

SCOMM

108:5

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HJR 14

Title: Supporting the American Land Sovereignty
Protection Act
Sponsor: James
Requestor: H. WTR

Dept. Affected _____
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS :

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis This resolution has no impact on state agencies.

Prepared by:

H. WTR

[Signature]

Date: 2-17-97

Phone: 465-6585

Phone:

ice of The Times

Foreigners handed U.S. land-use policy

By REP. DON YOUNG

The Constitution gives Congress the power to dispose of and make all needful rules and regulations governing lands belonging to the United States. Yet during the last 25 years, 68 percent of America's national parks, preserves and monuments have been designated as United Nations world heritage sites, biosphere reserves, or both, by executive branch action, with virtually no congressional oversight or approval and out of the sight of public scrutiny.

World heritage sites are natural sites or cultural monuments recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) under "The Convention Concerning Protection of the World Cultural and Natural Heritage."

U.S. biosphere reserves are part of the Man and Biosphere Program, a worldwide program operated by UNESCO. Biosphere reserves operate without legislative direction and are not authorized by Congress, nor is the program part of an international treaty.

What is a biosphere reserve? The model U.N. biosphere reserve is actually a federally zoned laboratory where social engineers have real life subjects to use in studies to test their theories on biodiversity, conservation and sustainable development. The reserve consists of a core area, such as a national park, which has strict legislative protection and is used for scientific monitoring of minimally disturbed ecosystems; a "managed use area," surrounding the core area, where allowable land uses and human activities are strictly regulated; and, an "area of cooperation" having an undefined boundary and managed for "sustainable" production and uses in harmony with the biosphere reserve.

The "area of cooperation" is a sort of utopian neighborhood where, according to the State Department, "managing agencies, local governmental agencies, scientists, economic interests, nongovernmental organizations, cultural groups, local citizens and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development and cultural values."



Young



The "area of cooperation" includes non-federal property. Dr. Jeremy Rabkin, professor of government at Cornell University, argues: "Lands of private owners, lands owned by state or municipal governments and U.S. government land seem to be thrown into this warm, bubbling stew of cooperating 'stakeholders' where actual owners seem to have no more status than advocacy organizations from outside, where 'local citizens' have no more status than 'cultural groups' from the other side of the country."

Rabkin adds, "The whole point of that amorphous term 'stakeholder' is to blur distinctions between owner and spectator and between citizen and outsider."

Federal agencies use international land reserves to control and orchestrate local and state land use policy and steamroll the property rights of private land owners. This problem is illustrated by the New World mine project located three miles beyond Yellowstone National Park, a world heritage site. The boundary of the world heritage site coincides exactly with the national park boundary.

The Department of Interior, which wanted to stop the mine, brought in the World Heritage Committee to "inspect" the project, parading the committee around Montana and Wyoming as if they had an important say in the development of the mine.

Ninety percent of the New World project is located on private land and the remainder is in a national forest. Under U.S. law, private land cannot be included

in a world heritage site without the consent of the owner, and the owner of the mining project never consented to be included in the world heritage site.

Interior's action also trampled on the decision made by Congress to manage federal lands included in the project as part of the multiple-use national forest system — not as protected land in Yellowstone National Park.

The Department of Interior had no authority to invite a foreign entity to interfere with a domestic land-use decision. Interior Department bureaucrats ignored U.S. law and infringed on personal private property rights by involving the World Heritage Committee in a project located on private land.

They exhibited no concern or interest about protecting rights of U.S. citizens or respecting the decisions of Congress. These bureaucrats were incapable of seeing how these actions compromised U.S. sovereignty.

Why should we even think about involving an international body in making land policy decisions for lands within the United States? Congress must act to keep international commitments from interfering with constitutional constraints. Otherwise, the rights of our citizens and the boundary between public land managed by government and private property can be too easily ignored.

Don Young represents Alaska in the U.S. Congress. He is chairman of the U.S. House Committee on Resources.

Liberty . . .

Continued from Page A1

The controversy, said one State Department official who asked not to be named, "is merely a figment of Young's imagination." He said the United Nations neither holds nor exercises authority over U.S. national parks, and can't create laws to govern them.

But the Alaska lawmaker Thursday introduced the American Land Sovereignty Protection Act in the House. The bill would make a public comment period and congressional approval necessary before the president and the United Nations could agree to declare public lands "of timeless value to humanity."

