The Federal Cochairman shall be compensated at a rate to be determined by the President but not in excess of that provided for level IV of the Executive Schedule contained in title V, United States Code.

(2) The other members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees shall be allowed travel expenses, in subsistence, in the same manner as persons emp Government service are allowed expenses under s the United States Code.

(4) The State Cochairman and other State mem compensated in accordance with applicable State l

(f) ADMINISTRATIVE AUTHORITY.—

(1) The Cochairmen, acting jointly, shall have t abolish employments and positions, including te employments; to fix and provide for the qualificat compensation, pension, and retirement rights of procure needed office space, supplies, and equipm

(2) The office of the Council shall be located in

(3) Except as provided in subsection (d), with Federal Government shall pay only 50 per centum penses other than salaries, benefits, et cetera of Council in carrying out its duties under this Act.

(4) The Council is authorized to use, with t equipment, personnel, and facilities of Federal a without reimbursement. Each department and age ment is authorized and directed to cooperate fu equipment, personnel, and facilities available detailed to the Council in accordance with the p shall be under the direction of the Cochairman d is so detailed.

(5) The Council is authorized to accept dona tributions and to utilize such donations, gifts, an out its functions under this Act.

(6) The Council shall keep and maintain compl its activities and transactions, and such accounts ble for public inspection.

(g) MEETINGS; AUTHORITIES; REPORTS.—The Coun the Cochairmen, but not less than four times each ye may, for the purpose of carrying out the provisions hearings, take such testimony, receive such evidence produce and distribute reports concerning so much of cil deems advisable. No later than February 1 of each calendar year in which the Council is established, the the President, the Congress, the Governor of Alaska, in writing, a report on the activities of the Council together with their recommendations, if any, for le furtherance of the purposes of this section.

(h) RULES.—The Council shall adopt such interi deems necessary. All Council meetings shall be open fifteen days prior to the date when any meeting of the Cochairmen shall publish public notice of such meet and in newspapers of general circulation in various a

(i) FUNCTIONS OF THE COUNCIL.—

(1) The Council shall conduct studies and adv tary of Agriculture, other Federal agencies, the S Native Corporations with respect to ongoing, pla resources uses in Alaska, including transportati nation, fish and wildlife management, tourism coastal zone management, preservation of cultu and such other matters as may be submitted for

(2) It shall be the function of the Council—

(A) to make recommendations to appro ments of the United States and the State of to improve coordination and consultation b wildlife management, transportation plann other governmental activities which appear wide coordination;

(B) to make recommendations to appro ments of the United States and the State of to insure that economic development is ord

VII. Section-By-Section Analysis < Senate Energy & Natural Resources Report

authority to close entirely to these uses certain areas within the units upon his determination after notice and a hearing that such closure is necessary to protect the values of that unit.

Section 1107: Temporary Access

Temporary access is specifically provided for to state and private lands over conservation system units, NRA's, National Conservation Areas, the National Petroleum Reserve, and the public lands designated as wilderness study areas or managed to maintain wilderness character for survey, geophysical, exploratory or other temporary uses where the Secretary determines that no permanent harm to the resources of the unit will result from the access. The state or private landowners could obtain this access even if alternative access routes are available to them. The Secretary may place conditions on such access to ensure that the private use is in such a manner that it is not inconsistent with the purposes for which the public lands are reserved and to ensure no permanent harm will result to the resources of the unit.

This section is intended to authorize only temporary, short-term access, requiring no permanent facilities, to undeveloped State or private lands. It allows only very limited access, and not successive entries, or access on a regular basis, even if no permanent facilities are required. The private use access on which the Secretary is authorized to include stipulations and conditions includes state use, since it is intended to include all access uses but Federal use.

Section 1108: Access to Inholdings

"Adequate access for economic and other purposes" to all inholdings (including "valid occupancy") within conservation system units, the National Petroleum Reserve in Alaska and wilderness study areas and those public lands managed to maintain the wilderness character thereof is specifically provided for.

