

HJR

14

# SENATE COMMITTEE REPORT

DATE: 4/18/97

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 14(RLS)  
Relating to supporting the "American Land Sovereignty Protection Act."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Loren S. Ferman</i>	✓				
<i>Lynne Green</i>	✓				
<i>Robin L. Taylor</i>	✓				
<b>CHAIR: <i>Rick Halford</i></b>	✓	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>HOUSE WTR</i>	<i>2/17/97</i>	<i>X</i>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# Alaska State Legislature

REPRESENTATIVE  
**JEANNETTE JAMES**  
P.O. Box 56622  
North Pole, Alaska 99705  
(907) 488-1546  
FAX (907) 488-4271



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3743  
FAX (907) 465-2381

## House Of Representatives

House District 34

### Sponsor Statement

**HJR 14 A Resolution relating to supporting the "American Land Sovereignty Protection Act."**

I have proposed this legislation on the premise that my greatest responsibility as an Alaskan and as an Alaskan State Legislator is to protect and defend the sovereignty of our Great State, and, further, to support protection of sovereignty of our Great Nation.

A little known fact is that, in 1971, the United States joined the U.N. program calling for establishing "biosphere reserves" around the world. These reserves are surrounded by buffer zones that restrict human behavior. Forty seven national parks, which cover 51 million acres of land, are classified as these sanctuaries. Sixty-eight percent of our national parks, preserves and monuments have been designated to the United Nations Educational, Scientific, and Cultural Organization (UNESCO), to Biosphere Reserves and World Heritage Sites, without any legislative or congressional direction.

Most disturbing is that 40.7 million acres of this land designated to UNESCO are in the State of Alaska. A World Heritage Site in Alaska is the Wrangell-St. Elias National Park and Preserve (13.2 million acres). There are six Biosphere Reserves: Admiralty Island National Monument (921,000 acres); Aleutian Islands National Wildlife Refuge (2.7 million acres); Denali National Park and Preserve (6.5 million acres); Gates of the Arctic National Park and Preserve (7.5 million acres); Glacier Bay National Park and Preserve (3.3 million acres; and Noatak National Preserve (6.6 million acres).

There is legitimate concern about some possible international interference during the decision making processes on domestic lands. Too often, we Alaskans have found ourselves under federal oversight with no recourse. Soon, we may find ourselves under International oversight! We must not let this happen. This legislation will reaffirm the constitutional authority of the Congress as elected representatives of the people over the land of the United States. We want the Congress to make these decisions with a public process, not the President or his appointees. Please vote yes on CS HJR 14, to support Congressman Don Young's resolution HR 901, the American Lands Sovereignty Act of 1997, which he just introduced in the 105<sup>th</sup> Congress.

MAY 01 1997

## RESOLUTION

### BE IT RESOLVED BY THE REPUBLICAN PARTY OF ALASKA:

**WHEREAS**, Alaska State Representative Jeannette James has introduced a resolution, HJR-14, in support of United States House Resolution No. 901, the "American Lands Sovereignty Protection Act of 1997," introduced by Congressman Don Young in the 105th Congress; and

**WHEREAS**, this legislation requires the specific approval of Congress before any area within the United States is nominated, classified, or designated to any international program; and

**WHEREAS**, there are no requirements now for public input, or input from local citizens who are affected by these designations, and, currently, there is no requirement for congressional approval for international land designations negotiated between the United Nations and executive branch of our government; and

**WHEREAS**, 67 United Nations land designations already exist in our nation, covering 51 million acres of land, with 40.7 million acres being in the State of Alaska, there is legitimate cause for concern about international entities interfering with decisions regarding use of our domestic lands; and

**WHEREAS**, international interference is already happening in countries around the world. These designations are open invitations for environmentalist groups to block development in these areas. There is documentation showing that we are under attack by outside sources, and we must make a stand to end this invasion and protect the sovereignty of our great State and the Nation;

**THEREFORE BE IT RESOLVED**, that the Republican Party of Alaska strongly urges the Alaska State Legislature's swift passage of HJR-14.

#### Copies to go to:

Representative Gail Phillips, Speaker of the House.  
Senator Mike Miller, Senate President.  
Governor Tony Knowles  
All Alaska State Legislators.  
Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young  
Governor's of the 49 remaining States.  
All members of the 105th Congress.

Unanimously Passed by the RPA State Central Committee  
April 5, 1997  
Juneau, Alaska

# UNITED NATIONS LAND DESIGNATIONS IN ALASKA

## *World Heritage Site*

Wrangell-St. Elias National Park and Preserve (NPS)

13.2 million acres

## *Biosphere Reserves*

Admiralty Island National Monument (USFS)

921,000 acres

Aleutian Islands National Wildlife Refuge (USF&WS)

2.7 million acres

Denali National Park and Preserve (NPS)

6.5 million acres

Gates of the Arctic National Park and Preserve (NPS)

7.5 million acres

Glacier Bay National Park and Preserve (NPS)

3.3 million acres

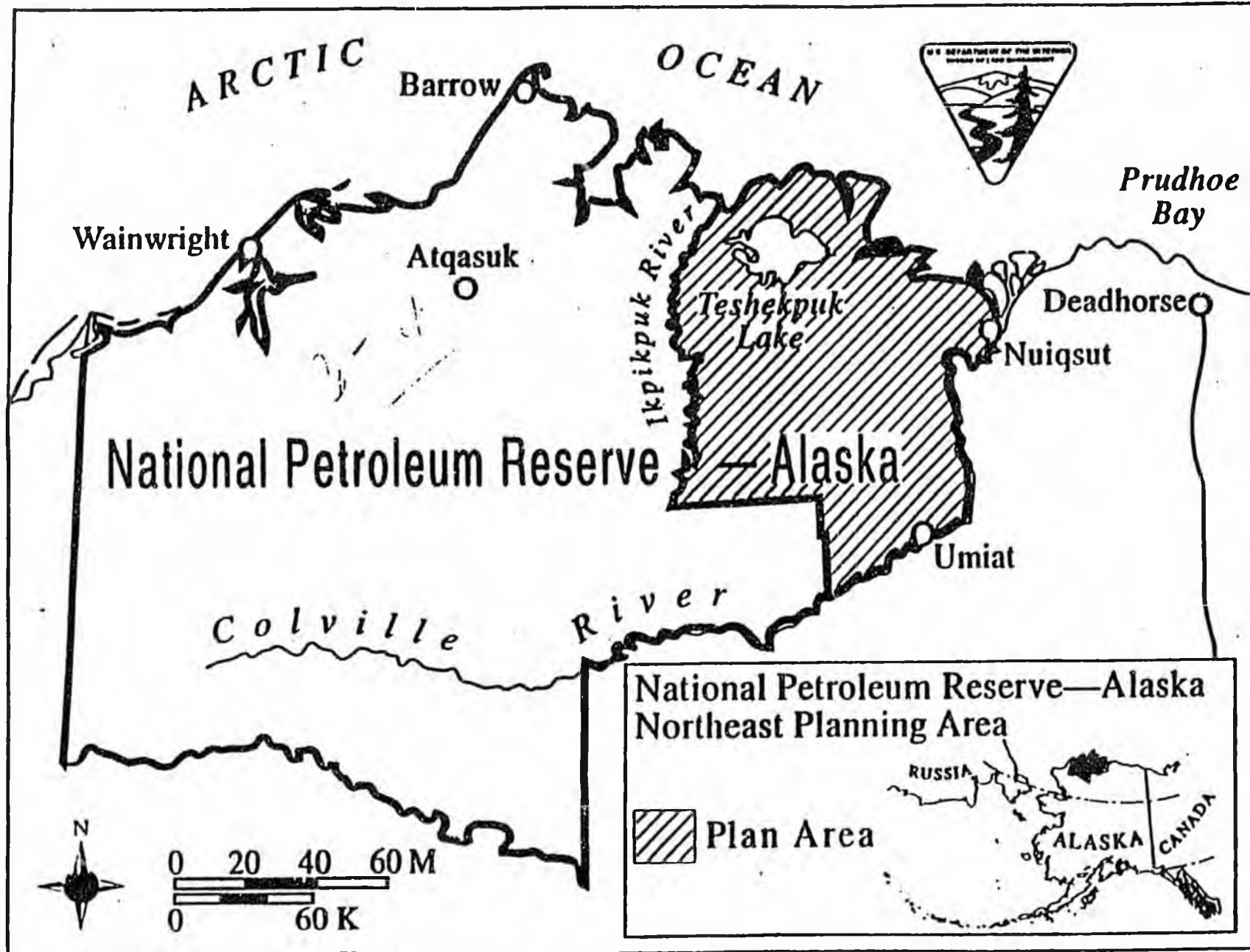
Noatak National Preserve (NPS)

6.6 million acres

Unit	Acres	From	To	Phone #	Fax #
	7671	John R. Rishel			
Post-It Fax Note		To	Co/Dept.	Phone #	Fax #
		Rayson			

## GRAND TOTAL ACREAGE WITH UN DESIGNATIONS

40.7 Million Acres -- *An area nearly as large as the State of Washington*

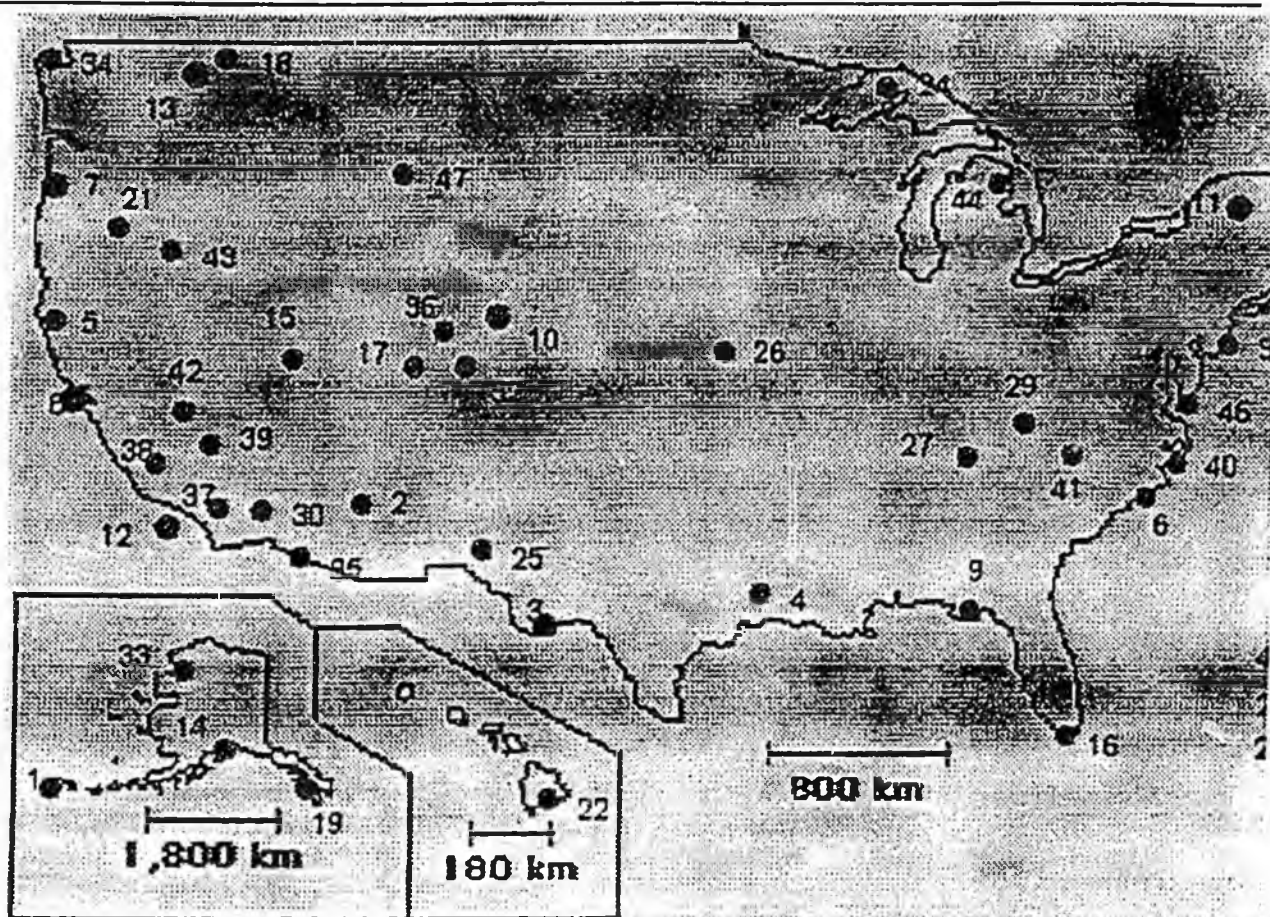




# U.S. Man and the Biosphere

Biological Resources Division - USGS

## Map of U.S. Biosphere Reserves



1. Aleutian Islands
2. Beaver Creek
3. Big Bend
4. Big Thicket
5. California Coast Ranges
6. Carolinian-South Atlantic
7. Cascade Head
8. Central Gulf Coastal Plain
10. Central Plains
11. Champlain-Adirondack
12. Channel Islands
13. Coram
14. Denali
15. Desert
16. Everglades
17. Fraser

## The Biosphere Reserve Concept

In 1968, the UNESCO Conference on the Conservation and Rational Use of the Biosphere gave rise to the Man and the Biosphere (MAB) Programme within UNESCO. The biosphere reserve concept was key to achieving MAB's objective of striking a balance between conserving biodiversity, encouraging economic and social development, and preserving cultural values.

Biosphere reserves are areas of terrestrial and coastal/marine ecosystems where, through appropriate zoning patterns and management mechanisms, the conservation of ecosystems and their biodiversity is ensured. Each biosphere reserve has three basic functions:

- *a conservation function:* to contribute to the conservation of landscapes, ecosystems, species and genetic variation;
- *a development function:* to foster economic and human development which is socially and ecologically sustainable;
- *a logistic function:* to provide support for research, monitoring, education and information exchange related to local, national and global issues of conservation and development.

For management purposes, each reserve is divided into three zones:

- *core zone:* strictly protected areas with very little human influence, which are used to monitor natural changes in representative ecosystems and serve as conservation areas for biodiversity;
- *buffer zone:* areas surrounding the core zone where only low impact activities are allowed, such as research, environmental education, and recreation;
- *transition zone:* the outer zone where sustainable use of resources by local communities is encouraged and these impacts can be compared to zones of greater protection.



While traditional parks often attempt to form small protected areas in a world increasingly dominated by severe human impacts, biosphere reserves are designed to bring people and nature together to demonstrate how to both use and preserve nature.

### The Global Picture

A primary goal of UNESCO-MAB is the exchange of scientific knowledge and management experience. There are currently more than 335 biosphere reserves in 85 countries, forming a global network of scientists and natural resource managers working to maintain the long-term survival of fragile ecosystems. Because of its unique structure, this biosphere reserve network has the ability to serve as a medium for the worldwide exchange of ideas and information on conserving biodiversity and monitoring ecological changes in the environment.

A major international conference held in Seville, Spain in 1995 refined and strengthened the strategy for this global cooperative effort. By recognizing the value of partnerships among local communities, government institutions, non-governmental organizations and private enterprises -- such as that between UNESCO, CI, Intel, and NEC -- the network is capitalizing on the shared strengths and needs among each of its participants.

### Biosphere Reserves FAQ





# ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

January 27, 1997

Honorable Don Young  
US House of Representatives  
2332 Rayburn House Office Bldg.  
Washington, DC 20515-0201

RE: World Heritage Sites

Dear Congressman Young,

Enclosed for your information and use are several items dealing with the "Volcanoes of Kamchatka" World Heritage Site. They show how this designation is being used block mine development projects on Kamchatka.

First is a December 18, 1996 joint press release by the Environmental Defense Fund, the Sierra Club and the Pacific Environment & Resources Center which opposes mining on Kamchatka. The groups are trying to force OPIC (Overseas Private Investment Corporation) to withdraw its support for any mining in the area. This release occurred immediately after five local parks and preserves on Kamchatka were designated as the Volcanoes of Kamchatka World Heritage Site.

Also enclosed is a packet of related material I just received from Arthur H. Ditto, President of Kinross Gold Corporation. Kinross is a partner in Kamgold, the operating company for the Aginskoye Mine, a project targeted by the press release. This packet contains several items of correspondence between the opposition groups and OPIC and several local Kamchatka government entities and OPIC.

This material shows one way that World Heritage Sites are being used to block mining projects. It is interesting that on page 5 of their May 13, 1996 letter to OPIC, the groups even used the fact that the area had been "nominated" for listing as justification for opposing the Aginskoye project. The letter uses the standard hype and rhetoric to create fear and, as we have often seen, attempts to disarm the Native Peoples with talk of culture, lifestyles, salmon spawning, etc. The groups aren't concerned about jobs, food, health care, warm clothes, and warm homes. One of the Russians states

"...the attitude of the pro-environmentalists shows criminal disrespect for human life in this part of Russia: our children have to starve and freeze just because well-off Americans think that they may not have enough salmon left for them...the environmentalists resort to falsification of facts and distortion of information."

The immediate danger for Alaska is the combined "Beringia International Park, World Heritage Site, and Marine Biosphere Reserve" . A World Heritage Site or Biosphere Reserve designation would be used to stop development on adjacent State and Native lands and would make it much more difficult to get approvals for a railroad or other infrastructure in the area. Such infrastructure will be required to develop coal or other minerals in Northwestern Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Borell". The signature is fluid and cursive, with a large initial "S" and "B".

Steven C. Borell, P.E.  
Executive Director

enclosures

cc: Senator Frank Murkowski  
Senator Ted Stevens

## World Heritage Sites / Biosphere Reserves

Biosphere Reserves --- include three areas for management purposes.

1. Core zone: strictly protected area with very little human influence.
2. Buffer zone: low impact activity only – such as research, environmental education and recreation.
3. Transition zone: outer zone where sustainable use of resources is encouraged in cooperation with biosphere objectives. It is compared to the other zones for effect.

Also, there is no determined size, which allows it to be expanded if necessary.

In your packet is a letter from Steven Borell, Executive Director of the Alaska Miners Association, Inc.

National Parks and preserves in northern region included on the list for Beringia International Park.

Marine Biosphere Reserve / Bering Land Bridge National Preserve

1. Cape Krusenstern National Monument
2. Noatak National Preserve
3. Kobuk Valley National Park
4. Selowik National Wildlife Refuge

All of these parks and refuges would be included in the Beringia International Park – including the water in between.

According to Irene Anderson (Sitnasuak Native Corp.) all this is being done without approval of Congress.

FRANK H. MURKOWSKI  
ALASKA

222 WEST 7TH AVENUE, BOX 1  
ANCHORAGE, AK 99513-7570  
(907) 271-3735

COMMITTEES:

101 12TH AVENUE, BOX 7  
FAIRBANKS, AK 99701-1178  
(907) 456-0233

CHAIRMAN  
ENERGY AND NATURAL RESOURCES  
FINANCE  
VETERANS' AFFAIRS  
INDIAN AFFAIRS

# United States Senate

WASHINGTON, DC 20510-0202

(202) 224-6658

P.O. Box 21847  
JUNEAU, AK 99902-1647  
(907) 586-7400

130 TRADING BAY ROAD, SUITE 350  
KENAI, AK 99611-7716  
(907) 283-5808

109 MAIN STREET  
KETCHIKAN, AK 99901-6489  
(907) 225-6880



October 10, 1995

Ms. Irene Anderson  
Land Manager  
Sitnasuak Native Corporation  
P.O. Box 905  
Nome, AK 99762

Dear Irene:

Thank you for contacting me concerning the National Park Service funding of Beringia Heritage International Park meetings. This proposed park is a waste of money as we both know. The idea that more federal regulation is needed in Alaska is simply out of touch with the reality of Alaska.

