

SJR

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSJR 7(RES)
 (S) Publish Date: 9-Feb-01

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title: Reinstate Wilderness Study Prohibition BRU: _____
 Sponsor: Resources Committee Component: _____
 Requester: Resources Committee Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: SENATE RESOURCES COMMITTEE Phone: 465-2823

Senator:  Date: 2/9/01

SENATOR JOHN TORGERSON, CHAIR

22-LS0415J
Luckhaupt
1/29/01

**CS FOR SENATE JOINT RESOLUTION NO. 7(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RESOURCES COMMITTEE

A RESOLUTION

1 **Supporting reinstatement of the United States Department of the Interior directive**
2 **exempting the United States Bureau of Land Management in Alaska from the**
3 **mandatory wilderness review process.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS**, in 1980, the United States Congress passed the Alaska National Interest
6 **Lands Conservation Act (ANILCA)**, which included sec. 1326, frequently referred to as the
7 **"no more clause"**, prohibiting further executive withdrawals and studies for the specific
8 **purpose of creating more conservation units or areas; and**

9 **WHEREAS**, in sec. 1320, ANILCA expressly exempted the Bureau of Land
10 **Management from the sec. 603 wilderness review program of the Federal Land Policy and**
11 **Management Act of 1976; and**

12 **WHEREAS**, in 1981, the United States Secretary of the Interior issued a directive that
13 **prohibited the United States Bureau of Land Management from considering any of the**
14 **80,000,000 acres the bureau manages in Alaska for designation as wilderness under the**
15 **National Wilderness Preservation System; and**

1 **WHEREAS**, on January 18, 2001, on one of his last days in office, United States
2 Secretary of the Interior Bruce Babbitt rescinded this 19-year-old directive without public
3 comment or consultation with Alaska; and

4 **WHEREAS** the rescission is improper without public comment and the participation
5 of Alaska, is not in the best interests of the state, and should be reinstated by the incoming
6 administration; and

7 **WHEREAS** the requirement that all Bureau of Land Management administered
8 roadless tracts of 5,000 or more acres be studied for their wilderness qualities will result in all
9 areas being managed as quasi-wilderness and effectively create a virtual economic barrier;

10 **BE IT RESOLVED** that the Alaska State Legislature opposes the rescission of this
11 Department of the Interior directive; and be it

12 **FURTHER RESOLVED** that the Alaska State Legislature urges the swift
13 reinstatement of the directive by the administration of President George W. Bush.

14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
15 of the United States; the Honorable Gale Norton, United States Secretary of the Interior-
16 designee; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
17 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
18 delegation in Congress.

DEC. 2, 1980

PUBLIC LAW 96-487—DEC. 2, 1980

94 STAT. 2487

BUREAU OF LAND MANAGEMENT LAND REVIEWS

Public notice, public hearings, view, as to their suitability wilderness, all lands within its of the National Wildlife wilderness by this Act and

and the President shall e of Representatives of his provisions of sections 3 (c) t shall advise the Congress h areas within seven years

onstrued as affecting the l Park System or unit of nce with this Act or other until Congress provides idential recommendation on.

ICE PROGRAM

olicy set forth in the first de for the preservation of nd antiquities of national oved August 21, 1935 (49 protect and interpret for l resources and objects of : and historic human useaska, the Secretary may, ation or Native Group, ertise to the applicant in on of cultural resources, esources is in the United g available personnel to n of buildings, facilities, and personnel to train reservation, demonstra-

HTS

onstrued as limiting or ited States or— rning appropriation or nds within the State of

al or State jurisdiction, ater resources develop-

aling, except as specifi- applicable to the various o develop or participate to exercise licensing or

SEC. 1320. Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under section 201 and section 202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law.

43 USC 1784.
43 USC 1782.
Recommendations to Congress.
43 USC 1711, 1712.

AUTHORIZATION FOR APPROPRIATION

SEC. 1321. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1980. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

16 USC 3208.

EFFECT ON PRIOR WITHDRAWALS

SEC. 1322. (a) The withdrawals and reservations of the public lands made by Public Land Orders No. 5653 of November 16, 1978, 5654 of November 17, 1978, Public Land Orders numbered 5696 through 5711 inclusive of February 12, 1980, Federal Register Documents No. 34051, of December 5, 1978 and No. 79-17803 of June 8, 1979 and Proclamations No. 4611 through 4627, inclusive, of December 1, 1978, were promulgated to protect these lands from selection, appropriation, or disposition prior to the enactment of this Act. As to all lands not within the boundaries established by this Act of any conservation system unit, national conservation area, national recreation area, or national forest addition, the aforesaid withdrawals and reservations are hereby rescinded on the effective date of this Act, and such lands shall be managed by the Secretary pursuant to the Federal Land Policy and Management Act of 1976, or in the case of lands within a national forest, by the Secretary of Agriculture pursuant to the laws applicable to the national forests, unless otherwise specified by this Act. As to the Federal lands which are within the aforesaid boundaries, the aforesaid withdrawals and reservations are, on the effective date of this Act, hereby rescinded and superseded by the withdrawals and reservations made by this Act. Notwithstanding any provision to the contrary contained in any other law, the Federal lands within the aforesaid boundaries established by this Act shall not be deemed available for selection, appropriation, or disposition except as expressly provided by this Act.

16 USC 3209.

43 USC 1701 note.

(b) This section shall become effective upon the relinquishment by the State of Alaska of selections made on November 14, 1978, pursuant to the Alaska Statehood Act which are located within the boundaries of conservation system unit, national conservation areas, national recreation areas, and forest additions, established, designated, or expanded by this Act.

48 USC note prec. 21.

ACCESS

Nonfederally
owned lands.
16 USC 3210.

SEC. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

16 USC 3211.

SEC. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

TERROR LAKE HYDROELECTRIC PROJECT IN KODIAK NATIONAL WILDLIFE REFUGE

16 USC 3212.

SEC. 1325. Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

FUTURE EXECUTIVE ACTIONS

16 USC 3213.

SEC. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

Publication in
Federal
Register;
notification of
Congress.

SEC. 1327. Nothing in additional requirements operation of the transport and approved by the Co Transportation Act of 19 imposing any limitation cerning such system.

PUBLIC

SEC. 1328. (a)(1) Subject made pursuant to the Act (44 Stat. 1364), May 14, Stat. 1097), which were within the time provided in Alaska that was available statutes when such entered hundred and eightieth of except where provided subsection, or where the adjusted pursuant to the approval pursuant to the the time the adjustment l

(2) Where an application unit of the National Park Refuge System, or a unit System in the Tongass before the effective date land was not withdrawn Native Claims Settlement land which has been patented which on or before the tentatively approved, patented Alaska pursuant to application to section 11(a)(1)(A) of from those lands made the Act by any Native Village 11(b) of such Act, paragraph of this section shall not cated pursuant to the regulation 1328(a)(1) hereof, the Act other applicable law.

(3) Paragraph (1) of the apply and the application requirements of the Act: on or before the one l effective date of the Act:

(A) a Native Corporation the Interior (the Secretary entitled to the land d withdrawn for selection Alaska Native Claims

(B) the State of , stating that the land access to lands owned a political subdivision thereon, or to a public