Section 1109: North Slope Haul Road

All restrictions contained in Title 23 of the United States Code are removed from the section of the North Slope Haul Road specified as long as the state keeps the road closed to the public under the terms of this section. The State of Alaska's obligation to repay to the United States any Federal-aid highway funds paid on account of this section of the Haul Road is released.

Section 1110: Valid Existing Rights

Any valid existing right of access is not adversely affected by this title.

TITLE XII—FEDERAL-STATE COOPERATION

Section 1201: Alaska Land Use Council

Subsection (a), (b), and (c) establishes a 14-member Alaska Land Use Council, comprising a Federal Co-Chairman, appointed by the President and confirmed by the Senate, a State Co-Chairman who shall be the Governor of Alaska, the head of the Alaska offices of the Federal National Park Service, Fish and Wildlife Service, Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation, and the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs.

Subsection (d) provides for compensation for
man and travel expenses for Federal members.
compensated in accordance with applicable Stat
Subsection (e) authorizes the Co-Chairmen,
cure staff, supplies, and equipment; provides
Council shall be located in Alaska; limits F
Council to 50 percent in any fiscal year; autho
with their consent, services, equipment, pers
Federal and other agencies; authorizes the Cou
gifts, and contributions; and requires the Cou
records.
Subsection (f) requires the Council to mee
Chairman, but not less than 6 times each year
to hold hearings, take testimony, and print r
Chairmen to submit a report of each meeting
tary of the Interior, the head of each Region
Committee on Interior and Insular Affairs of
mittee on Energy and Natural Resources of th
of each year the Co-Chairmen are required t
an annual report, together with recommend
furtherance of the purposes of this section.
Subsection (g) provides for the adoption o
dure, open meetings, and advance public no
Subsection (h) sets forth functions of t
studies and advise the Secretary of the Interio
the State local governments, and Native Cor
land and resource uses in Alaska. Specific fun

(A) Review resource inventories and
pared by Federal and State managing
Geological Survey and the Bureau of Mi

(B) Make recommendations with re
coordination and consultation between
ments;

(C) Make recommendations with
orderly economic development;

(D) Make recommendations with r
policies, and programs relating to pub

(E) Make recommendations with
planning, classification, management,
State lands, and provide such assista
upon request;

(F) Make recommendations with
existing withdrawals of Federal and S

(G) Make recommendations with
budgets of Federal and State public l
and

(H) Make recommendations with r

Subsection (i) directs the Council to re
ning and management zones; authorizes a
bers to enter into cooperative agreements w
agencies and Native corporations providi
review, and coordination within such z
agency does not accept a Council recomm
to promptly inform the Council of its reas
Authorizes the Secretary to provide t
to landowner with respect to fire control,

MIKE GRAVEL
ALASKA

(1)(2)

United States Senate

WASHINGTON, D.C. 20510

December 1, 1978

Senator Mike Colletta
Box 3188
Anchorage, Alaska 99510

Dear Mike:

Enclosed is a copy of the so-called "compromise bill" that was negotiated during the final days of the session.

Sure would appreciate any comments on any provisions of the bill.

Warm regards.

Sincerely,

Mike

Mike Gravel

Purpose: **Calendar No. 1215**

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes.

Amdt. No. 4742

95TH CONGRESS
2D SESSION

H. R. 39

IN THE SENATE OF THE UNITED STATES

OCTOBER 15 (legislative day, OCTOBER 11), 1978

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. GRAVEL to H.R. 39, an Act to designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".

thereof whenever he determines such access will not result in permanent harm to the resources of such unit.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

ACCESS TO INHOLDINGS

SEC. 907. Notwithstanding any other provision of this Act or other law in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is within one or more conservation system units, National Recreation Areas, National Conservation Areas, the National Petroleum Reserve in Alaska, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regula-

tions issued by the Secretary to protect the values of such lands.