I oppose funding of the activities you mention, but they are not illegal -- unwise yes. I will be sure to keep this use of taxpayer dollars in mind when the Park Service budget is debated.

Thank you for keeping me informed.

Sincerely,

Frank H. Murkowski  
United States Senator

## Commentary

# A New Threat to Mining in Alaska?

By Steve Borell

One of the reasons mining is expanding in Alaska is that we are in a period of relative stability regarding land status and new land restrictions. However, as with the forest products industry, the Clinton Administration could add tremendous uncertainty with the stroke of a pen.

At issue are the establishment of world heritage sites and biosphere reserves which do not now require congressional approval. The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) includes what is called the "no more" clause, which makes it illegal for federal agencies to even study further restrictions to federal lands in Alaska. But there now appears a loophole big enough to push West Virginia through.

### Federal Lands Already Closed to Multiple Use

Alaska has a total area of 365 million acres ... a million acres per day of the year. Once the state of Alaska and the Native corporations receive title to all their lands, the federal government will still own about 215 million acres. Of this amount, about 165 million acres are

already in congressionally designated national parks, preserves, wildlife refuges, wilderness, wild and scenic rivers, etc. These lands are therefore off-limits to any development, including mining.

It is hard to visualize 165 million acres. One comparison is that the entire state of Texas totals 168 million acres. A better comparison is that the amount of federal land in Alaska already closed to development is equal to the combined total acreage of the states of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, and Illinois!

### Land Stability

Passage of ANILCA and the years of controversy surrounding it saw many mining companies leave the state. Why should they invest in a place where there was such land status uncertainty? Memories of the past remain, but we now have had more than 15 years of "relative" stability. I use the term relative because during that period Alaska lost another 700,000 acres of multiple use lands in the Tongass National Forest to "wilderness" designation, federal agencies broke the promises of protecting valid existing rights in places like Kantishna and the Fortymile, and

there have been ongoing attempts to create such things as an international park. Here lies the loophole.

### Beringia Threat Appears

While the press has focused on stopping oil drilling on the Coastal Plain of ANWR, an effort has been building to lock up other parts of Alaska. The National Park Service and professional environmental groups have called for establishment of a Beringia International Park covering Western Alaska and Eastern Russia. Actually, they want an international park, a marine biosphere reserve and a world heritage site across the area. Each of these designations would stop most development, but the biosphere reserve and the world heritage site are the most troubling.

Biosphere reserves have three parts. First is a core area where everything is natural and absolutely no human impact is allowed. Next is a buffer area with ill-defined boundaries around the core where some human activity, including research, educational and interpretative uses, are the focus. Then comes the outer area where limited development and human habitation is allowed. The boundaries are not well-defined so

they can be expanded over time. It should be obvious that mining and any other development would not be allowed in a biosphere reserve.

The other designation, world heritage site, is a United Nations designation and it brings its own list of restrictions. The preservationists want this designation because they could call in international pressure and any development would have to be approved by the U.N. The Red Dog Mine road required congressional approval to cross Cape Krusenstern National Monument. But if the area had been covered by a world heritage site, the U.N. would have had to approve the road and the port.

### Impact on Adjacent Lands

However, the impact of the new designations would go beyond their specific boundaries, and lands outside the designated area would also become restricted. A situation near Yellowstone National Park shows how these sites are used to stop development.

Mining began in the New World Mining District of Southwestern Montana in about 1865 and the adjacent Yellowstone National Park was established in 1872. In 1978 Yellowstone was given an added designation as a world heritage site. Crown Butte Mines is today trying to reopen a mine in the historic mining area outside the park. This new underground mine would: be outside the park on private land; be totally out of view from the park; be in a drainage that flows away from the park; clean up areas left by mining that occurred before the current environmental requirements; improve the water quality of the stream; create 250 new jobs.

The preservationists insist that the mine will adversely impact Yellowstone and are determined to stop it. While the environmental impact statement was still being developed, Assistant Secretary of the Interior George Frampton (formerly of the Wilderness Society) asked the U.N. Heritage Committee to visit the site. Their predictable conclusion was that the mine should not be allowed

and they placed Yellowstone National Park on their "List of Endangered World Heritage Sites" because of the proximity of the proposed mine. Other pressure against the mine is being applied against Crown Butte investors, bankers, etc.

If a world heritage site was established in Western Alaska, the same preservationist pressures and tactics would follow. But one would also expect to see foreign competitors join the opposition. If zinc producers in Australia, Europe and Africa had known that Red Dog would be producing 8 percent of the world's zinc, you can bet they would have done everything possible to stop the project.

### Need for Congressional Approval

The real scary part is that biosphere reserve and world heritage site designations do not require congressional approval. The Department of Interior and the Department of State can request such designations directly from the U.N. without any debate, hearings or approval by Congress.

However, a bill has been introduced in Congress to correct this situation. H.R. 3752, the American Land Sovereignty Protection Act of 1996, has been introduced by Congressman Don Young and already has 15 co-sponsors. This bill would require congressional approval for any international designation of lands owned by the United States. It would require a specific act of Congress before sovereignty over any U.S. land could be given to the United Nations, or any other entity.

Land stability isn't the only thing needed to ensure continued expansion of the mineral industry in Alaska but it is one essential part. Stable tax and regulatory systems are also important, but without land stability nothing else really matters.

*Steven C. Borell is the Executive Director of the Alaska Miners Association. He is a registered professional engineer in Alaska, Colorado and North Dakota and has more than 22 years of experience in coal, hard rock and placer mining in the United States, Canada and South America.*

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*Distributed  
by  
Rep James*

105TH CONGRESS  
1ST SESSION

# H. R. 901

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## IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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### A BILL

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "American Land Sov-  
5 ereignty Protection Act".

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) **FINDINGS.**—Congress finds the following:

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1 (1) The power to dispose of and make all need-  
2 ful rules and regulations governing lands belonging  
3 to the United States is vested in the Congress under  
4 article IV, section 3, of the Constitution.

5 (2) Some Federal land designations made pur-  
6 suant to international agreements concern land use  
7 policies and regulations for lands belonging to the  
8 United States which under article IV, section 3, of  
9 the Constitution can only be implemented through  
10 laws enacted by the Congress.

11 (3) Some international land designations, such  
12 as those under the United States Biosphere Reserve  
13 Program and the Man and Biosphere Program of  
14 the United Nations Scientific, Educational, and Cul-  
15 tural Organization, operate under independent na-  
16 tional committees, such as the United States Na-  
17 tional Man and Biosphere Committee, which have no  
18 legislative directives or authorization from the Con-  
19 gress.

20 (4) Actions by the United States in making  
21 such designations may affect the use and value of  
22 nearby or intermixed non-Federal lands.

23 (5) The sovereignty of the States is a critical  
24 component of our Federal system of government and

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1 a bulwark against the unwise concentration of  
2 power.

3 (6) Private property rights are essential for the  
4 protection of freedom.

5 (7) Actions by the United States to designate  
6 lands belonging to the United States pursuant to  
7 international agreements in some cases conflict with  
8 congressional constitutional responsibilities and  
9 State sovereign capabilities.

10 (8) Actions by the President in applying certain  
11 international agreements to lands owned by the  
12 United States diminishes the authority of the Con-  
13 gress to make rules and regulations respecting these  
14 lands.

15 (b) PURPOSE.—The purposes of this Act are the fol-  
16 lowing:

17 (1) To reaffirm the power of the Congress  
18 under article IV, section 3, of the Constitution over  
19 international agreements which concern disposal,  
20 management, and use of lands belonging to the  
21 United States.

22 (2) To protect State powers not reserved to the  
23 Federal Government under the Constitution from  
24 Federal actions designating lands pursuant to inter-  
25 national agreements.

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1           (3) To ensure that no United States citizen suf-  
2           fers any diminishment or loss of individual rights as  
3           a result of Federal actions designating lands pursu-  
4           ant to international agreements for purposes of im-  
5           posing restrictions on use of those lands.

6           (4) To protect private interests in real property  
7           from diminishment as a result of Federal actions  
8           designating lands pursuant to international agree-  
9           ments.

10          (5) To provide a process under which the  
11          United States may, when desirable, designate lands  
12          pursuant to international agreements.

13 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**  
14 **WORLD HERITAGE SITE LISTING.**

15          Section 401 of the National Historic Preservation Act  
16          Amendments of 1980 (Public Law 96-515; 94 Stat. 2987)  
17          is amended—

18               (1) in subsection (a) in the first sentence, by—

19                   (A) striking "The Secretary" and inserting  
20                   "Subject to subsections (b), (c), (d), and (e),  
21                   the Secretary"; and

22                   (B) inserting "(in this section referred to  
23                   as the 'Convention')" after "1973"; and

24               (2) by adding at the end the following new sub-  
25          sections:

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1       “(d)(1) The Secretary of the Interior may not nomi-  
2 nate any lands owned by the United States for inclusion  
3 on the World Heritage List pursuant to the Convention,  
4 unless—

5               “(A) the Secretary finds with reasonable basis  
6 that commercially viable uses of the nominated  
7 lands, and commercially viable uses of other lands  
8 located within 10 miles of the nominated lands, in  
9 existence on the date of the nomination will not be  
10 adversely affected by inclusion of the lands on the  
11 World Heritage List, and publishes that finding;

12               “(B) the Secretary has submitted to the Con-  
13 gress a report describing—

14                       “(i) natural resources associated with the  
15 lands referred to in subparagraph (A); and

16                       “(ii) the impacts that inclusion of the nomi-  
17 inated lands on the World Heritage List would  
18 have on existing and future uses of the nomi-  
19 nated lands or other lands located within 10  
20 miles of the nominated lands; and

21               “(C) the nomination is specifically authorized  
22 by a law enacted after the date of enactment of the  
23 American Land Sovereignty Protection Act and after  
24 the date of publication of a finding under subpara-  
25 graph (A) for the nomination.”

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1       “(2) The President may submit to the Speaker of the  
2 House of Representatives and the President of the Senate  
3 a proposal for legislation authorizing such a nomination  
4 after publication of a finding under paragraph (1)(A) for  
5 the nomination.

6       “(e) The Secretary of the Interior shall object to the  
7 inclusion of any property in the United States on the list  
8 of World Heritage in Danger established under Article  
9 11.4 of the Convention, unless—

10           “(1) the Secretary has submitted to the Speak-  
11 er of the House of Representatives and the Presi-  
12 dent of the Senate a report describing--

13           “(A) the necessity for including that prop-  
14 erty on the list;

15           “(B) the natural resources associated with  
16 the property; and

17           “(C) the impacts that inclusion of the  
18 property on the list would have on existing and  
19 future uses of the property and other property  
20 located within 10 miles of the property pro-  
21 posed for inclusion; and

22       “(2) the Secretary is specifically authorized to  
23 assent to the inclusion of the property on the list,  
24 by a joint resolution of the Congress after the date

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1 of submittal of the report required by paragraph  
2 (1)."

3 "(f) The Secretary of the Interior shall submit an an-  
4 nual report on each World Heritage Site within the United  
5 States to the Chairman and Ranking Minority member of  
6 the Committee on Resources of the House of Representa-  
7 tives and of the Committee on Energy and Natural Re-  
8 sources of the Senate, that contains for the year covered  
9 by the report the following information for the site:

10 "(1) An accounting of all money expended to  
11 manage the site.

12 "(2) A summary of Federal and State equivalent  
13 hours related to management of the site.

14 "(3) A list and explanation of all nongovern-  
15 mental organizations that contributed to the man-  
16 agement of the site.

17 "(4) A summary and account of the disposition  
18 of complaints received by the Secretary related to  
19 management of the site."

20 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**  
21 **IZED UNITED NATIONS BIOSPHERE RE-**  
22 **SERVES.**

23 Title IV of the National Historic Preservation Act  
24 Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is  
25 amended by adding at the end the following new section:

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1 "SEC. 403. (a) No Federal official may nominate any  
2 lands in the United States for designation as a Biosphere  
3 Reserve under the Man and Biosphere Program of the  
4 United Nations Educational, Scientific, and Cultural Or-  
5 ganization.

6 "(b) Any designation on or before the date of enact-  
7 ment of the American Land Sovereignty Protection Act  
8 of an area in the United States as a Biosphere Reserve  
9 under the Man and Biosphere Program of the United Na-  
10 tions Educational, Scientific, and Cultural Organization  
11 shall not have, and shall not be given, any force or effect,  
12 unless the Biosphere Reserve—

13 "(1) is specifically authorized by a law enacted  
14 after that date of enactment and before December  
15 31, 2000;

16 "(2) consists solely of lands that on that date  
17 of enactment are owned by the United States; and

18 "(3) is subject to a management plan that spe-  
19 cifically ensures that the use of intermixed or adja-  
20 cent non-Federal property is not limited or restricted  
21 as a result of that designation.

22 "(c) The Secretary of State shall submit an annual  
23 report on each Biosphere Reserve within the United States  
24 to the Chairman and Ranking Minority member of the  
25 Committee on Resources of the House of Representatives

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1 and the Committee on Energy and Natural Resources of  
2 the Senate, that contains for the part covered by the re-  
3 port the following information for the reserve:

4           “(1) An accounting of all money expended to  
5           manage the reserve.

6           “(2) A summary of Federal full time equivalent  
7           hours related to management of the reserve.

8           “(3) A list and explanation of all nongovern-  
9           mental organizations that contributed to the man-  
10          agement of the reserve.

11          “(4) A summary and account of the disposition  
12          of the complaints received by the Secretary related  
13          to management of the reserve.

14 **SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL**

15          Title IV of the National Historic Preservation Act  
16          Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is fur-  
17          ther amended by adding at the end the following new sec-  
18          tion:

19          “SEC. 404. (a) No Federal official may nominate,  
20          classify, or designate any lands owned by the United  
21          States and located within the United States for a special  
22          or restricted use under any international agreement unless  
23          such nomination, classification, or designation is specifi-  
24          cally authorized by law. The President may from time to  
25          time submit to the Speaker of the House of Representa-

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1 tives and the President of the Senate proposals for legisla-  
2 tion authorizing such a nomination, classification, or des-  
3 ignation.

4       “(b) A nomination, classification, or designation,  
5 under any international agreement, of lands owned by a  
6 State or local government shall have no force or effect un-  
7 less the nomination, classification, or designation is spe-  
8 cifically authorized by a law enacted by the State or local  
9 government, respectively.

10       “(c) A nomination, classification, or designation,  
11 under any international agreement, of privately owned  
12 lands shall have no force or effect without the written con-  
13 sent of the owner of the lands.

14       “(d) This section shall not apply to—

15               “(1) sites nominated under the Convention on  
16 Wetlands of International Importance Especially as  
17 Waterfowl Habitat (popularly known as the Ramsar  
18 Convention);

19               “(2) agreements established under section 16(a)  
20 of the North American Wetlands Conservation Act  
21 (16 U.S.C. 4413); and

22               “(3) conventions referred to in section 3(h)(3)  
23 of the Fish and Wildlife Improvement Act of 1978  
24 (16 U.S.C. 712(2)).

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1       “(e) In this section, the term ‘international agree-  
2 ment’ means any treaty, compact, executive agreement,  
3 convention, bilateral agreement, or multilateral agreement  
4 between the United States or any agency of the United  
5 States and any foreign entity or agency of any foreign en-  
6 tity, having a primary purpose of conserving, preserving,  
7 or protecting the terrestrial or marine environment, flora,  
8 or fauna.”.

9 **SEC. 6. CLERICAL AMENDMENT.**

10       Section 401(b) of the National Historic Preservation  
11 Act Amendments of 1980 (16 U.S.C. 470a-1(b)) is  
12 amended by striking “Committee on Natural Resources”  
13 and inserting “Committee on Resources”.



# ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

March 10, 1997

Honorable Jeannette James  
Alaska House of Representatives  
Capitol Building  
Juneau, AK 99801

RE: HJR-14, Supporting the American Land Sovereignty Protection Act

Dear Representative James,

The Alaska Miners Association wishes to go on record in support of House Joint Resolution 14 which urges the U.S. Congress to pass, H.R.901, the American Land Sovereignty Protection Act of 1997. We have also reviewed the proposed Committee Substitute for HJR-14 and this CS makes several beneficial additions to the resolution that will help educate the public to the dangers presented by World Heritage Sites and Biosphere Reserves.

We are aware of at least two instances where World Heritage Sites have been used to block development projects. In one instance, affecting the New World Mining District in Montana, both domestic and international environmental groups used the fact that Yellowstone National Park is a World Heritage Site to oppose the development of a mine located outside the park. Some details of the proposed mine include: that it would be located about three miles north of the park boundary on a drainage that flows away from the park; it would be an underground mine with limited surface facilities; it would utilize modern mining and recovery technologies; it would, as part of its operating plan, clean up and correct environmental problems that had been left by historical mining which occurred before current environmental laws were in place.

In another instance, U.S. and European based environmental groups have used the newly established "Volcanoes of Kamchatka World Heritage Site" in an effort to block mine development projects that would create jobs and economic development for the extremely depressed economy of Kamchatka. The current economy of Kamchatka is mainly commercial fishing with some limited tourism. These are important industries but both are seasonal, relatively low paying, and highly impacted by outside forces. Mining would provide badly needed economic diversification and stability for the area.

These examples show how World Heritage Sites and Biosphere Reserves can be used to stop and/or harass mineral development. The same thing would most certainly occur if the system proposed as "Beringia International Park, World Heritage Site, and Marine Biosphere Reserve" were to be established covering "existing national parks, refuges, and monuments" in western Alaska, an area in eastern Russia, and the Bering Sea between them.

Experience has shown that every possible means is used to stop development in Alaska and these designations would be one more avenue. In most of western Alaska, mineral development has the greatest opportunity to provide new jobs and the basis for economic opportunities. This is the

same for State lands, federal lands, and Native and other private lands. National and international environmental groups would be expected to use Heritage and Biosphere designations to block and harass mineral development.

The most obvious example would be for these groups to target mineral development on State and Native lands adjacent to designated areas. Another example would be to block development of a railroad from the northwest Arctic coalfields, southern NPRA, or the Ambler Mining District to either a deep water port site on Norton Sound or to connect with the Alaska Railroad at Nenana. Such a railroad will be necessary if large volumes of coal and concentrates are to ever be developed in this part of the state. The right-of-way for such a railroad would have to cross as many as three of the "existing national parks, refuges, or monuments."

A third example is that a Marine Biosphere Reserve is not defined by Congress and the impacts of such a designation are unknown. It is likely that animal rights advocates would use such a designation in an attempt to stop the harvesting of marine mammals. And that it would be used to block an undersea pipeline from western Alaska or the Chukchi Sea down to Saint Lawrence Island. And that it would be used to block any attempt to load coal ships in the Chukchi Sea or to increase the 110 day open water shipping season for Red Dog mine by a few weeks using an ice breaker.

A fourth and even more-troubling example is that World Heritage Sites and Biosphere Reserves could be used by international competitors or foreign nations to affect any of the items above. Monies could be channeled through international environmental groups to fund the harassment of Alaska projects. We would expect that if zinc producers in other parts of the world had known that Red Dog would, in 1997, be producing 8% of the world's zinc concentrate, they would have done everything possible to block the right-of-way across Cape Krusenstern National Monument, one of the areas now being proposed for inclusion in a World Heritage Site.

As a final example, the rules and management guidelines for World Heritage Sites and Biosphere Reserves are established by a committee of the United Nations. They are therefore subject to change without control or consent by either the U.S. Congress or the President.

Any one of the above examples should be sufficient for every member of Congress to vote in favor of the American Land Sovereignty Protection Act of 1997.

Thank you for introducing this resolution and for the opportunity to comment on this extremely important issue.

Sincerely,



Steven C. Borell, P.E.  
Executive Director

cc: Congressman Don Young  
Senator Ted Stevens  
Senator Frank Murkowski



# ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

January 27, 1997

Honorable Don Young  
US House of Representatives  
2332 Rayburn House Office Bldg.  
Washington, DC 20515-0201

RE: World Heritage Sites

Dear Congressman Young,

Enclosed for your information and use are several items dealing with the "Volcanoes of Kamchatka" World Heritage Site. They show how this designation is being used block mine development projects on Kamchatka.

First is a December 18, 1996 joint press release by the Environmental Defense Fund, the Sierra Club and the Pacific Environment & Resources Center which opposes mining on Kamchatka. The groups are trying to force OPIC (Overseas Private Investment Corporation) to withdraw its support for any mining in the area. This release occurred immediately after five local parks and preserves on Kamchatka were designated as the Volcanoes of Kamchatka World Heritage Site.

Also enclosed is a packet of related material I just received from Arthur H. Ditto, President of Kinross Gold Corporation. Kinross is a partner in Kamgold, the operating company for the Aginskoye Mine, a project targeted by the press release. This packet contains several items of correspondence between the opposition groups and OPIC and several local Kamchatka government entities and OPIC.

This material shows one way that World Heritage Sites are being used to block mining projects. It is interesting that on page 5 of their May 13, 1996 letter to OPIC, the groups even used the fact that the area had been "nominated" for listing as justification for opposing the Aginskoye project. The letter uses the standard hype and rhetoric to create fear and, as we have often seen, attempts to disarm the Native Peoples with talk of culture, lifestyles, salmon spawning, etc. The groups aren't concerned about jobs, food, health care, warm clothes, and warm homes. One of the Russians states

"...the attitude of the pro-environmentalists shows criminal disrespect for human life in this part of Russia: our children have to starve and freeze just because well-off Americans think that they may not have enough salmon left for them...the environmentalists resort to falsification of facts and distortion of information."

The immediate danger for Alaska is the combined "Beringia International Park, World Heritage Site, and Marine Biosphere Reserve" . A World Heritage Site or Biosphere Reserve designation would be used to stop development on adjacent State and Native lands and would make it much more difficult to get approvals for a railroad or other infrastructure in the area. Such infrastructure will be required to develop coal or other minerals in Northwestern Alaska.

Sincerely,

A handwritten signature in cursive script, appearing to read "St. Borell".

Steven C. Borell, P.E.  
Executive Director

enclosures

cc: Senator Frank Murkowski  
Senator Ted Stevens



1875 Connecticut Ave., NW  
Washington, DC 20009  
202 387 3500  
fax 202 234 6049



1055 Fort Crockett  
San Rafael, CA 94965  
415 332 8200  
fax 415 332 8167



82 Second St, 2  
San Francisco,  
415 977 5500

*Press Release - Mining threatens Kamchatka World Heritage Site*  
*Page 2*

"The Russian government has worked tirelessly to obtain this unique recognition of Kamchatka's natural heritage. We urge the U.S. government and OPIC to officially recognize that it must not support projects that would lead to the serious environmental degradation of these parks. Now it is time for other bilateral and multilateral agencies to step up and reject any financial support for the Aginskoye project and any other gold mine that threatens Kamchatka's pristine nature," said Susan Holmes, a director of the Sierra Club.

The World Conservation Congress' October resolution, endorsed by over 70 nations and 600 NGOs, called upon multilateral and bilateral finance agencies "not to finance, insure or support activities, such as the proposed Aginskoye and Zolotoye gold mines ... and the proposed Asachinskoye and Rodnikovoye mining development ... which would threaten the sustainability of the ecosystems and viability of species, and the integrity of indigenous cultures within the ... Volcanoes of Kamchatka World Heritage List nomination."

While OPIC continues to capitulate on whether to provide insurance for the Aginskoye project, leaked documents obtained by PERC illustrate the failure of the agency's public participation policies and its lack of transparency. The leaked documents indicate that OPIC, operating in secrecy, originally gave green light to the project before it learned about the environmental dangers.

"OPIC's failure to officially deny support for the Aginskoye project shows the failure of its environmental and public participation processes," said Doug Norlen, Policy Advisor for PERC. "OPIC can only avoid such environmentally destructive projects and lawsuits by disclosing information to the public and seeking input from citizens before project decisions."

The Environmental Defense Fund, Sierra Club, and Pacific Environment and Resources Center opposed OPIC financing for the Aginskoye project in Kamchatka in a May letter to the U.S. agency. The Russian-Canadian-American joint venture, KAMGOLD, has yet to submit all the necessary documents to the Russian Ministry for Protection of the Environment and Natural Resources to receive environmental permits for the project. KAMGOLD is made up of the Canadian-based Kinross Gold Co., the U.S.-based Ghnberg Resources Inc., and the Russian-based Kamchatgeologiya. Other proposed mine sites that threaten the newly designated World Heritage Site include the Asachinskoye and Rodnikovoye deposits, which have been awarded for development to the Canadian company TVX Gold, Inc., and which similarly do not yet have necessary environmental permits.



1875 Connecticut Ave., NW  
Washington, DC 20009  
202 387 3500  
fax 202 234 6049



1055 Fort Crockett  
Sausalito, CA 94965  
415 332 8200  
fax 415 332 8167



82 Second St, 2nd Floor  
San Francisco, CA 94105  
415 977 5500

**FOR IMMEDIATE RELEASE  
DECEMBER 18, 1996**

*Contact: Julie Edlund, Pacific Environment and Resources Center, 415-332-8200  
Doug Norlen, Pacific Environment and Resources Center, 202-332-4840  
Bruce Rich, Environmental Defense Fund, 202-387-3500  
Susan Holmes, Sierra Club, 212-854-8487*

**ENVIRONMENTALISTS WELCOME NEW WORLD HERITAGE SITE IN KAMCHATKA, RUSSIA  
AND CALL ON U.S. GOVERNMENT, BILATERAL, AND MULTILATERAL AGENCIES TO REJECT  
SUPPORT FOR DESTRUCTIVE MINING PROJECTS IN KAMCHATKA**

Environmental groups today welcomed the decision by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to create "The Volcanoes of Kamchatka" World Heritage Site. This World Heritage Site recognizes the globally important natural environment of five world-class protected territories on the Kamchatka Peninsula in Russia's Far East: the Kronotsky Nature Preserve, the South-Kamchatsky Park, the Nalichevsky Park, the Tundra Nature Preserve, and the Bystrinsky Park.

Simultaneously, the Environmental Defense Fund (EDF), Sierra Club, and Pacific Environment and Resources Center (PERC) called on the U.S. Overseas Private Investment Corporation to categorically reject support for the Aginskoye mine, a destructive gold-mining joint venture that could scar and pollute part of the World Heritage Site, located in the Bystrinsky Park. OPIC confirmed this week that it has not yet made a definitive decision to deny financial support for the Aginskoye project.

"President Clinton showed that Yellowstone is worth more than gold," says Julie Edlund, a campaigner with the Pacific Environment and Resources Center, referring to President Clinton's efforts to prevent gold mining on the border of Yellowstone National Park, another World Heritage Site. "Just as in Yellowstone, Kamchatka's fragile ecosystems are threatened by large-scale mining impacts. Kamchatka's unique parks with their huge salmon spawning rivers should also be spared this potential toxic nightmare."

The area for the proposed Aginskoye project is situated in the headwaters of the watershed of nine principal wild salmon spawning rivers. Industrial development of any kind poses a threat to this fragile ecosystem which supports the heart of Kamchatka's economy -- salmon fishing.

"The international community will continue to watchdog bilateral and multilateral agencies to make sure that they do not support any mining projects that could endanger Kamchatka's new World Heritage Site," said Bruce Rich, Director of International Programs for EDF. "Over 70 nations and 600 NGOs endorsed a resolution this October at the World Conservation Union Conference in Montreal that called upon the Russian government and international financing agencies to respect the integrity of Kamchatka's new World Heritage Site."

Despite overwhelming opposition from Russian and international environmental organizations, the Overseas Private Investment Corporation, a U.S. government agency which provides political risk insurance and financial backing to U.S. companies investing abroad, has yet to categorically reject the request from Canadian and U.S. companies to support the controversial Aginskoye mine site.

# KINROSS

Gold Corporation

---

January 20, 1997

1/24/97  
Mr. Steve Borell, P.E.  
Executive Director  
Alaska Miners Association, Inc.  
501 W. Northern Lights Blvd.  
Suite 203  
Anchorage, Alaska 99503

Dear Steve:

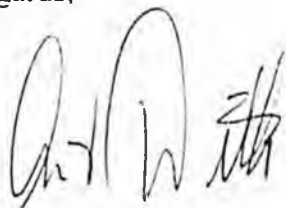
Thank you for the press release issued by the various preservationist groups. As you would expect, we are not on their distribution list. I am enclosing, for any use you wish, various pieces of correspondence concerning some of the matters erroneously reported in the EDF release.

Please note the memorandum from Tanya Ternovsky, who works in our office, which relays comments from the Committee for Geology through Mr. Vasily Knol who represents our Russian partner. I think these remarks really address the very basic humanitarian issues that groups such as EDF et al never talk about as they distribute their misinformation and propaganda.

It is very unfortunate for our industry and for many people in these poorly developed areas that the preservationists have become so credible with decision makers in the political and bureaucratic sector.

We will be attempting to get some opposition support to put a more honest face on the events in Kamchatka, and we will appreciate any help you can give.

Regards,



Arthur H. Ditto  
President

# MEMO

**To:** Allen Gordon  
**From:** Tanya Ternovsky  
**Subject:** Conversation with Vasily  
**Date:** January 15, 1997

Vasily called to inquire of the progress with financing and inform of the situation around the project in Russia.

## 1. Reaction to EDF's Press-Release

Vasily received the EDF's press-release and showed it to Kamchatsky Geology Committee, the entity that issued the Mineral License to Kamgold. The Committee officials asked him to prepare a file which they would like to send to Moscow. Their comment was basically as follows:

'The political activities of pro-environmental groups, unfortunately, have turned into a real threat to the economic development in the Russian Far East. From the point of view of basic human values, people who have no real economic problems and are looking for something to keep them busy while enjoying all the comforts provided by a developed economy, have no moral right to be overly concerned with the ecological problems in a different country, where people are deprived of basic conveniences, where parents do not know how to feed their children or keep them warm at homes and schools. In a dire economic situation like this, when the overwhelming majority of able population in Kamchatka have lost their jobs due to the crash-down of the old system, the attitude of the pro-environmentalists shows criminal disrespect for human life in this part of Russia: our children have to starve and freeze just because well-off Americans think that they may not have enough salmon left for them, and to be able to enjoy this little luxury, the environmentalists resort to falsification of facts and distortion of information. The letters from the Kamchatka officials, including the Provincial Environmental Committee, confirm our determination to develop economy in Kamchatka to ensure well-being of our people. From environmental, this issue has grown into the question of political and economic independence and security for this region, that may call for some action at a federal level.'

Vasily added to Geolcom's comment that, contrary to the press-release, in Russia Aginskoe has rather a positive ecological reputation, e.g. the Russian Federation Government adopted a Decree tightening water control standards for water protected zones on November 26, 1996. The new standards specified in this decree have put TVX Gold in a spot for non-compliance with requirements for ecological safety but no faults have been found so far with Aginskoe.

RUSSIAN FEDERATION MINISTRY  
FOR ENVIRONMENTAL CONTROL AND NATURAL RESOURCES

KAMCHATKA PROVINCIAL COMMITTEE FOR ENVIRONMENTAL CONTROL  
(KAMCHATOBLKOMPRIRODY)

No 09-04/1380

June 14, 1996

Ms. Ruth R. Harkin  
President  
OPIC

Dear Ms. Harkin,

Kinross Gold Corporation, as a Kamgold JV shareholder, requested us to provide some comments on the letter of the US public environmentalist organizations ( the Environmental Defense Fund and others), in which the latter expressed their apprehension of possible negative impacts on the ecological systems in the area of the Aginskoe project development.

In response to this request, we would like to advise you as follows:

1. There is no denying that the possibility of industrial development in Kamchatka, with its unique natural complexes, clean rivers and numerous salmon spawning areas as compared to the other Russian regions, has been the subject of heated debate in the last 10 years.

It is the direst economic situation at present in Kamchatka and overall in Russia, that has inclined the public opinion in favour of pilot mining development in restricted areas in Kamchatka under strict control of the State Environmental Control bodies and public entities.

Under the current circumstances, the Kamchatka Environmental Control Committee, being in charge of environmental control and ecological monitoring in the area as a regional branch of the Russian Federation Ministry for Environmental Control and Natural Resources, has given its approval of the Feasibility Study for the Aginskoe gold deposit development presented to the Committee by the Russian-American JV Kamgold.

2. We hope that you have the full text of the Expert Ecological Evaluation of the Feasibility Study that was given to KAMGOLD in August 1995, therefore, we shall not refer to the issues raised by the experts. Expert evaluation was carried out jointly by multi-profile specialists from the Russian Federation Natural Resources Ministry and Kamchatka Environmental Committee, including American experts David Gordon from California and Michael Long from Colorado, and certain shortcomings in the Feasibility Study were identified. All the critical remarks should be taken into account at the next stage of detailed project engineering, though until now the Russian Federation Natural Resources Ministry has not yet received any response to the experts' remarks and

suggestions. At the same time, the experts pointed out that the quality of the Feasibility Study is much higher than that of the previous ones. Public hearings held in the communities inhabiting the project development area showed that the local population did not respond negatively to the suggested project of limited mining development in Central Kamchatka.

3. Particularly, the final engineering project should contain a land reclamation plan, and a financial mechanism for reclamation work after the closure of the mine should be indicated. Reclamation of the area disturbed during geological prospecting should be carried out at the initial stage of the project, including the sites that do not form part of the territory designated for development by Kamgold.

Cyanide detoxification should be done in compliance with the standards of the Colorado State, USA, which are 10 times more stringent than in Russia.

The tailings impoundment bed will be reinforced to ensure control of cyanide dissemination, either with a double layer plastic or dry tailings treatment will be designed. Additional geologic and engineering studies must be done, as was stated in the conclusion of the state expert evaluation.

4. The Kamchatka administration excluded the territory of the mine and neighbouring sites, where geological studies will be carried out, from the territory of the regional (not federal) Bystrinsky Natural Park.

The Bystrinsky Natural Park is on the list of territories presented by the Kamchatka province for inclusion into the World Heritage List .

5. We believe that the development of a limited number of ore deposits in Kamchatka will not disrupt joint Russian-US research involving monitoring and surveys of brown bears and landbirds in Central Kamchatka as stipulated by the 1996 Working Group Protocol. On the contrary, this development and inclusion into the Kamchatka regional economy will ensure an inflow of capital to the budget and thus provide financing for Russian scientific programs.

Thus, the Russian Federation Ministry for Natural Resources and the Kamchatka Environmental Provincial Committee maintain constant control over the Aginskoe project and will be grateful for any suggestions from OPIC and public environmental entities at the further stages of the engineering design evaluation and implementation of the project.

Sincerely,

N.S. Karpukhin  
Deputy Chairman  
Chief of the State Ecological Expert Committee  
Kamchatoblkomprirody

МИНИСТЕРСТВО ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ  
И ПРИРОДНЫХ РЕСУРСОВ РОССИЙСКОЙ ФЕДЕРАЦИИ

КАМЧАТСКИЙ ОБЛАСТНОЙ КОМИТЕТ ПО ОХРАНЕ ПРИРОДЫ  
(КАМЧАТБОЛКОМПРИРОДЫ)

11 681031, г. Петропавловск-Камчатский, пр. К. Маркса, 29/1  
т/ф телефоны: (41500) 5-22-70, (41500) 5-12-22  
т/ф телефакс: (41500) 5-22-17  
т/ф телеграмма: 044200 АГТ УС

14.06.96 № 09-04/1380

Президенту ОПИК  
г-же Рут Харкин

Уважаемая госпожа Харкин!

Компания "KINROSS", которая является инициатором совместного предприятия "КАМГОЛД", обратилась к нам с просьбой дать комментарии по поводу письма общественных экологических организаций США (Фонд международных программ по охране окружающей природной среды и др.), в котором высказаны опасения возможного негативного влияния на экосистемы в зоне действия Агинского проекта.

По их просьбе мы считаем необходимым сообщить Вам следующее:

1. Ницo признать, что дискуссии о возможности развития горной промышленности на Камчатке, обладающей уникальной, по сравнению с другими регионами России, первобытной природой, чистыми реками с богатыми донными перестыльниками, ведется в обществе на протяжении последних 10 лет с неослабевающей остротой.

Лишь крайняя экономическая ситуация на Камчатке, как и во всей России, сложившаяся в последние годы, склоняет общественное мнение в пользу производства горно-добывающих работ в качестве эксперимента на ограниченных участках территории при самом строгом контроле как со стороны государственных органов охраны окружающей природной среды, так и общественных организаций.

В сложившейся ситуации Камчатский областной комитет по охране природы, являющийся территориальным подразделением Министерства по охране окружающей природной среды и природных ресурсов России, и несущий ответственность за экологический контроль и состояние окружающей среды, согласился с предложенным совместной российско-американской компанией "КАМГОЛД" технико-экономическим обоснованием освоения Агинского золоторудного месторождения и разделом ОВОС.

2. Мы надеемся, что Вы располагаете полным текстом сводного заключения Государственной экологической экспертизы материалов ТЭО разработок Агинского месторождения, выданного компанией "КАМГОЛД" в августе 1995 г., и поэтому не останавливаемся подробно на вопросах, поставленных экспертами перед компанией. Экологическая экспертиза ТЭО, проведенная совместной экспертной комиссией Минприроды России и Камчатского комитета, с точки зрения привлеченных к экспертизе специалистов различного профиля, в том числе и двух американских: David Jordan из Калифорнии и Michael Long из Колорадо, вынужден ряд недоработок. Замечания экспертизы должны быть учтены в следующей стадии проектирования предприятия, но до настоящего времени Минприрода России не получила материалов, в которых содержались бы ответы на замечания экспертной комиссии. В то же время в выводе экспертизы отмечалось

высокое, по сравнению с ранее представившимися проработками, качество ТЭО. Результаты общественных слушаний, проведенных в общинах, проживающих в районах предполагаемых работ, представленные компанией "КАМГОЛД", также не показали отрицательного отношения населения, включая национальные группы, к предложенному варианту ограниченного освоения минеральных ресурсов Центральной Камчатки.