NORTH SLOPE HAUL ROAD

SEC. 908. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder. The State of Alaska shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

not the HR39 that passed House 1978

RECEIVED

JAN 31 1979

STEERING COUNCIL
FOR ALASKA LANDS

96TH CONGRESS
1ST SESSION

H. R. 39

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. UDALL (for himself, Mr. SEIBERLING, Mr. PHILLIP BURTON, Mr. BRADEMAS, Mr. STUDDS, Mr. FISH, Mr. PATTERSON, Mr. RANGEL, Mr. BRINKLEY, Mr. COTTER, Mr. VENTO, Mr. KOSTMAYER, Mr. SIMON, Mr. RODINO, Mr. WEAVER, Mr. HUGHES, Mr. CARR, Mrs. SPELLMAN, Mr. GUDGER, Mr. BONKER, Mr. PATTEN, Mr. DAVIS of South Carolina, Mr. BAGNES, Mr. WIRTH, Mr. DANIELSON, Mr. BOLAND, Mr. MOAKLEY, Mr. GREEN, Mr. BEILENSON, Mr. CORRADA, Mr. CONYERS, Mr. HOWARD, Mr. MIKVA, Mr. CORMAN, Mr. VANIK, Mr. BRODHEAD, Mr. MINETA, Mr. WAXMAN, Mr. BINGHAM, Mr. FOWLER, Mr. REUSS, Mr. VAN DEERLIN, Mr. HARKIN, Mr. ASPIN, Mr. ROSENTHAL, Mr. LEHMAN, Mr. MARKEY, Mr. DERRICK, Mr. HAWKINS, Mr. KILDEE, Mr. DELLUMS, Mr. ROE, Mr. DRINAN, Mr. BLANCHARD, Mr. FISHER, Mr. EDWARDS of California, Mr. HARRIS, Mr. KASTENMEIER, Mr. LONG of Maryland, Mr. MAGUIRE, Mr. DOWNEY, Mr. WALGREN, Mr. PEASE, Mr. OTTINGER, Mr. RICHMOND, Mr. MOTTL, Mr. MOORHEAD of Pennsylvania, Mr. EDGAR, Mr. GLICKMAN, Mr. SABO, Mr. JEFFORDS, Mr. GARCIA, Mr. HALL of Ohio, Mr. SCHEUER, Mr. BONIOR, Mr. MITCHELL of Maryland, Mr. WOLFF, Mr. HOLLENBECK, Mr. TRAXLER, Mr. PANETTA, Mr. JENRETTE, Mr. FLORIO, Mr. ANDREWS of North Carolina, Mr. GEPHARDT, Mr. FASCELL, Mr. DUNCAN of Tennessee, Mrs. SCHROEDER, Mr. GRADISON, Mr. JOHN BURTON, Mrs. FENWICK, and Mrs. BYRON) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs and to the Committee on Merchant Marine and Fisheries for a period ending not later than March 19, 1979

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pursuant to this subsection shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiquity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

ACCESS

SEC. 802. (a) SPECIAL ACCESS RIGHTS.—Notwithstanding any other provision of this Act or other law, the Secretary may permit on conservation system units the use of snowmachines; motorboats; airplanes able to land on snow, ice, water, or designated sites; and nonmotorized surface transportation methods, for traditional activities permitted by this Act or other law, including travel to and from villages and homesites. Such uses shall be subject to reasonable regulations promulgated by the Secretary in order to protect the natural and other values of the conservation system units. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and

activities on conservation system lands where such use is permitted by this Act or other law.

(b) TEMPORARY ACCESS.—(1) Notwithstanding any other provision of this Act or other law, the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses of such State or private lands whenever he determines such access will not result in permanent harm to the resources of such unit, Petroleum Reserve, or public lands.

(2) In providing temporary access pursuant to paragraph (1) the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit.

(c) ACCESS TO INHOLDINGS.—Notwithstanding any other provision of this Act or other law, in any case in which State owned or privately owned land or a valid mining claim or other valid occupancy is entirely within one or more con-

servation system units or the National Petroleum Reserve in Alaska, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of the affected public lands.

(d) NORTH SLOPE HAUL ROAD.—(1) That section of the North Slope Haul Road referred to in paragraph (3) of this subsection shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or any regulations thereunder, so long as such section of road remains closed to public use other than regulated local traffic north of the Yukon River, regulated industrial traffic, and regulated high-occupancy buses (such regulation to occur under State law except that the Secretary, after consultation with the Secretary of Transportation, shall agree with the Governor of Alaska on the number of vehicles and seasonability of use to be permitted on such section of road).