3. В частности: в окончательном рабочем проекте должен быть разработан план рекультивации земель с указанием механизма финансирования рекультивационных работ после закрытия рудника. В начальной стадии должна быть проведена санация территории, подвергшейся нарушению при ранее проведенных геологоразведочных работах, в том числе на земельных участках, не вошедших в заявленную компанией "КАМГОЛД" территорию для реализации проекта.

Обезвреживание швандов должно продолжаться по нормативам, принятым в штате Колорадо США, в 10 раз более жесткими, чем в России.

Ложе хвостохранилища должно быть подготовлено в усиленном варианте защиты от проникновения цинков в подмышечные породы, либо с применением двойного слоя полимерной пленки, либо благодаря другим надежным вариантам хвостохранилища, включая сухой вариант. В период проектирования должны быть проведены дополнительные инженерно-геологические исследования, на недостаток которых указывалось в заключении государственной экологической экспертизы.

4. Территория рудника, а также непосредственно примыкающие к нему участки, где планируются геологические исследования, администрацией Камчатской области исключены из состава Быстринского природного парка регионального (не федерального) значения.

В материалах, представленных Камчатской областью для включения ряда территорий Камчатки в список территорий Всемирного природного наследия, имеется Быстринский природный парк.

5. Мы надеемся, что намерение и ответственность с протоколом рабочей группы 1996 года сотрудничество российской и американской сторон в исследованиях видов, свойственных экосистемам Центральной Камчатки, мониторинга бурого медведя и фауны, не должно пострадать при реализации освоения ограниченного количества рудных объектов Камчатки. Напротив, их освоение и включение в хозяйственную структуру Камчатского региона, обеспечит поступление средств в бюджет и соответственно финансирование научных программ российской стороны.

Таким образом, Минприроды России и Камчатский областной комитет по охране природы постоянно контролируют ситуацию с Агипским проектом и будут с благодарностью учитывать замечания ОПЭК и общественных экологических организаций при последующих рассмотрении проектных материалов и их реализации.

С уважением



Николай С. Карпухин  
заместитель председателя комитета,  
начальник государственной экологической  
экспертизы Камчатоблкомприроды.

**GOVERNOR FOR THE BYSTRINSKY REGION**  
Township of Esso

No 174/K

June 6, 1996

Ms. Ruth R. Harkin  
President and Chief Executive Officer  
OPIC  
1100 New York Avenue N.W.  
Washington, D.C. 20527

Dear Ms. Harkin,

I have read the letter of May 13, 1996 sent to you by the Sierra Club and the Environmental Defense Fund, and I would like to share with you my views on the development of the Aginskoe gold deposit.

This is the first major industrial project in our region which will create new jobs and thus, we hope, contribute to the increase of the well-being of our residents. At the same time, together with the Kamchatka Administration and the Russian government, we pay special attention to examining possible environmental impacts on our unique region, both in the short and long term. On-site studies carried out both by Russian and American experts show that with the right approach there is every reason to believe that any negative impact on environment will be minor and short-lived, while the positive benefits are significant.

We intend to continue monitoring all the aspects of the Aginskoe project and thus ensure environmental control in the area.

We, therefore, request you to render all possible assistance Kamgold to facilitate successful development of the Aginskoe deposit.

Sincerely,

G.P.Devyatkin  
Chief Administrator (Governor)  
Bystrinsky region  
Kamchatka province



ГЛАВА АДМИНИСТРАЦИИ  
БЫСТРИНСКОГО РАЙОНА

6.6.96 г. с. Эссо 174/к  
(дата) (индекс)

6 июня 1996г.

Г-же Рут Р. Харкин  
Президенту ОПИК  
1100 New York Avenue N.W.  
Washington, D.C. 20527

Уважаемая госпожа Харкин,

Я имел возможность познакомиться с письмом от 13 мая 1996г., которое направили Вам "Сьерра Клуб" и Фонд защиты окружающей среды. Мне бы хотелось изложить Вам мою точку зрения по вопросу отработки Агинского золоторудного месторождения.

Этот проект является первым промышленным проектом в нашем районе, реализация которого означает создание рабочих мест и, мы надеемся, повышение благосостояния жителей. Тем не менее, вместе с администрацией Камчатской области и российским правительством мы уделяем особое внимание тому, каковы будут экологические последствия для нашего уникального района как в ближайшем, так и в отдаленном будущем. Исследования, проведенные на объекте российскими и американскими специалистами, свидетельствуют о том, что при правильном подходе есть все основания полагать, что любое негативное воздействие на окружающую среду будет минимальным и непродолжительным, тогда как положительные преимущества будут значительными.

Мы намереваемся проверять все аспекты деятельности по Агинскому проекту, чтобы таким образом обеспечить охрану окружающей среды.

В связи с этим мы обращаемся к Вам с просьбой оказывать всякое содействие "Камголду", чтобы обеспечить успешное освоение Агинского месторождения.

С уважением,

Глава администрации  
Быстринского района  
Камчатской области

Г. П. Девяткин

**KAMCHATKA PROVINCIAL ADMINISTRATION**

**DEPARTMENT FOR FUEL AND ENERGY,  
MINERAL RESOURCES AND COMMUNICATIONS**

Dom Sovetov, Lenin Sq.  
Petropavlovsk-Kamchatsky

No 54-1534

June 6, 1996

Ms. Ruth R. Harkin  
President and Chief Executive Officer  
OPIC  
1100 New York Avenue N.W.  
Washington, D.C. 20527

Dear Ms. Harkin,

Recently we received a copy of the letter which the Sierra Club and the Environmental Defense Fund wrote to you on May 13, 1996. We believe that the letter contains some serious blunders that we would like to point out to you:

1 - First, it should be mentioned that the Sierra Club and the Environmental Defense Fund are not authorized to speak on behalf of the Kamchatka region or its administration. Their opinion does not reflect that of the majority of the people living in this region, including those who will be directly affected by the development of the Aginskoe gold deposit.

2 - The 1991 study of the project carried out by the Expert Commission of the Kamchatka Environmental Institute was a reaction to the possibility of development to be done by the Russian company Sevvostzoloto (North East Gold) of Magadan (Russia) and not by Kamgold, whose abilities in this regard were considered superior. Kamgold supplied an environmental impact study acceptable to the Institute, whose 1991 study has been superseded by a 1995 study, not mentioned in the May 13 letter.

In conclusion, we would like to advise you that the Administration and people of Kamchatka remain firmly committed to the development of Aginskoe and encourage OPIC to do everything in its power to assist in its successful completion.

Sincerely,

B.P.Sinchenko  
First Deputy to  
the Governor for the  
Kamchatka Province

# АДМИНИСТРАЦИЯ КАМЧАТСКОЙ ОБЛАСТИ

УПРАВЛЕНИЕ ТОПЛИВНО-ЭНЕРГЕТИЧЕСКОГО КОМПЛЕКСА,  
МИНЕРАЛЬНО-СЫРЬЕВЫХ РЕСУРСОВ И СВЯЗИ

г. Петропавловск-Камчатский.  
пл. Ленина, Дом Советов

тел. 2-80-41, 2-59-19, 2-59-82, 2-80-22  
телетайп 244157 ПЕРБ, факс 7-38-43  
e-mail VZIN@KRA.KAMCHATKA.SU

6 июня 1996г. № 54-1534

Г-же Рут Р.Харкин  
Президенту ОПИК  
1100 New York Avenue N.W.  
Washington, D.C. 20527

Уважаемая госпожа Харкин,

Недавно мы имели возможность познакомиться с письмом, которое "Сьерра Клуб" и Фонд охраны окружающей среды направили Вам 13 мая 1996г. Мы считаем, что в данном письме имеют место серьезные ошибки, на которые мы бы хотели обратить Ваше внимание:

1 - Во-первых, следует сказать, что "Сьерра Клуб" и Фонд охраны окружающей среды не были уполномочены говорить от лица Камчатской области или администрации. Их мнение не отражает мнения большинства проживающих в данной области, включая тех, на ком непосредственно отразятся последствия отработки Агинского месторождения.

2 - Экспертиза проекта 1991 года, проведенная экспертами Камчатского института экологии и природопользования ДВО РАН, была реакцией на возможность отработки месторождения российской компанией "Сев-Восток-Золото" (Магадан), а не компанией "Камголд", которая в данном отношении значительно превосходит магаданскую компанию. "Камголд" представил на экспертизу ОВОС в 1995г., который превзошел исследование 1991г. и который не был упомянут в письме от 13 мая.

В заключение нам бы хотелось сообщить Вам, что Администрация и население Камчатки по-прежнему поддерживают Агинский проект и обращаются в "ОПИК" с просьбой оказать поддержку для его успешного осуществления.

С уважением,

Первый заместитель  
Главы администрации  
Камчатской области

  
Б.П. Синченко

**OVERSEAS PRIVATE INVESTMENT CORPORATION**  
WASHINGTON, D.C. 20527, U.S.A.



OFFICE OF THE  
PRESIDENT

May 23, 1996

Mr. Bruce Rich  
Director, International Program  
Environmental Defense Fund  
1875 Connecticut Avenue, N.W.  
Washington, D.C. 20009

Dear Mr. Rich:

Thank you for your letter of May 13, 1996 and memorandum regarding the pending application for OPIC financing and insurance for the Aginskoye Gold Mine project in Kamchatka.

As you know from your recent meeting with OPIC's environmental staff, we are aware of the ecological sensitivity of the project site, the surrounding area and the Kamchatka peninsula in general. Our review of the proposed mining project will take into account all of the issues you raised -- policy as well as technical matters -- before arriving at a final decision, as to whether, or on what basis, we might proceed with support of the project.

I have asked Harvey Himberg, OPIC's Director of Environmental Affairs, to continue our discussions with you regarding the issues cited in your letter and memorandum. You can expect to hear from him after we have had an opportunity to further examine some of the specific points cited in your letter.

We appreciate your interest in our programs and your thoughtful comments.

Sincerely yours,

Ruth R. Harkin  
President and  
Chief Executive Officer

- cc: The Honorable Albert Gora, Jr.  
Vice President of the United States
- The Honorable Timothy Wirth
- The Honorable Eileen Claussen
- Ms. Katie McGinty
- Mr. David Sandalov



Capital Office  
1875 Connecticut Ave., N.W.  
Washington, DC 20009  
(202) 387-3500  
Fax 202-231-6049



**Sierra Club**  
408 C St., NE  
Washington, DC 20002  
(202) 547-1141

May 13, 1996

Ms. Ruth R. Harkin  
President and Chief Executive Officer  
Overseas Private Investment Corporation  
1100 New York Avenue, N.W.  
Washington, DC 20527



Dear Ms. Harkin,

We are writing concerning the application by Grymberg Resources Inc., KAMGOLD and Kinross Gold Co., for insurance and financing of the Aginskoye Gold Mine project in Kamchatka, Russia. The seven organizations endorsing this letter have more than 5.5 million members and supporters in the United States.

We believe there is substantial evidence that development of the Aginskoye project will have major adverse effects on the fragile sub-alpine ecosystem in the project area, threaten salmon and wildlife populations of international significance, potentially jeopardize several rare and endangered species (including a number listed in the Russian Red Book and Red Book of the IUCN (World Conservation Union), and undermine the economic and social base of several groups of indigenous people who depend on these resources. The fact that the mining project will be sited in the high headwaters of the major watershed of nine principal spawning rivers of the Kamchatka Peninsula, in an area of high seismicity, in a region of high precipitation with risk of landslides and floods, makes the likelihood of eventual wide-spread ecological disruption probable.

Because of these threats, an Expert Commission of the Kamchatka Academic Environmental Institute categorically recommended that mining development not take place in the area of the proposed Aginskoye project in a comprehensive, 100 page study it released in 1991. In the words of the Commission:

One can say right away: if we are talking about thousands of tons of potentially toxic ore in a damp area with potential showers; thousands of tons of burned diesel fuel; hundreds of tons of coal and benzene with high content of tetraethyl-lead; chlorate organic flows and usage of explosives...--all that in the mouth of a spawning river--then not one hydrobiologist, hydrochemist, environmentalist or toxicologist will guarantee the preservation not only of the river's spawning qualides, but also of elementary life forms." (Expert Commission, Kamchatka Environmental Academic Institute, Report: The Expert Assessment of Environmental and Economic Consequences of Projected Gold Mining in the Central Part of the Middle Range of the Kamchatka Peninsula (Aga Deposit), 1991, 8.3.3.2.1., hereafter cited as Expert Assessment)

Moreover, the area surrounding the mine has been recognized by the government of Kamchatka as ecologically important and vulnerable, and has been designated as a regional protected area (the Ichinsky Zoological Zakaznik). This area in turn is part of a larger national nature reserve, the Bystriinsky Nature Park. In September, 1995 the Russian government submitted the Bystriinsky Nature Park, including the entire area in which the proposed mine would be located, to the United

Ms. Ruth R. Harkin  
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Nations Education, Social and Cultural Organization (UNESCO) for designation as a World Heritage Site of unique, global environmental importance.

The Russian government's World Heritage List nomination states that "the aim has been fixed to recognize all Nature Parks [in Kamchatka] that have been nominated for World Heritage status as National Parks." In fact, the Russian government World Heritage nomination explicitly warns that proposed

"industrial development of the southern part of the [Bystrinsky Nature] Park may cause pollution to the salmon-spawning grounds and a general lowering of the sustainability of ecosystems such as the Middle Range as well as adjoining territories to the east and west of the flat territories....Indeed, the people of the area will have a great deal to lose by allowing any amount of disturbance to the salmon habitats and is hoped that the World Heritage recognition will put this in a clear light." (Minister for the Protection of the Environment and Natural Resources of Russian Federation, "Nomination of the Volcanoes of Kamchatka for inclusion in the World Heritage List submitted by the Russian Federation, Moscow, September 26, 1995, pp.25, 21, hereinafter cited as "World Heritage List Nomination, 1995")

We therefore believe that OPIC's support for this project would be counter to OPIC's statutory obligation, along with other U.S. foreign assistance agencies, to make "special efforts...to maintain, and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well being, especially of the poor." (Foreign Assistance Act of 1961, as amended, Sec. 117 (b), 32 U.S.C. 22, sec. 2151p. (b)) Because of the potential impacts on natural resources of economic importance for indigenous people, ecotourism potential, and the regional economy, as well as the relatively low levels of employment generated by mining operations of this kind compared with alternatives, OPIC's support would run counter to its mandate under the Foreign Assistance Act which requires OPIC to "especially be guided by the economic and social development impact and benefits" in host countries. (Foreign Assistance Act of 1961, as amended, Sec. 231 (1), 32 U.S.C. 22, sec. 2191 (1))

OPIC's support for the Aginskoye proposal would appear to be inconsistent with its statutory duty to "ensure that the project is consistent with" sections 117 and 119 of the Foreign Assistance Act, concerning environment and natural resources, and endangered species. (Foreign Assistance Act of 1961, as amended, Sec. 231 (3), 32 U.S.C. 22, sec. 2191 (3)) Section 119 states, inter alia, that "the preservation of animal and plant species ...through limitations on the pollution of natural ecosystems and through the protection of wildlife habitats should be an important objective of United States development assistance," of which OPIC is a part. It further states that "special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks." (Foreign Assistance Act of 1961, as amended, Sec. 119 (b), 32 U.S.C. 22, sec. 2151q. (a))

In addition, we believe that the 1995 review of the project's environmental impact study (EIS) conducted by the Kamchatka Committee for the Protection of the Environment and Natural Resources indicates that the EIS is so deficient in process, identification and analysis of issues, and in environmental standards that it has not produced sufficient information to ensure adequate notification.

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 May 13, 1996  
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of IBRD and U.S. environmental, public health and safety guidelines, standards, restrictions and laws, as required by section 237 (m) (1) of the Foreign Assistance Act. (32 U.S.C. 22, sec. 2197 (m) (1))

The application for OPIC support of the proposed Aginskoye gold mine is precisely the sort of situation described by section 231 (n) of the Foreign Assistance Act, namely one where "the Corporation, using broad criteria, shall undertake...to refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose... (a) major environmental...hazard, or will result in the significant degradation of national parks or similar protected areas." (32 U.S.C. 22, sec. 2191 (n))

Moreover, support for the Aginskoye project would appear to be in conflict with the goals of other ongoing environmental and habitat protection efforts of the U.S. government promoted through the Gore-Chernomyrdin Commission to support conservation and biodiversity in the Russian Far East, as well as with elements of the 1996 work program for "Area V: Protection of Nature and the Organization of Reserves" of the 1994 U.S.-Russian Environmental Agreement. Section 231 (1) of the Foreign Assistance Act requires OPIC to be especially guided in its choice of projects for insurance and financing by, inter alia, "the ways in which such a project complements, or is compatible with, other development assistance programs of the United States..." (32 U.S.C. 22, sec. 2191 (1)) In 1994 the Vice President and the Russian Prime Minister issued a Joint Statement on Preservation of Biodiversity and Conservation of Flora and Fauna in which they stated that they

agreed that cooperation in this area is especially important to the United States and the Russian Federation, both of which combined have unique biological resources...Accordingly, they announced that the Governments of the United States and the Russian Federation will work to take actions as are necessary for the significance of implementation of Agenda 21 adopted at the 1992 Rio de Janeiro Conference on the Environment and Development...To encourage such bilateral cooperation, they will continue to make efforts towards further increasing the effectiveness of their work in the field of conservation of flora and fauna and the preservation of biodiversity. (Joint Statement by the Vice President of the United States of America and the Prime Minister of the Russian Federation on Preservation of Biodiversity and Conservation of Flora and Fauna, December, 16, 1994)

We would recall the Vice President's commitment in the Joint Commission's 1995 Joint Statement on Sustainable Management and Conservation of Natural Resources:

Both sides recognize the necessity of conservation and sustainable management of natural resources...Further the two sides recognize the importance of all ecosystems, including riverain, marine and forest ecosystems, to the overall health of global systems. To that end, they agree to strengthen existing cooperation...to encourage the sustainable management of natural resources in these ecosystems in a manner consistent with the spirit of this statement. They also agree that related private sector activities should be guided by these principles. (United States-Russian Federation Joint Commission on Economic and Technological Cooperation, Joint Statement on Sustainable Management and Conservation of Natural Resources, June 30, 1995)

Ms. Ruth R. Harkin  
 May 13, 1996  
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Under the 1994 U.S.-Russia Environmental Agreement, the 1996 Working Group Protocol for activities in "Area V," relating to "Protection of Nature and the Organization of Reserves," calls for several joint programs relating to the study and protection of biodiversity in central and southern Kamchatka, including species that may adversely affected by the Aginskoye mine, such as the gyrfalcon:

The national wildlife refuges of the Alaska Peninsula and Aleutian Islands (U.S.), and the nature reserves of Northeastern Russian, the Kamchatka Peninsula and the commander Islands (Russia) have many natural and geomorphological features in common. These similarities form the basis for a comparative ecosystem relationship, with the goal of better understanding the natural overall processes through the study of wildlife species and biological communities shared by both regions.

Topics of cooperation include joint studies of the species integral to these ecosystems (e.g. brown bear, reindeer, birds, insects), and also wildlife requiring special protection, such as...[the] gyrfalcon (*Falco rusticolus*). (United States Department of the Interior, U.S. Fish and Wildlife Service, Office of International Affairs, "U.S.-Russia Environmental Agreement, Area V Protection of Nature and the Organization of Reserves, Working Group Protocol 1996, Final Text, Project 02.05-21, Aleutian Chain Biodiversity, p. 6, hereafter cited as "U.S. Russia Environmental Agreement Working Group Protocol, 1996)

The 1996 Working Group Protocol includes two subprojects involving joint U.S.-Russian research in central and southern Kamchatka involving monitoring and surveys of brown bears in nature reserves and studying migrating raptors and other landbirds. (U.S.-Russian Environmental Working Group Protocol, 1996, Project 02.05-21, subproject 3., "Brown Bears in Kamchatka and Chukotka; subproject 4., "Beringia-Kamchatka Biodiversity: Monitoring Migrating Raptors", p. 6)

The Aginskoye mine project would hardly appear to "complement" or be "compatible with" these activities.

Besides these critical questions concerning the adverse environmental and developmental impacts of this project which go to the heart of OPIC's mandate, there are serious, unresolved issues relating to the legal status of the proposed mine site, and any mining activities that would be conducted there. First, we understand that in September, 1994, after the tender was awarded for the mine, the Kamchatka regional government altered the borders of the already existing Ichinsky Zoological Zakaznik to exclude the 51,850 hectare area of the mining site, located in the middle of the protected zoological reserve, in the heart of the Bystrinsky Nature Reserve and proposed national park and World Heritage site. This has already been a matter of considerable controversy and dispute among different parties in Kamchatka, and, according to one source, "are legally questionable and may be challenged." (David Gordon, Pacific Environment and Resources Center, Letter to Glenn Anderson, ASARCO Inc., February 2, 1995) Second, the legal status and definition of Nature Parks, as set out in March 22, 1995 law of the Russian Federation "On Specially Protected Natural Territories," appears to explicitly prohibit the kind of activities and likely impacts associated with the proposed Aginskoye mining development.

Ms. Ruth R. Harkin  
May 13, 1996  
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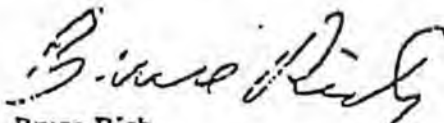
"Article 18. 1. Nature Parks are to be nature conservation and recreational territories and properties, under the direction of organs of the Russian Federation, of significant or aesthetic value and set aside for nature conservation, educational and recreational use."

"Article 21. 3. The following activities are to be prohibited on the territories of the Nature Parks: those which will alter the historic landscape, decrease or destroy the environmental, aesthetic or recreational properties of the Nature Park and damage the sustainable regime for historic and cultural monuments." (World Heritage List Nomination, 1995, pp. 24-25)

A more detailed summary of our concerns is attached to this letter.

For the reasons elucidated both above and in the attached memorandum, OPIC's support for the Aginskoye mining project would violate its environmental and developmental mandates set out in Sections 117, 119, 231 (n), and 237 (1), (2), and (m) (1) of the Foreign Assistance Act. It would be inimical to, rather than complementary and compatible with, the overall goals of environmental bilateral foreign assistance for Russia set forth by the Gore-Chernomyrdin Commission, and raise potential conflicts with the goals of several components of ongoing work plans under the 1994 U.S.-Russia Environment Agreement. We believe it would be in conflict with the most basic principles of sustainable development, to which the U.S. and Russia have committed themselves to under the 1992 Rio Declaration and Agenda 21, and also weaken the ongoing implementation of the World Heritage Convention—to which the U.S. is a party--by threatening a site nominated for inclusion on the World Heritage List.

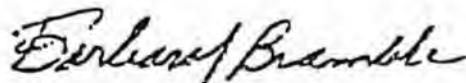
Sincerely,



Bruce Rich  
Director, International Program  
Environmental Defense Fund



Susan Holmes  
Director  
Sierra Club



Barbara Bramble  
Director, International Programs  
National Wildlife Federation

On Behalf of:

Andrea Durbin  
Director, International Program  
Friends of the Earth, U.S.

David Gordon  
Co-Director  
Pacific Environment and  
Resources Center

Ms. Ruth R. Harkin  
May 13, 1996  
Page 6

Bill P. Pfeffer  
Executive Director  
Sacred Earth Network

David B. Hunter  
Senior Attorney  
Center for International  
Environmental Law

cc.

Honorable Albert Gore, Jr.  
Vice President of the United States

Timothy Wirth  
Undersecretary of State for Global Affairs

Eileen Claussen  
Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs

Kate McGinty  
Chair, Council on Environmental Quality

David Sandalow  
Director for Environmental Affairs, National Security Council

**MEMORANDUM: ADDITIONAL ENVIRONMENTAL AND DEVELOPMENTAL  
CONCERNS RELATING TO THE PROPOSED KAMCHATKA AGINSKOYE MINE**

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I. THE PROPOSED MINE IS A THREAT TO BIODIVERSITY, RARE AND ENDANGERED SPECIES, AND A PROTECTED AREA OF INTERNATIONAL IMPORTANCE

As noted in the cover letter, the mine site is located in an area protected since June, 1994 as the Ichinsky Zoological Zakaznik. It is also located in the southern portion of the Bystriinsky Nature Park. The Russian Ministry for the Protection of Environment and Natural Resources submitted the Bystriinsky Nature Park to UNESCO for listing as a World Heritage site under the World Heritage Convention, and the submission to UNESCO for inclusion on the World Heritage List states the intention to reorganize the Bystriinsky Park as a National Park. (World Heritage List Nomination, 1995, p.25)

Recognized as an "area of the highest biodiversity in the Kamchatkan Peninsula." (Expert Assessment, 1991, 5.1) the Ichinsky Zoological Zakaznik and Bystriinsky Nature Park, protect brown bear, mountain goat, black-capped marmot, lynx, snow ram, elk, sable, otter, and the endangered white tailed sea eagle. The proposed Park includes numerous hot and mineral springs, extinct and active volcanoes, and important aryan fir and larch forests. In the words of the Russian government's World Heritage List nomination, "the landscapes of the park are very diverse and are considered highly attractive by visitors. Bystriinsky Park has earned from both inhabitants and visitors alike the nickname 'Kamchatka's Switzerland.'" (World Heritage List Nomination, 1995, p. 9)

Several rare and endangered animal species in the vicinity of the mine site are listed in the 1992 Russian Red Data Book: the Kamchatka Big Horn Snow Sheep (*Ovis canadensis nivicola*), the Eurasian Polar Fox (*Alopex lagopus semenovi*), and the Gyrfalcon (*Falco rusticolus*). The World Heritage nomination for the site notes that rare species include "three species of bear, the hooped lemming, the wild northern deer." (World Heritage List Nomination, 1995, p. 14). With respect to the area's flora, "On the territory of the park are found species that are classified among the rare and endangered species categorized by IUCN in the following categories: Endangered species: 4 Rare species: 5 Species with dwindling numbers and habitats: 5." The Bystriinsky Park "contains 16 species endemic to Kamchatka." (World Heritage List Nomination, p. 14)

The area has a significant concentration of the Kamchatka bear (*Ursus arctos*), the second largest brown bear subspecies in the world, of which there are about 5000 in the entire Kamchatka peninsula. (World Heritage List Nomination, 1995, pp. 5, 8)

The area is the watershed for numerous valuable salmon spawning rivers that flow to the west coast as well as for critical tributaries of the region's most important river, the southeast flowing Kamchatka River. In the words of the World Heritage nomination, "salmon is not only an important economic factor for Kamchatka, but represents the basis for the survival of the bears, sea otter, the white-shouldered eagle, as well as other mammals and birds." (World Heritage List Nomination, 1995, p. 8) The sub-arctic cold and prevalence of tundra-marsh areas in the region, "which have extraordinary long periods of self-regeneration" (Expert Assessment 1991, 8.1), makes the ecosystem particularly vulnerable to the effects of mining because of much slower ecological recovery times compared to more temperate climates. The World Heritage nomination cites the "low capacity for damage of the vegetation and soil by human activity." (World Heritage List Nomination, 1995, p. 21)

The planned road construction associated with the mine will increase access by poachers and could

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rapidly deplete many threatened species including bear and snow ram. Any pollution to rivers and on land could seriously compromise plant and animal populations. The pollution threat is particularly grave because of the strategic location of the mine at the headwaters of nine major salmon-spawning rivers, and because of the problems associated with disposal of highly toxic cyanides in the discharges from the tailings pond and mill associated with the mine in an area with a sub-arctic climate of intense seismic and volcanic activity.

Highly controversial from its inception, the mine's proposed area may lie under a legal cloud. The mine site originally lay at the heart of the heart of the Ichinsky Zoological Zakaznik, established in June, 1994. In September, 1994 the Kamchatka regional government redrew the boundaries of the protected area to exclude some 51,850 hectares corresponding to the area of the proposed Aginskoye mine. (Josh Newell and Emma Wilson, The Russian Far East, Forest, Biodiversity Hotspots and Industrial Developments, Friends of the Earth, Japan, 1996, p. 167; Kamchatka Regional Administration, Order N249, September 8, 1994) In addition, the legal status and definition of Nature Parks, as set out in March 22, 1995 law of the Russian Federation "On Specially Protected Natural Territories," appears to explicitly prohibit the kind of activities and likely impacts associated with proposed Aginskoye mining development. (World Heritage List Nomination, 1995, pp. 24-25)

Any damage to ecosystems of the upper mountains where the mine is located will seriously affect entire river basins (Expert Assessment, 3.1, 1991). Damage to the watershed would have serious effects on the proposed national park and World Heritage Site.

Even with the most comprehensive environmental studies and assessments, there is a serious--and in our view, decisive--question whether a gold mining project entailing large scale cyanide effluents in the middle of a nature park and proposed national park and World Heritage site of unique global importance should be financed by a U.S. agency under the mandate of the Foreign Assistance Act. The Aginskoye proposal is all the more disturbing, if one considers that, according to the Kamchatka Committee for the Protection of the Environment and Natural Resources, the Environmental Impact Statement (EIS) prepared by KAMGOLD does not take into consideration the impact of the Aginskoye enterprise on existing and proposed protected areas. (Expert Commission, Kamchatka Committee for the Protection of Environment and Natural Resources, Summary Conclusion of the expert commission of the state ecological review of the Feasibility Study material for the Aginskoye gold production enterprise in Kamchatka Region, 1995, S.2., hereafter cited as Expert Commission Summary Conclusion) (See further discussion below on Process)

## II. THE MINE THREATENS THE RESOURCES ON WHICH DEPENDS THE LONG TERM SUSTAINABLE DEVELOPMENT OF THE REGION

"The enterprise, if built, will occupy a watershed point embracing the upper reaches of Icha and Bystraya-Khayruzovskaya flowing into the Okhotskoe Sea, and also the upper reaches of [the] left tributaries of the peninsula's main river--Kamchatka....the result will be destroyed spawning grounds of both Icha, Bystraya and Kamchatka. Their fishing importance will be decreased or even possibly eliminated." (Expert Assessment, 1991, 3.2.5)

Fish products account for 94% of Kamchatka's exports and some 75% of industrial production. Salmon account for much of the value of Kamchatka's annual fish harvest. They are a crucial link in the entire food chain for much of Kamchatka's world class wildlife, and as well as for the subsistence economics of Kamchatka's indigenous people.

The proposed mine area is situated in the high headwaters of one of the most important salmon spawning regions, not only in Kamchatka but in all of Russia. Seventy percent of all the salmon catch spawn in the rivers potentially impacted by the mine. Already, pollution from agricultural and forestry production has considerably reduced salmon production and catch in the Kamchatka and other major spawning rivers. The effects of mining could well push the deterioration of major spawning rivers beyond the point of recovery. (Newell and Wilson, 1996, 165)

The enterprise will occupy a watershed point embracing the upper reaches of the Icha and Bystraya-Khaynzovskaya flowing into the Sea of Okhotsk and also the upper reaches of the left tributaries of the Kamchatka River. If built, the mine would potentially effect no less than nine major spawning rivers (two draining to the Sea of Okhotsk Basin and seven to the Kamchatka River basin). The rivers Kopyle and Ketachan, Icha and Kirganik, along which the road to the mine follows, are spawning rivers for salmon species and are included in the watershed protected for fish populations of the first category. (Expert Commission Summary Conclusion, 1995, 2.6.)

The mine will indirectly impact not only the peninsula's largest river (the Kamchatka) but also the mouth zone of the east coast shelf and west coast shelf, one of Russia's most important crabbing areas. (Expert Assessment, 1991, 5.2.)

Soils in the region of the mine are light volcanic, porous, cracked and vulnerable to erosion. Indeed, the area of the Aginskoye deposit is "saturated with water." (Expert Assessment, 1991, 8.3.3.2.1) This high soil permeability and water saturation poses risks of serious complications in protecting spawning rivers from shower drainage and mine leaks, especially given the instability caused by freezing and thawing. (Expert Assessment, 1991, 4.2.4.)

Any damage to these river systems through leaching of mining wastes, acid mine drainage, increased sedimentation or a catastrophic event such as the failure of the tailings dam, would have profound effects both on biodiversity and on the local and regional economies. Yet the impact of the main and strongest toxins -- cyanides -- on hydrology, plants, soil and water is not elucidated in the Study and EIS (Expert Commission Summary Conclusion, 1995, 5.4.15.)).

We believe, along with the Kamchatka Academic Environmental Institute 1991 Expert Assessment, that the long term economic importance to Kamchatka of the fish, wildlife and ecological resources that the mine will threaten is greater than the revenue and employment the mine would generate. In 1991, the Expert Assessment calculated, conservatively, the potential value of Kamchatka's salmon production at \$250 million a year (calculating the price of salmon at \$5 a kilo and an annual harvest of 50,000 metric tons). Just one of the nine spawning rivers affected by the mine--the Icha--has an estimated salmon productivity of between 1,200 to 5000 metric tons a year, worth between \$6 and \$25 million annually. (Expert Assessment, 1991, 3.2.4) The Expert Commission Summary Conclusion indicates that KAMGOLD's environmental assessment does not have any comparative data comparing the economic benefits the mine would bring and leave in Kamchatka, as opposed to potential economic costs to future salmon production, wildlife harvesting, and tourism. We believe that OPIC's development mandate under the Foreign Assistance Act (i.e., to "especially be guided by the economic and social development impact and benefits" in the host country) should require OPIC, among other things, to request and review such an analysis before making any decision. (Foreign Assistance Act of 1961, as amended, Sec. 231 (1), 32 U.S.C. 22, sec. 2191 (1))

The Expert Assessment of the Kamchatka Academic Environmental Institute makes another salient

point considering development priorities for Kamchatka: from the standpoint of environmentally and economically sustainable development, conservation and development of renewable natural resources should have a priority over extractive production. "Having invested in mining, Kamchatka would undoubtedly decrease its mineral resource potential, which is never too late to take. At the same time there is a danger to diminish drastically or even to lose its renewable resource potential which is bringing guaranteed and always increasing profits." (Expert Assessment, 1991, 3.2.4.)

Finally, the mine will also threaten eventual development of ecotourism in the Bystriinsky Nature Park, and proposed national park and World Heritage site. From the standpoint of employment creation, protection and expansion of fishing, fish processing and ecotourism offer both greater possibilities and a longer term, more sustainable economic future than gold mining.

### III. RISK OF SEISMIC ACTIVITY, SEVERE PRECIPITATION, AND FLOODING

The Kamchatka peninsula is part of the Pacific seismic zone and experiences between 200 to 300 earthquakes per year. The area of the mine is part of a 7.0 to 8.0 seismic zone, (Expert Assessment, 7., 1991) but in the Study and EIS there is no evaluation of the consequences of potential earthquakes. (Expert Commission Summary Conclusion, 1995, 6.) This is especially troubling after the Sakhalin Neftegorsk earthquake in May, 1995. Measuring 9 on the Richter Scale, the earthquake destroyed the town of Neftegorsk, killing over 1500 inhabitants. An estimated 6000 tons of oil is believed to have leaked into surrounding marshlands. In the EIS, data about neotectonics was not taken into consideration, in particular, in the choice of the site for the tailings pond and pump pipes (Expert Commission Summary Conclusion, 1995, 4.8.) Should a major earthquake occur, the damage would be environmentally devastating and economically crippling.

Annual precipitation is very high (500 - 900mm), characterized by major fronts and periodic heavy storms. There is a major threat of landslides and mud torrents. Erosion and denudation processes are active. (Expert Assessment, 1991, 4.2.3.)

### IV. ADVERSE EFFECTS ON NATIVE PEOPLE AND CULTURAL SITES

The indigenous people of Kamchatka rely on the natural resources, particularly fish, for their livelihood and their culture. Some 1500 Itelmen, an indigenous group with rights to traditional territory use guaranteed under the Russian Constitution, primarily "live along (salmon spawning) rivers in fishing collectives, hunt fur-bearing animals, and, more than any other northern Siberian people, gather wild plants and their products." (John Masséy Stewart, The Nature of Russia, Boreas, London, 1992, p. 152) The Sopochnoe River which has been used extensively by the native Itelmen people. The Icha and Kamchatka rivers have also been also been major areas of habitation and traditional fishing areas for the Itelmen. A number of Itelmen have spoken out against the threat of the mine to their fishing, and one Itelmen poet has characterized the mine as "bulldozing the heart of Kamchatka."

The other major indigenous group in Kamchatka, some 7600 Koryaks, are also heavily dependent on resources threatened by the mine. Many Koryaks are reindeer herders and breeders, others fish more, but all are dependent on salmon and wildlife: "These reindeer Koryaks joined the fishing Koryaks on the coast when Kamchatka's incredible numbers of fish began to spawn. The coastal Koryaks were not only fisherman but hunted seals... They also hunted sable, wolverine, bears and wild reindeer...." (Stewart, 1992, 153).

Traditional hunting of mountain sheep, reindeer and fur bearing animals would likely be affected by the project. The mine area is one of the traditional summer deer pastures of the Koryak and Even people. There has already been conflict over land use between native deer herders and geologists, it is likely that this conflict would escalate with mining development.

Many potential native cultural sites are located in the mine concession. Noted Moscow ethnographer, Olga Maranshko has recommended against the mine because of possible destruction of these important cultural heritage sites.

#### V. A SEVERELY FLAWED ENVIRONMENTAL ASSESSMENT PROCESS THAT FAILS TO MEET INTERNATIONALLY ACCEPTED MINIMUM STANDARDS

"According to experts, a number of sections of the Study and the EIS do not fully reflect the possible ecological consequences and require correction and additional development." (Expert Commission Summary Conclusion, 1995, p. 11, 5.1.).

It is our belief that the environmental assessment process has been inadequate for a project of this nature. According to the Expert Commission of the Kamcharka Committee for Protection of Environment and Natural Resources, the study has omitted many issues that are central to the understanding of the long term and short term effects of the mine including: the impact on the coastal complex in the Icha River Estuary, the impact of cyanides, the chemical impact on freshwater phyto and zooplankton, the impact of increased metals concentrations on fish populations, the impact on protected and proposed protected areas, and the question of potential leaching resulting from freezing of tailings pond in winter. The plan also allows discharges of cyanide one magnitude (ten fold) higher than allowed in the United States.