(2) The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in paragraph (3),

and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in paragraph (1).

(3) The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the road at Prudhoe Bay.

(e) VALID EXISTING RIGHTS.—Nothing in this section shall be construed to adversely affect any valid existing right of access.

SCIENTIFIC AND CULTURAL RESOURCES

SEC. 803. (a) ARCHEOLOGICAL AND PALEONTOLOGICAL SITES.—Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Park, the Bering Land Bridge National Park, the Yukon-Charley Rivers National Park, and the Kobuk Valley National Park, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside of the boundaries of such areas and containing archeological or paleontological resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of

DHPM HOME ANG

DHPM WSH
ATTN SFAAN
FROM BROOKS
DATE DECEMBER 16, 1977

THE FOLLOWING SHOULD BE GIVEN TO COWPER AND COLLETTA AND COPY TO RON WHEN HE ARRIVES ON TUESDAY.

AMENDMENT TO HR 39

PAGE 146, STRIKE LINES 14, 15, AND 16 IN THEIR ENTIRETY, AND ON PAGE 147, AFTER LINE 10 ADD NEW SUBSECTIONS AS FOLLOWS:

"(C) IN ANY CASE WHERE STATE-OWNED OR PRIVATELY OWNED LAND (INCLUDING NATIVE LAND) OR A VALID MINING CLAIM OR OTHER VALID OCCUPANCY IS SURROUNDED BY PUBLIC LANDS WITHIN ONE OR MORE CONSERVATION SYSTEMS UNITS, THE STATE OR PRIVATE OWNER OR OCCUPIER SHALL BE GIVEN SUCH EASEMENTS OR OTHER RIGHTS AS MAY BE NECESSARY TO ASSURE ADEQUATE ACCESS TO SUCH SURROUNDED LAND OR OCCUPANCY BY SUCH STATE OR PRIVATE OWNER OR OCCUPIER AND HIS SUCCESSORS IN INTEREST, UNDER REASONABLE REGULATIONS TO PROTECT THE VALUES OF THE UNIT OR UNITS."

[COMMITTEE PRINT]

Showing the Substitute Adopted by the Subcommittee on General Oversight and Alaska Land

FEBRUARY 10, 1978

95TH CONGRESS
2D SESSION

H. R. 39

A BILL

To designate certain Federal lands in the State of Alaska as units of the National Forest, National Park, National Wildlife Refuge, Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

By Mr. _____

FEBRUARY , 1978

Referred to the Committee on _____

BILLS — FG — 156

BILLS FG—1

[COMMITTEE PRINT]

SHOWING THE SUBSTITUTE ADOPTED BY THE SUBCOMMITTEE ON GENERAL OVERSIGHT AND ALASKA LAND

FEBRUARY 10, 1978

95TH CONGRESS
2D SESSION

H. R. 39

IN THE HOUSE OF REPRESENTATIVES

A BILL

To designate certain Federal lands in the State of Alaska as units of the National Forest, National Park, National Wildlife Refuge, 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,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Alaska National Interest Lands Conservation Act".

TABLE OF CONTENTS

Page

Sec. 1. Short title and table of contents.....

TITLE I—FINDINGS, POLICY, AND DEFINITIONS

Sec. 101. Findings .....
Sec. 102. Policy .....
Sec. 103. Definitions .....

Before promulgating regulations under this section, the Secretary shall give at least sixty days public notice of the proposed regulations, including publication of the proposed regulations in a newspaper or newspapers having general circulation in each State judicial district in Alaska where the unit or units affected by the proposed regulations are located, and shall hold a public hearing or hearings concerning the proposed regulations at one or more locations convenient to the unit or units affected.

(c) In any case in which State-owned or privately owned land (including Native land) or a valid mining claim or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the values of such unit or units.

ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

SEC. 1203. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the conservation system units described in sections 201(2), 201(6), and 201(10), the Secretary of the Interior may ac-