In addition, although one million dollars has been budgeted for general monitoring, there is no plan for ecological monitoring. Furthermore, there is no budget for reclamation expenses and no discussion of an insurance bond to guarantee reclamation and compliance.

Finally, there has been no opportunity for the public to understand or to comment on the project. The "public" hearings, which took place during the summer, were not publicized and although characterized as "public" were only attended by a few people. The EIS or related documents were not distributed in advance, therefore people could not comment intelligently on the project. There were no hearings in Petropavlosk where many people involved in fish process and export, who would be impacted by damage to fish stocks, reside.

In light of these major omissions and oversights in the EIS and the lack of public participation, we must conclude that the project is not being developed in accordance with minimal internationally accepted environmental assessment principles—for example, the World Bank's environmental assessment standards (Operational Directive 4.01 and draft Operational Policy 4.01) which OPIC has publicly stated set minimal benchmarks for its own environmental review process. Moreover, the EIS has been carried out in a fashion that is seriously deficient when compared with U.S. procedures and environmental quality criteria, such that the project as currently conceived will not be operated within US standards. Finally, as stated at the outset of this letter, we believe the EIS process has not generated sufficient information to adequately notify "appropriate government officials" of "all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health and safety of the environment which are applicable to the project and to the maximum extent practicable, any provision under any law of the United States relating to public health

or safety or the environment that would apply to the project if the project were undertaken in the United States." (Foreign Assistance Act, Sec. 237 (m) (1) (A) and (B).. 32 U.S.C. 22. sec. 2197 (m) (1) (A) and (B). Emphasis added.)

#### VI. SERIOUS PROBLEMS OF MONITORING AND ENFORCEMENT

"The huge number of environmental violations in natural resource use all across the country including Kamchatka has become an exhausting system of natural resource use. It has been caused not only and not particularly by a wrong choice of technology, but by the whole economic system which in neither legal and economic respect makes environmental protection profitable. On the contrary, it makes environmental violation profitable." (Expert Assessment, 1991, 3.2.5.)

Even if the best regulations and standards were applied to the project, there is no way to ensure local compliance. The break down in rule of law and the growing dominance of local mobs has created an atmosphere of intimidation and fear. One person who wrote a recent article about bear hunters had his life threatened.

Finally, we believe that development of this project could exacerbate conflict among local people. In Kamchatka, fishing supports most of the people in some way. Benefits from the mine will only go to a small minority. There is increased potential for conflict, possibly violent, between the powerful fishing community and the individuals that support the mine. If the Kamgold proposal goes through in its present form and if there are any damages to fish stocks, the entire zone of Central and South Kamchatka could become an area of ecological conflict.

**KAMCHATKA PROVINCIAL ADMINISTRATION**  
1, Lenin Pl.,  
Petropavlovsk-Kamchatsky 683040

No 53f

February 2, 1996

Burton L. Bostwick  
Manager, Russia Investment  
Services  
Overseas Private Investment Corporation  
1100 New York Avenue, N.W.  
Washington, D.C. 20527  
Fax: 202 408 9866

Dear Mr. Bostwick:

In 1994 Kamgold, a Closed type Russian-American Joint Stock Company (ZAO), won the international tender for the development of the Aginskoe gold deposit, and Kamgold was issued Mining License PTR No 10306 BE on October 28, 1994.

Kamgold's founders and shareholders are: Kinross Gold Corp. (USA) - 25 %, Grynberg Resources Inc. (USA) - 25% and Kamgeo (Russian Federation), an Open type Joint Stock Company - 50%.

Proven and probable gold reserves amount to 27,227 kg (twenty thousand two hundred and twenty seven), those of silver - to 12058 kg (twelve thousand and fifty eight).

In the period since the license issuance, ZAO Kamgold has carried out the following work to facilitate successful implementation of the project:

- Hazen Research, Inc. (Colorado, USA) and Lakefield Research (Ontario, Canada) have done analysis of control samples and metallurgical testwork based on industrial assaying and control sampling of the deposit; Kelsy has done recalculation of prospected reserves;
- engineering research for the process plant, camp and infrastructure has been completed at the feasibility study stage;
- Feasibility Study and Assessment of Environmental Impacts have been completed and approved by the state entities of expert ecological evaluation and RF state mining supervision. The peculiarities of the project, rigid environmental requirements in the Kamchatka region and high expert evaluation level required the efforts of a big number of ecological experts both at federal and local levels and completion of numerous intermediate research, practical and theoretical studies;

- public hearings have been held in the areas inhabited by the Northern indigenous population that expressed their support for the Aginskoe project;
- a 10-year-long Lease Agreement for the 126-km-long access road from Milkovo to the Aginskoe gold deposit has been signed;
- Russian Federation Government Decree No 447 dd. April 29, 1995 authorizing Kamgold to sell its production (dore alloy) in the international market for hard currency via Vneshtorgbank has been received;
- Agreements on the dore alloy sale in the international market have been signed with the Russian Federation Committee on Precious Metal and Gems and Russian Federation Bank for Foreign Trade.

We believe that ZAO Kamgold with its impressive experience and "state-of-the-art" mining technologies is capable of completing all the necessary preparatory work in due time and start production in 1997 in compliance with the License agreement without disturbing Kamchatka's unique natural complex.

The Kamchatka Provincial Administration is carefully following the work done by the ZAO Kamgold and is rendering constant support to the Aginskoe goldmining project, since this is the first really on-going project on developing a new industry, i.e. mining, in Kamchatka.

Given all the above, the Kamchatka Provincial Administration would kindly request you to expedite the consideration of the application submitted by Kinross Gold Corp. on behalf of ZAO Kamgold and provide the loans necessary for the successful development of the Aginskoe goldmining project.

Thanking your in advance,

V.Biryukov  
Kamchatka Governor



## Администрация Камчатской области

683040, г. Петропавловск-Камчатский, пл. Ленина, д. 1,  
Администрация Камчатской области, т.гр.: 2-20-96 (91);  
FAX: 7-38-43, телетайп: 244157 Герб

От 15.02.96 № 53 ф

TO: Burton L. Bostwick, manager, Russia  
investment services.

Overseas Private Investment Corporation  
1100 New York Avenue, N.W.

Washington, D.C. 20527.

Fax: (202) 408-9866.

Уважаемый господин Боствик!

В 1994г. Российско-Американское Закрытое Акционерное Общество "КАМГОЛД" было признано победителем в международном тендере на разработку Агинского золоторудного месторождения, в результате чего "КАМГОЛД" получил лицензию на право пользования недрами ПТР №10306 БЭ от 28 октября 1994г.

Учредителями и акционерами ЗАО "КАМГОЛД" являются "КИПРОСС Голд Корпорейшн" (США) - 25%, "Грайнберг Рисорсес Инкорпорейтед" (США) - 25% и Акционерное Общество Открытого типа "КАМГЕО" (Российская Федерация) - 50%.

Разведанные и извлекаемые запасы золота составляют 27227 (двадцать семь тысяч двести двадцать семь) килограммов. Разведанные и извлекаемые запасы серебра составляют 12058 (двенадцать тысяч пятьдесят восемь) килограммов.

С момента получения лицензии по сегодняшний день ЗАО "КАМГОЛД" выполнило комплекс работ, способствующих успешной реализации проекта, основными из которых являются:

- был произведен отбор промышленной пробы и контрольное опробование месторождения, по которым фирмы "Хейзен Рисерч, Инк.", штат Колорадо, США и "Лэйкфилд Рисерч", Онтарио, Канада выполнили анализы контрольных проб и металлургические испытания. Фирмой "Келси", Канада был произведен пересчет разведанных запасов;
- для стадии "Технико-экономического обоснования" проведены инженерные изыскания под фабрику, поселок и инфраструктуру;
- выполнены "Технико-экономическое обоснование" и "Оценка воздействия на окружающую среду", которые прошли государственную экологическую экспертизу и экспертизу госгортехнадзора России. Специфика проекта, жесткие экологические требования Камчатского региона и высокий уровень экспертиз потребовали привлечения к подготовке данных документов большого количества специалистов-экологов различных уровней - федеральных и

- местных, проведения многочисленных подготовительных исследовательских, практических и теоретических, работ;
- в районах компактного проживания малых народов Севера были проведены общественные слушания, в ходе которых были получены положительные отзывы в поддержку Агинского проекта;
  - подписаны контракты на пользование дорогой от села Мильково до Агинского золоторудного месторождения протяженностью 126 (сто двадцать шесть) километров сроком на 10 (десять) лет ;
  - получено Постановление Правительства Российской Федерации от 29 апреля 1995г., №447, разрешающее акционерному обществу "КАМГОЛД" реализацию на внешнем рынке через Внешторгбанк производимой компанией продукции (сплава доре) за свободно конвертируемую валюту;
  - подписаны Соглашения с Комитетом Российской Федерации по драгоценным металлам и драгоценным камням и Банком Внешней Торговли Российской Федерации о реализации сплава доре на мировом рынке.

Мы считаем, что ЗАО "КАМГОЛД", используя большой опыт и передовые технологии фирмы "КИПРОСС" в горнорудной промышленности, в состоянии качественно и в срок провести весь необходимый объем подготовительных работ и выдать продукцию в 1997г. в соответствии с требованиями лицензионного соглашения, не нарушая уникальной природы Камчатки.

Администрация Камчатской области внимательно следит за работой ЗАО "КАМГОЛД" и оказывает постоянную поддержку Агинскому золоторудному проекту так как это первый реально развивающийся проект в становлении новой отрасли на Камчатке - горнорудной промышленности.

В связи с вышеизложенным Администрация Камчатской области Российской Федерации обращается к Вам с просьбой о скорейшем рассмотрении заявки "КИПРОСС Голд Корпорейшн", поданной от имени Закрытого Акционерного Общества "КАМГОЛД" по оформлению необходимых для успешного развития Агинского золоторудного проекта кредитов.

Заранее благодарим,

Губернатор Камчатской области



В. Бирюков.



# POSITIONS ON PROPERTY

VOL 2 • NUMBER 1

JANUARY-MARCH 1995

## A LITTLE-KNOWN NPS PROGRAM

# BIOSPHERE RESERVES

## THE INTERNATIONAL VANGUARD OF RURAL DEPOPULATION

By Carol W. LaGrasse

Even before "conservation biologist" Reed Noss and radical environmentalist David Foreman joined hands to promote the deep ecologists' dream of re-wilding the country and ousting the human population eco-region by eco-region I pointed out my suspicions about the United Nations Biosphere reserve designations.

"Advocates for biosphere reserve designation are careful never to admit that human populations would be displaced by biosphere reserve status. Reports of this sort of thing can acceptably reach the United States from abroad but forced depopulation is not acceptable within the United States. During 1991 the Wolong Nature Preserve in Tibet saw the forced evacuation of Tibetan people to make room for the Giant Panda in a United Nations biosphere reserve. Gordon Davis, who was an advisor to the New York Governor's Commission (on the Adirondacks), helped the Chinese government draft the land-use regulations for the preserve, where the people have worked the land for hundreds of years. Davis said that Tibetans are complaining that the government considers the pandas to be more important than people."<sup>(1)</sup>

Since Davis was a pivotal Adirondack environmentalist and since the Adirondack-Champlain Biosphere reserve had just been secretly designated in 1989, it was significant that the Tibetan experience under his involvement was in line with Adirondack preservation efforts. The Tibetan program was a revealing United Nations mistake early in the game and would be a more truthful indicator of the real drift of the biosphere reserves than the official pronouncements about making it easier for rural people to live in harmony with their environment.

The truth about the biosphere reserve vision had been

buried in technical journals and now, over three years later, is blatantly confirmed by Noss and Foreman.

The United Nations UNESCO Biosphere Reserve program divides the world into biomes, which are major types of natural environments such as the "temperate broadleaf forests or woodlands and sub-polar deciduous thickets," of the Eastern United States and Europe. The goal of the Biosphere Reserve program is to preserve example biological systems -- at least one of each major subdivision of each biome -- intact for the indefinite future. Since it began in 1971, the United Nations Man and Biosphere (MAB) program has designated over 300 reserves in 75 countries, totalling 405 million acres.

In the United States, The National Park Service administers the biosphere reserve programs in conjunction with the Department of State.

*Continued on page 2*

### **Inside:**

*A Perception of Cultural Preservation . 5*

*Secret Landmarks on Private land ..... 8*

*Not-Profit Shadow Government ..... 12*

*An ancient gravestone in one of many rural cemeteries cut off from families and descendents and returned to nature by the National Park Service.*



**This Issue: National Park Service: Part 2**

## Biosphere Reserves continued from page 1

The biosphere reserve boundaries are not supposed to be static. The Biosphere Reserves are centered around a *core*, with a *buffer zone* and a *transition zone* idealized as two successive rings around the *core*. The *core* is to ever expand into the next ring as it is cleaned up ecologically and the people emptied out. Meanwhile, the *buffer* is to work its way into the *transition zone* as the *transition zone* improves in ecological integrity.

Because new industries and houses are kept out of the *buffer zone*, it is programmed for imminent or gradual financial ruin, and will ultimately be melded into the wild "*core*" area. Experiments and studies are conducted in the *buffer area* ostensibly as part of research on the interrelationship of people and the environment, but actually these are to document the "damaging" effects of development and the "succession, regeneration and restoration of degraded ecosystems," all related to clearing the people and their intrusions out, which, of course, is never put in so many words. The outer, *transition zone*, or "*zone of cooperation*," keeps expanding as well.

The three rings are designed to work like PAC man, the wilderness *core* eating into the *buffer*, the *buffer* into the *transition*, and the outer *transition zone* into the area beyond the edge of the official biosphere reserve, laying waste people, cities, economies, and local representative democracy in their wake.

According to technical journals, government is to become regionalized, crossing town, county and even state and national boundaries.

In the Northeast it was no accident that the 26 million acre Northern Forest Lands federal study area and failed Northern Forest Lands Council plan came on the heels of the Champlain-Adirondack Biosphere designation and that the Audubon Society and Sierra Club are now focusing preservation efforts on the Great Northern Forest eco-

region.

The October 1994 *National Geographic* propaganda on the National Parks, which received Bruce Babbitt's imprimatur, states that "voices can be heard demanding park status for the Maine woods,"<sup>(2)</sup> in an effort to drum up support for the big focus related to the Northern Forest among its supporters.

The Biosphere Reserve designation even for as large an

Since it began in 1971, the United Nations Man and Biosphere (MAB) program has designated over 300 reserves in 75 countries, totalling 405 million acres.

area as 10 million acres for the Champlain-Adirondack Biosphere Reserve, is only one useful step in the greenlining process -- the process of ever-more government environmental controls on land and government acquisition of land, which now can be seen to be so blatantly part of a vision to depopulate rural America.

The Northern Forest Lands is a biosphere reserve concept. The Adirondack-Champlain Biosphere Reserve could easily blend into the Northern Forest Lands, which would stretch across to the Maine coastal biosphere reserve that has been proposed. Ultimately, northern New York and New England would be systematically depopulated.

The National Park Service knows that the "honor" of biosphere reserve designation is not popular locally. When people in Minnesota found out that they would be residents of an international Voyageur's biosphere reserve, they organized effectively to stop the process in 1987. That biosphere reserve would have also included the Boundary Waters Canoe Area and a portion of Canada, the Quetico

*Continued on page 4*

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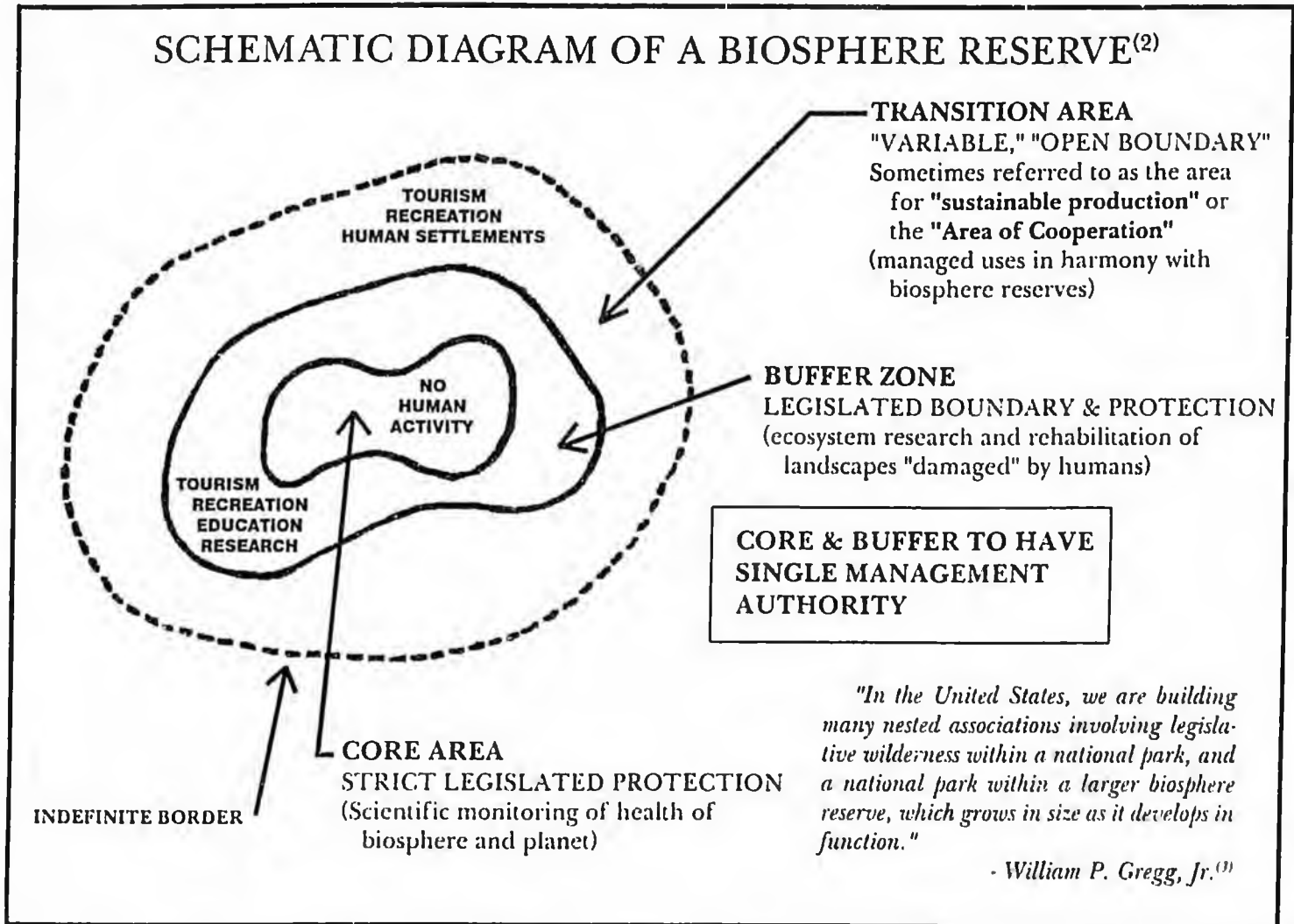
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# STRUCTURE OF BIOSPHERE RESERVES

INSIDE, BEYOND OR ENTIRELY SEPARATE FROM THE NATIONAL PARK SYSTEM  
 "A GLOBAL NETWORK OF PROTECTED AREAS  
 TO CONSERVE REPRESENTATIVE EXAMPLES OF THE WORLD'S ECOSYSTEMS"<sup>(1)</sup>

## SCHEMATIC DIAGRAM OF A BIOSPHERE RESERVE<sup>(2)</sup>



### RELATIONSHIP TO NATIONAL PARKS:

"A national park normally corresponds to a core area together with a buffer zone." - UNESCO<sup>(4)</sup>

### RELATIONSHIP TO OTHER PARK SERVICE DESIGNATIONS:

"Wilderness Areas are frequently designated as core areas of Biosphere Reserves, or are included within larger areas delineated as core areas. Biosphere Reserves may also include Research Natural Areas, Experimental Research Areas, World Heritage Sites, National Natural Landmarks, Wild and Scenic Rivers, and National Trails." - National Park Service<sup>(5)</sup>

<sup>(1)</sup> William P. Gregg, Jr. and Betsy Ann McGean, "Biosphere Reserves" *ORION Nature Quarterly*, Summer 1985, p51

<sup>(2)</sup> "A Practical Guide to MAB," UNESCO, June 1987, p21 and "The Man and the Biosphere Program - questions and answers," Southern Appalachian Man and Biosphere Cooperative, p2

<sup>(3)</sup> William P. Gregg, Jr. "on Wilderness, National Parks and Biosphere Resources." *Proceedings of the 4th Annual Symposium on Biosphere Reserves* (1987) p37.

<sup>(4)</sup> *Ibid*, p24

<sup>(5)</sup> Natural Resources Management," Guidelines, Chapter 4, p22, NPS - 77

# Biosphere Reserves continued from page 2

Park. Although mapped, the Canadian part of the Adirondack-Champlain Biosphere Reserve was left out of the initial designation.

The defeat of the international Voyageur's biosphere reserve has not been allowed to rest. Instead, the biosphere reserve idea was transmuted this year by the National Park Service proposal for "wilderness" designation of 90% of the 200,000 acre Voyageur's National Park. This proposal was also dropped in the furor created by local opposition.

"Voyageur's National Park was always intended as a multi-use recreation area," said their local congressman, the powerful Democrat, James L. Oberstar, angry that he was not consulted.<sup>(1)</sup>

It is not hard to conclude that the National Park Service implementation of the biosphere reserves is first a step toward federal land use control through federal ecosystem management<sup>(4)</sup> and ultimately would lead toward international control of biologically restored land in the U.S. Although the biosphere reserves are not named in the controversial Rio De Janeiro Convention on Biological Diversity, the terms of the proposed treaty are consistent with the biosphere reserve methodologies and thinking (low or no-technology "sustainable use", biodiversity surveys and preservation of biodiversity.) This is the legacy of the National Park Service, which indeed is part of Bruce

Babbitt's Department of Interior, where a staff of 1,850 is mobilized conducting the National Biological Survey rejected by Congress.

The environmental community is not one to come up with new ideas. The same little, incredibly wealthy gaggle bandy new names around but it is the same concepts and the same backers. Their biosphere reserves, wildlands, biodiversity, and re-introduction of predators are faces of the same coin.

The concerns about international control of land in rural America have appropriately focused on the Earth Summit proposed Biodiversity Convention. Some analysts believe that the Manhattan Project-like intensity of the illicit National Biological Survey is to ready the data for implementation of the Biodiversity Convention during the Clinton/Gore Administration. The biosphere reserves are the ideal focus of biodiversity and ideal units of treaty implementation.

The biosphere reserve designations have a low profile as the Biological Diversity Convention jets ahead. They will rear up as regulatory venues for the international Biodiversity Convention if it is ratified and, unless the program is deliberately eliminated by Congress, will become an overt focus of the *wildlands* program and remain an unofficial

*Continued on page 9*

*According to UNESCO, Biosphere Reserves "are not just another sort of protected areas given another name." The designation must be made effective by "guaranteeing their protection by legislation and/or management."<sup>(5)</sup>*

98TH CONGRESS  
1ST SESSION

## H.R. 2379

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, OCTOBER 3), 1983

Received, read twice and referred to the Committee on Energy and Natural Resources

### AN ACT

To provide for the protection and management of the national park system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION. 1. This Act may be cited as the "National  
5 Park System Protection and Resources Management Act of  
6 1983".

## THE BILL THAT WOULD HAVE ESTABLISHED THE UNESCO BIOSPHERE RESERVES AS LAW IN THE UNITED STATES

This bill, the "National Park System Protection and Resources, Management Act of 1983," would have established "Internationally Recognized Areas" to be known as **biosphere reserves** or **world heritage sites**. The bill stated:

*"Those park units accorded the designation of 'biosphere reserve' or 'world heritage site' shall receive priority attention and consideration for prompt, heightened resource data collection, monitoring, and protection efforts."*

The bill, which passed the House of Representatives but failed in the U.S. Senate, would have restricted the Secretary of Interior from leasing, permitting any uses, disposing of lands, or allowing timber harvest, gravel extraction or mining until he performed a study and determined there was no impact on the biosphere reserve values.

***The National Park Service Professionals and Bureaucrats Impose Preservation Based on Convenience and Ideology in Service of the Power Structure***

# A PERCEPTION OF CULTURAL PRESERVATION

*Falsifying local history, recreating quaint museums of local culture on the local culture it destroys, preventing cemetery upkeep, closing cemetery access to descendants, and attempting to condemn cemeteries it cannot own.*

In 1979, newswoman Jessica Savitch reported that in the Cuyahoga Valley, Ohio, the "Catch 22" was that homes taken by the National Park Service will be restored "so that visitors can see what it was like when people used to live here."<sup>(1)</sup>

The National Park Service should be brought to trial for its betrayal of its trust to preserve the American culture and traditions, especially the Constitutional tradition of private property and the tradition of land-based independence of rural people.

Like any massive bureaucracies, the National Park Service, the National Trust for Historic Preservation and the State counterparts cater to the clientele on the inside of power structures and ignore the significance and even the rights of people who are out of fashion or whose cultural preservation doesn't meet the bureaucracy's self-serving purposes.

Naturally, a bureaucracy of the formal purposes, age, size and financial resources of the National Park Service contributes importantly to the preservation of American history and culture. But this is preservation dictated by convenience and ideology. Thus today the National Park Service focuses on vast battlefields, because doing so preserves broad areas of land from "development," but neglects so significant a National Park site as Grant's Tomb, perhaps because it "glorifies" military proficiency, which is not politically correct.

Preservation by principles of power and convenience has deeper, more consistent impact. In the preservation of local culture, in the respect for local communities, and in the respect for history and historic culture valued by local communities, the National Park Service has shown itself crude and brutal.

It is perfectly logical that this be so. What has a bureau-

crat in Washington at the top of a pyramid, whose funding and power came from Washington to gain by respecting the culture, vitality and living significance of local communities who, at most, can determine one single vote in Congress?

All of the professionalism of historians, the expertise in the "vernacular" from basketweaving to moonshine, are all the more ironic when applied under a top-down structure that steamrolls local communities.

The National Park Service shamelessly carved the post-World War II Natural Parks out of historically inhabited areas of the country. The most notable three

where remaining residents have continued to keep alive the effort to preserve their communities and publicize their plights are the Indiana Dunes National Lake Shore where 700 suburban homes were leveled, the Buffalo National River in Arkansas where approximately 1,000 homes were condemned and leveled and the Cuyahoga National Recreation Area in Ohio where 400 homes were condemned and burned or boarded up. The Park Service continues to pressure adjacent communities with park expansion. A major investigation is urgently needed to examine the cultural and community impact of these and every other National Park created after World War II.

But the scarring of local culture to carve out National Parks began in the 1920's. The Shenandoah National Park comprises 200,000 acres of land that was inhabited for

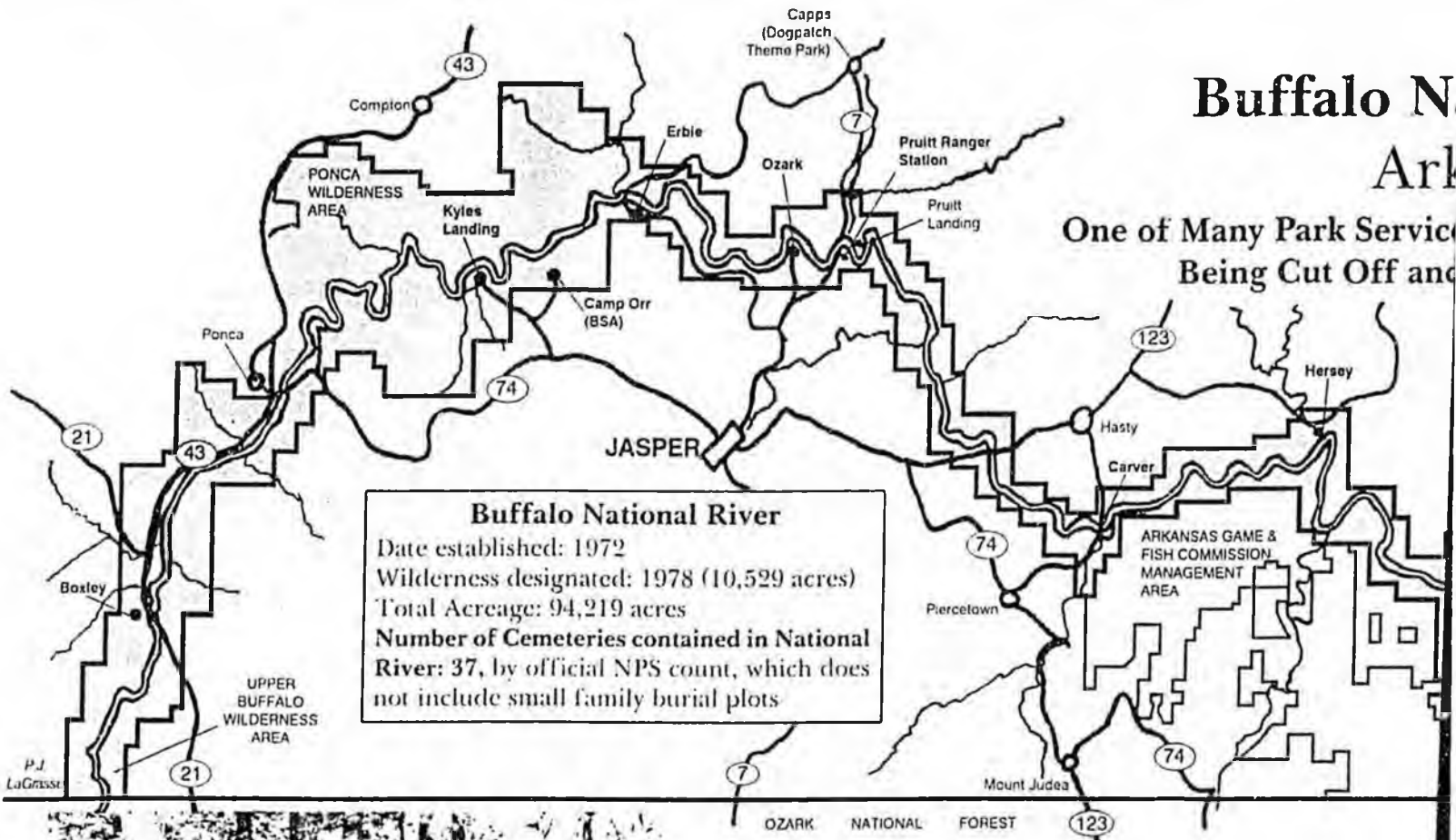
centuries. After Virginia succeeded in obtaining congressional authorization for Shenandoah National Park to get tourism trade, the state evicted some of the residents of the area by dragging them from their homes, even forcing a hand-cuffed man to watch his home burned down. The State then donated the land to the National Park Service which was directed by Congress to build the park from donated land.

The Great Depression and the fact that the state donated the land are the basis for the fiction presented as "history"

*Continued on page 8*



# NATIONAL PARKS SERVICE "RESTORATION" OF CEMETERIES TO WILDERNESS A CULTURAL, HISTORICAL AND RELIGIOUS DESECRATION



Buffalo N  
Ark

One of Many Park Services  
Being Cut Off and



**NPS Policy of Park Accessibility For Tourists**

"Buffalo River Country is steep, rugged, and remote, but park management makes every effort to make the park and its programs accessible to all. The Tyler Bend Complex is completely accessible. An Accessibility Guide to programs and facilities is available at the visitor center or ranger stations or by writing to the park superintendent. There is a TDD-equipped telephone at park headquarters."

*Official Map and NPS Guide to Buffalo National River*

**National Park Service to Foreclose Access For Families**

1. Wilderness Designation
2. Prohibitions of Motor Vehicle Access
3. Closing of official roads
4. Prohibition of motor vehicle access
5. Prohibition of high speed travel through towns and counties
6. Ceasing of repair of roads
7. Barricading or blocking roads with other construction
8. Failure to include cemeteries in legislation
9. Failure to include cemeteries in legislation and community in legislation
10. Failure to respect rights of access

DERNESS

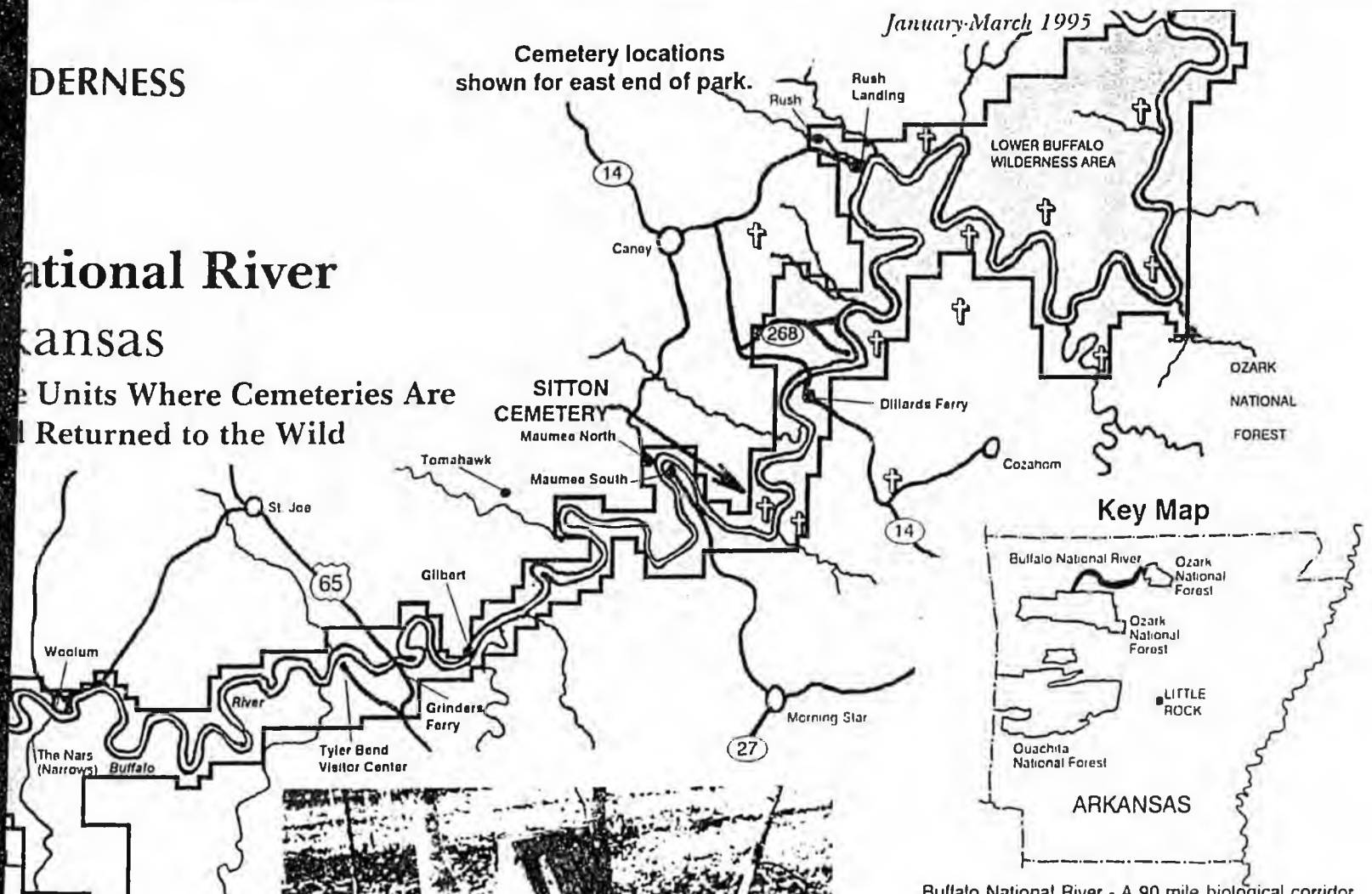
# ational River

ansas

Units Where Cemeteries Are  
Returned to the Wild

Cemetery locations  
shown for east end of park.

January-March 1995



Buffalo National River - A 90 mile biological corridor linking two sections of Ozark National Forest.



*Leon Somerville, Jr. has called national attention to the National Park Service's insensitivity toward family members and descendants who can no longer continue visiting and maintaining cemeteries since the National Park Service established the Buffalo National River. He was photographed recently at the Sitton Cemetery on the opposite side of the Buffalo River, a few miles from his home in Cozahoma, Arkansas.*

ervice Methodology  
 ess to Cemeteries  
 and Residents  
 ations  
 intenance  
 highways  
 or vehicle access  
 way maintenance by  
 f washouts and  
 cking of highways  
 ction  
 protections of access  
 er local people to  
 lation and regulations  
 historical, cultural  
 mpacts in policy analysis  
 common law legal

## A Perception of Cultural Preservation continued from page 5

in the National Park Service depiction of the creation of the park. Even though the families and farmers were proud people who would have preferred to stay on their land in security rather than be forcibly evicted during the Depression, the National Park Service uses selective photography

"My family had been in the mountains 'forever' when Congress authorized the creation of the Shenandoah National Park in Virginia.

"We used to have roads, churches and cemeteries. My mother's grandfather is buried there. It is impossible for an 80-year old person to go through the red tape to visit. Some cemeteries have no road anymore. For Roach Cemetery off Skyline Drive in Rockingham County, only people who are maintaining the cemetery can go up there. No one is allowed to drive off Skyline Drive.

"For the tourists, the National Park Service treats the disabled differently, even gives them deaf interpreters."

Lisa Berry, president of Children of Shenandoah, Charlottesville, Virginia

of the time to portray them as people who had worn the fertility out of the mountains and were destitute hillbillies. To the outrage of descendents like Lisa Berry of Charlottesville, Virginia, the National Park Service hides the history of the forcible eviction entirely, depicting only that the land was "donated." Actually, 500 to 800 families had to leave their farms and homes in eight counties.

The National Park Service provides access to national parks to victim groups it is politically correct to favor but blocks access by people wishing to preserve their own past and cherish and respect the memory of their dead.

The National Park Service's consistent practice in twen-

tieth century parks such as Buffalo National River in the Ozarks, Shenandoah National Park and Great Smokie Mountains National Park is to include cemeteries in "wilderness" areas and prevent their upkeep, to prevent people from visiting cemeteries by prohibiting motor vehicle use by mourners and descendants, and to compound the visitation difficulty by allowing roads and paths to deteriorate. For decades, this policy of the National Park Service has been an infringement on religious practice, familial duty and cultural preservation, and is naturally a source of deep personal anguish to the bereaved.

The National Park Service has a closed hundreds of small local cemeteries and their access and forced families to tolerate the return to weeds and forests of the ground where they tenderly laid their loved ones. Often the people who want to visit the graves are themselves elderly but the National Park Service makes their access impossible. These people have no claim to official politically correct "victim" status, however.

Compare the oblivion to which the National Park Service has consigned the sacred burial areas of mountain people to the ambitious Park Service plan to preserve a full 235 square miles of private land in the Mt. Shasta area of Northern California as a Native American Cultural Heritage area because of its religious significance. The Mt. Shasta debacle, which the Park Service is pursuing over the constitutional property rights of owners of 1,000 parcels, clearly represents discriminatory provision for the hallowed ground of one religious group.

Irrespective of its mandate to preserve culture, it suits the National Park Service's political purposes to let hallowed graves of mountain people return expeditiously to wilderness. For the National Park Service, cultural preservation is for public and political consumption.

- Carol W. LaGrasse

<sup>111</sup> *Observer-Record*, Newton County, Arkansas, Dec. 20, 1979

## "Non-Threatening Designations and Agencies

The designation of Biosphere Reserves is made under a ploy that it is non-threatening because neither the UN nor the Park Service (and certainly not the US Department of State) will have regulatory control.

There are three main reasons why it is false to consider currently non-regulatory agencies, or agencies with no direct land acquisition, non-threatening.

1. **The non-regulatory aspect represents backstepping but not a change in agenda.** The Biosphere Reserve program is clearly intended to institute regulation, as the failed 1983 bill in the US Congress and numerous citations in the literature make clear.

This backstepping is widely used. Take New York's Hudson Valley, for instance. The controversial Hudson River Valley Greenway Communities Council was converted in the course of six bill drafts from a mandatory state zoning agency to one with positive incentives and a bureaucracy to foster state-level zoning in the Greenway. The national Park Service Hudson Valley Heritage Corridor and the omnibus Heritage

Area bill failed in 1994 in the US Congress. The bill may come back with Republican backing with the "management contracts" with the Secretary of Interior deleted, but a new bureaucracy created that brings the National Park Service into local government in exchange for pork barrel. Over several years or decades, the elites keep forcing the layers to evolve toward their centralized vision.

2. **Non-regulatory designations are useful to foster other regulations and to organize the grassroots.** In the Adirondacks, Preservationists use the Adirondack-Champlain Biosphere Reserve designation as an argument for even stricter controls. On account of the UN designation, college students came to the Adirondacks from several states to stage sit-downs to protest the continued use of roads.

3. **It is unnecessary to give the new agency power to acquire land, because other federal and state agencies and non-profit land trusts work as a team to acquire land.** By the same token, the need for the new agency to have eminent domain power is unnecessary.

# A Perception of Cultural Preservation continued from page 8

## CULTURE FOR ELITE CONSUMER CONSUMPTION

The Park Service doesn't like Disney, but its own cultural preservation is also for mass consumption -- by a more elite set.

Especially poignant and exploitable by the "sustainable development" buffs is the succinctly quaint. Hence antiques and cottage crafts are to be marketed by rural folk to rootless urbanites.

Museums and appropriate historic places, as well as sites for viewing, preferably part of long corridors, are sanctioned by the National Park Service and the elite preservation gaggle for weekend and vacation escapes by urbanites and prosperous professionals.

Thus the National Park Service prettifies true countryside for rafters and motorists and restores it to "wildlands" for the animals and elites.

The elites' passionate defense of the environs of Manassas Battlefield in the face of the Disney brand of consumption culture for the middle class was not a defense of "real" culture. It was merely a defense of "our" culture, that of selective preservationists that doesn't allow for the viability of a living, breathing culture.

The National Park Service's brand of historic and cultural preservation has no room for the culture, religion and history of the ordinary rural people who built America day by day, for their living and dying that is

inextricably connected to the rural countryside. This mundane heritage of old cemeteries, roads and fishing holes, of plain country dwellings surrounded by the essentials of rural self-sufficient life, has no glamor for the urban set, and interrupts the visual expanse and the intense "validity" of biosphere preservation. Everyday rural cultural has meaning in its particularity, some real living rural person's home, a memorial to a person's grandfather or aunt, or a person's place for making a living. This is real culture and the National Park Service must crush it. It has no consumer purpose and "saving the planet" does. Worse, this heritage strengthens rural people in their independence. It all depends on the clientele and the source of power.

This is why when Disney intended to build a park five miles from Manassas Battlefield, which is already bounded by development, Interior Secretary Bruce Babbitt could say with conviction, "I think it's something we'll have to look at in terms of its impact on an area that is already hallowed ground,"<sup>(1)</sup> although he has not noticed the complaints of rural people as hundreds of their hallowed cemeteries are "re-wilded."

<sup>(1)</sup> Lorraine Woollert, "Reversed Disney Plan Looks Bigger to Some," *Washington Times*, May 24, 1994

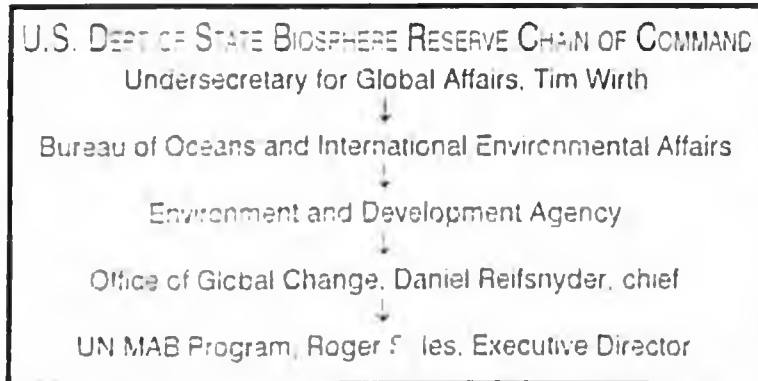
## Biosphere Reserves continued from page 4

focus of National Park Service land-use planning.

The biosphere reserves are couched as research programs and plans to create "sustainable development." Conservation biologists are careful never to define sustainable development. It means

primitive, pre-technological means of meeting human needs. The word "development" in this context is an oxymoron. Journals where the supporters report their ideas dispute allusions to prosperous humanity inside the reserves. The technical literature shows that the nature of the biosphere reserve research is about how to restore the "indefinite" ever-expanding buffer and transition area of biosphere reserves to primeval condition, uninfluenced by human habitations and use. Now that the phrase "re-wild" exists, we can use it to apply to biosphere reserves, since all the terms,

core, buffer transition, and land bridges (or corridors) match. The National Park Service and UN biosphere reserves and the radical *wildlands* program are one and the same.



<sup>(1)</sup> Carol W. LaGrasse, "A Dubious Honor: International Wilderness Designations Eat Up Rural Communities," *An Indictment of Government by the People of the Adirondacks* 1992, p50.

<sup>(2)</sup> John G. Mitchell, "Our National Parks," *National Geographic* October 1994, p54.

<sup>(3)</sup> Alton Chase, "Park System 'Off Limits' to Humans - Would Lock Up Half of Natural Park System," *Speak Up America* March 15, 1994.

<sup>(4)</sup> See Henry Lambé "Ecologic Special Report: Federal Land Use Control Through Federal Ecosystem Management," Environmental Conservation Organization (Nashville) July 4, 1991

<sup>(5)</sup> "Action plan for biosphere reserves," *Nature and Resources* UNESCO MAB, Vol XX, No. 4, Oct-Dec 1984, p4.

# NATIONAL NATURAL LANDMARKS

## Secret Park Service Protection of Sites on Private Land

The National Park Service "Landmarks" program comprises over 90 million acres of both private and government owned lands targeted for new preservation controls over natural and historic areas.

The Park Service put 3,600 acres into its National Natural Landmarks program as designated or potential sites irrespective of whether private property owners knew their land was even under study, and gave no notice to landowners of the designation. The National Natural Landmarks program has been "marketed as a 'voluntary,' 'cooperative' program 'honoring' landowners who happen to own natural areas declared to be 'nationally significant' by preservationists at the NPS," according to Erich Veyhl of Concord, Massachusetts, a highly critical expert on the Park Service.

"The NNLP has in fact long been a 'feeder program,' targeting sites quietly identified and evaluated for future acquisition and/or land use prohibition," according to Veyhl.<sup>(1)</sup>

It was Erich Veyhl who conducted a 3-year investigation of the Landmark program, who brought to the public eye the National Park and Conservation Association's use of the term "ladies in waiting" for the National Natural Land-

marks, which insiders considered to be under consideration for the National Park system.

Syndicated columnist Alston Chase and Veyhl stimulated an investigation of the NPS program by the Interior Department Investigator General.

In 1991, the Inspector General concluded, "The Park Service may have violated the property rights of over 2,800 private landowners because the evaluation, nomination and designation processes may not have been conducted with the landowners' knowledge and consent."<sup>(2)</sup>

The Inspector General found:

"The Park Service did not have adequate documentation to show that landowners were contacted prior to their lands

"Note we strongly recommend *against* the adoption of regulations that would permit landowner objection to thwart the evaluation process, to de-designate established landmarks..., or to force the destruction of site specific file information."<sup>(3)</sup>

- George Frampton, now Assistant Secretary of Interior for National Parks

being evaluated, and a similar lack of documentation existed regarding possible trespass violations and developmental restrictions."<sup>(3)</sup>

During the controversy, George Frampton, now President Clinton's Assistant Secretary in charge of the Park Service, and at the time President of the Wilderness Society, co-authored a letter with the president of the National Parks and Conservation Association which urged:

"Note we strongly recommend *against* the adoption of regulations that would permit landowner objection to thwart the evaluation process, to de-designate established landmarks..., or to force the destruction of site specific file information."<sup>(4)</sup>

New rules were promulgated in 1992 to allow for strengthened property owner notification and a requirement for owner consent for formal designation, but the rules do not prohibit the NPS from maintaining lists and information of "nationally significant" land affecting landowners who did not chose to be part of the program. In effect, a double listing system, one with, one without, landowner consent now exists.

Congress responded by *increasing* the funding of NNLP from \$162,000 to \$900,000 and the agency forced out Charles McKinney, a 19-year veteran of the Park Service who reported the abuses.

The National Park Service recently listed its largest

*Continued on page 11*

## THE LARGEST NATIONAL NATURAL LANDMARKS

*in lower 48 states - over 1,000,000 acres in size*

(Includes acreage for both existing and potential Landmarks)

1. Arizona Luke Air Force Bombing Range - 2,560,000 acres
2. " Yuma Proving Grounds - 1,024,000
3. Colorado San Luis Valley - 4,800,000
4. Kentucky Pine Mountain Block - 1,280,000
5. Nevada Desert National Wildlife Refuge - 1,443,000
6. New York Adirondack State Forest Preserve - 2,000,000
7. " Tug Hill - 2,240,000
8. Oregon Kalmiopsis - 2,000,000

### Alaskan National Natural Landmarks Over 1,000,000 Acres

1. Yukon Flats - 8,630,000 acres
2. Cape Krusenstern Archeological District - 2,000,000
3. Clarence Rhode NWR - 1,878,000
4. Kuk-Utokok River - 1,774,521
5. Wood-Tikchik Area - 1,681,900

## Ways To Go Dealing With Environmentalists

*Advice for individuals, organizations and businesses on how to deal with environmental aggressions.*

A troublesome stage of environmental regulation is the **public hearing**. It should be just the opposite. The public hearing is a cornerstone of modern representative government -- and despised by regulators.

For decades, however, environmentalists and other elitists who are planning to force something on the populace have become very skilled at conducting public hearings so that the public has no impact on the process.

This is done in two ways. The worst tactic is to spend almost all the hearing time with the agency and its supporters making their "informational" presentations. The second method is to take a fair amount of time for the agency and then allow the public, one by one, for and against, to present viewpoints of 5 minutes or longer, to the agency, but ultimately not consider the non-government viewpoint. Be prepared for both tactics.

### Dealing from Strength at Public Hearings

*Realize that you are the enemy at a public hearing.*

*Don't grovel, beg, or urge the hearing body to listen to you.*

*Have a member of your group take a video tape.*

*Plan ahead that elected local, state and federal officials are in attendance.*

*Plan ahead for the press. Find a friendly member of the press and create your viewpoint in print before the hearing and after it.*

*Make professional quality copies of your hearing statement in advance for the press. Afterwards, use your statement and those of others on your side for the press, government officials, and potential supporters of your viewpoint.*

*Speak to the Public, facing hearing officials when it suits your purpose.*

*If you ask questions of the hearing officers, don't ask questions without being completely forearmed and fore-informed. Ask only those questions that embarrass and discredit, and then exploit this.*

**THE GENERAL RULE:** the public hearing is your event, irrespective of the plans of the agency. The agency that is forced to call the hearing has done you a big favor by giving you a large crowd and hearing hall.

**Plan ahead** what your goal for the hearing is and **accomplish that goal**. Do you want to get members for your group? Get press coverage? Address a large crowd with the truth? Embarrass or discredit the agency or the plan? You decide.

**Plan** how your goal will dominate the hearing. You may even plan a large exodus followed by a meeting in the lobby if the agency takes too much time for its "informational" presentation. Consider the hearing to be a useful fray in your victory plan.

## NATIONAL NATURAL LANDMARKS continued from page 10

Land Natural and Historic Landmarks by state, revealing the five largest in each state including both existing and potential landmarks. (In reality, the difference in significance of the preliminary and final listing is slight and the "potential" listing becomes more important now that landowner notification is required for final listing.) Two of the thirteen landmarks and potential landmarks of over one-million acres are in New York, "Tug Hill," comprising 2,240,000 acres of mainly private land, and much of the "Adirondack State Forest Preserve" lands, totalling 2,000,000 acres.

These are unusual "sites." The natural and historic landmarks involve parcels of any size, many of thousands or hundreds of thousands of acres. Even if a potential landmark were owned by a single owner, it is unlikely he would have been notified. In 1991 a garnet mine owner in

northern New York was dismayed to learn his parcel was listed by reading the first newspaper article about the program to appear in New York.

The National Natural and Historic Landmarks programs are still quietly active in the Park Service. They were always a surreptitious program and were designed to be such. National Park Service always conceals its involvement in a region before accomplishing Congressional legislation where substantial acreage is involved.

The National Natural and Historic Landmarks programs one of the centerpieces of the Park Service's land acquisition planning process. As long as Congress allows the National Park Service to continue major expansions of power like the California Desert Act, the agency will keep wish lists and keep property owners in the dark.

<sup>(1)</sup> Erich Veyhl, "Parks Without Boundaries," *Land Rights Letter* August 1991

<sup>(2)</sup> James R. Richards, Inspector General, U.S. Department Interior, "Final Audit on the National Natural Landmarks Program, National Park Service" December 5, 1991 covering letter

<sup>(3)</sup> *Ibid.* Covering letter

<sup>(4)</sup> George T. Frampton and Paul C. Pritchard letter to James M. Ridenour, Director, NPS November 14, 1990  
*LaGrasse, President*

**How are citizens to monitor the layers of government that are being built up?**

## THE NATIONAL PARKS AND CONSERVATION ASSOCIATION

### THE QUINTESSENTIAL NON-PROFIT SHADOW GOVERNMENT

The National Parks and Conservation has been the non-profit right-hand man of the National Park Service since Stephen Mather, the first director of the National Park Service, founded it in 1919, only three years after Congress created the Park Service. Originally its mission was to defend the parks against insensitive commercialism such as cutting giant sequoias for displays. Its broad mission more recently has included preservation of endangered species, population control and air pollution effects on the parks. Its park-specific mission includes elimination of non-politically correct access to off-road areas, restriction of visitors use of very limited crowded areas, and trumpeting the threats to the park from surrounding development.

The prime mission of the NPCA is, however, to lobby for new parks. Its federally and privately commissioned studies are the primary inspiration and key to planning for future parks, as well as the key to understanding the future of the Park Service.

The grandest study in recent years was NPCA's 1988 nine-volume *New Parks: New Promise*, an encyclopedic review of potential future natural parks in the U.S. The study exemplifies the interplay between the Park Service and NPCA. The NPCA worked from "4000 sites contained in the natural region theme studies prepared for the National Natural Landmarks Program" and recommended 86 new parks. In effect, a government action, the private study took the place of a formal National Park Service "new area" study and was based on the principal of expanding the natural park system so that the "major terrestrial and wetlands ecosystems" represented have "enough detail to be useful for surveying ecosystem diversity."<sup>(1)</sup>

In New York, the NPCA study was one of several federal government-related developments that reawakened fears in Adirondack residents by recommending that the Adirondack Park should be kept

under surveillance for National Park status.

*Not-profit organizations provide the continuity to federal environmental bureaucracies that elective and appointive officials, and even civil service employees, cannot match.*

Paul Pritchard, NPCA president, who earns \$108,000 yearly, was a top "Heritage" park and preservation official in the Carter Administration's Department of Interior hierarchy.

"Paul Pritchard is one of the environmental movements' best time binders, a one-man institutional memory who has kept old environmental expansionist plans from the Carter years alive through the Reagan and Bush era and safely into the Clinton administration," according to Ron Arnold and Alan Gottlieb.<sup>(2)</sup>

Strangely, the media never fail to parrot NPCA's alarms, as though it were an independent non-profit research group trying to objectively report on the issues related to the parks rather than part of a gaggle of groups, agencies and individuals working hand-in-glove. Thus the media report that it "happens" that in 1993 the NPCA "discovered" the "threat" to water quality in national parks. Their "Park Waters in Peril" recommendations "happen" to jibe with National Park Service *related lands* and *partnership* zoning efforts to restrict lands around parks and with biosphere reserve boundary concepts. One recommendation was to *prohibit all mineral extraction* within park watershed lands and another to prohibit *all pollution discharges* upstream of national parks whether or not harm to the park might result.

Headquartered in Washington, DC, with a \$9 million annual budget and one-quarter million members receiving its propaganda, the NPCA plays its lobbying role comfortably.

<sup>(1)</sup> NPCA *New Parks: New Promise* (1988), p1, Vol. 8

<sup>(2)</sup> Arnold & Gottlieb, *Trashing the Economy* (Washington 1993) p365

### The Game is Perception

#### *Artificially Creating a Grassroots Constituency*

In addition to doing studies for its alter ego, the National Park Service, and publishing *National Parks* magazine to excite grassroots activism, the National Parks and Conservation Association can "take cover" and attack a rural region from a contrived "grassroots" position. Thus in New York's Adirondacks it was a founder of the ostensibly local Adirondack Council to monitor and influence the preservation of the region.

The Council is funded largely by old Northeast wealth and was created by several national environmental groups

after Laurence S. Rockefeller's 1967 National Park idea failed and his brother Gov. Nelson A. Rockefeller saw the State's powerful Adirondack regional zoning agency in place in 1973. In the early 1990's, when a new "crisis" was being exploited by preservationists, the Council, in turn, spun off an even more disguised "grassroots" group, the Resident's Committee to Protect the Adirondacks. Thus NPCA lobbies and organizes both overtly and undercover, and both in Washington, DC, and out in the targeted regions, whatever is necessary to manufacture an appearance of professional validity to the preservationist agenda and a perception of grassroots support.