Further, Young said he would press Congress to vote on whether to strip the original 67 sites of the honor.

"This is unconstitutional and I want this to be debated," Young said. "I want to find out who in Congress is going to go against the Constitution."

There are 440 heritage sites worldwide, including the pyramids of Egypt, the Taj Mahal in India, Machu Picchu in Peru and Ecuador's Galapagos Islands. In the United States, Yellowstone National Park, the Florida Everglades and the Mojave Desert all fall under what Young calls the United Nations "one-world zoning enterprise."

Critics say Young's bill is useless for all practical purposes, and only an attempt to embarrass President Clinton for his involvement in halting a mining project in Yellowstone National Park in 1995.

Clinton prevented the Canadian gold-mining project followed a

U.N. resolution declaring Yellowstone an "endangered site." Young claims the United Nations motion was the key factor in halting the deal.

"The U.N. doesn't have the power to do anything," said Mike Clark, executive director of the Greater Yellowstone Coalition, the environmental group that helped negotiate the deal with the Canadian mining company. "This - Young's legislation - is an attempt to try and put Clinton on the spot because he got involved in the mine battle."

Above all, sources on Capitol Hill say, Young is using the opportunity to make a point about private property rights.

"(Young) has a philosophical bent on this issue," said Rep. Peter Deutsch, a South Florida Democrat and defender of the Florida Everglades. "But this is an honorary designation and there is nothing ceded by it."

On Thursday, Young made a final plea to strip the United Nations of its authority and restore rights to U.S. private property owners.

"Private property is America," he declared. "Without private property we have no democracy. We have a socialist government."

Young, who chairs the House Natural Resources Committee, tried to pass a similar bill last year, but it failed under threat of a veto by Clinton.

This time, the Alaska lawmaker said, he has the votes.

Cosponsors of the American Land Sovereignty Protection Act include: Republican Reps. Barbara Cubin of Wyoming, Gerald Solomon of New York, Bill Archer of Texas and Floyd Spence of South Carolina.

Alaska lawmaker pledges to reclaim national treasures

■ Don Young claims United Nations has usurped American sovereignty

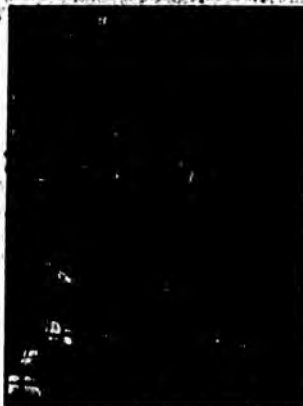
By PHIL STEWART

MORNING NEWS SERVICE

WASHINGTON - Who's tall, carries a torch and, according to U.S. Rep. Don Young, has been involved in some distinctly un-American activities?

Answer: the Statue of Liberty.

That's right, the Alaska Republican claims Lady Liberty, and 66 other famous sites in America, are not under the jurisdiction of national park officials, but are in fact controlled by foreigners - namely, the United Nations.



DON YOUNG

nized worldwide for their natural or historic beauty.

Young claims by bestowing that distinction the United Nations has usurped the authority to set environmental rules for the sites and surrounding property - a direct attack on American sovereignty.

Please see Liberty, Page A6

February 25, 1997

FAX TO: Myrna/Office of Representative James via Paul Richards

FROM: Steve Borell

SUBJECT: World Heritage Sites

Here are some more "Whereas" statements for your consideration:

WHEREAS former Assistant Secretary of Interior George Frampton and President Clinton used the fact that Yellowstone National Park had been designated as a World Heritage Site as justification for intervening in the EIS process and blocking possible development of an underground mine on private lands in Montana outside of the park; and

WHEREAS recent designation of a portion of Kamchatka as a World Heritage Site was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

WHEREAS environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site and a Marine Biosphere Reserve covering parts of western Alaska, eastern Russia and the Bering Sea between them; and

WHEREAS, as occurred in Montana, such designations could be used to block development projects on State and private lands in western Alaska; and

WHEREAS foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

WHEREAS animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

WHEREAS such international designations could be used to harass or block any commercial activity including pipelines, railroads, power transmission lines, etc.

Keep in touch - if you want more please call.



FILE h901.ih

HR 901 IM
105th CONGRESS
1st Session

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.

IN THE HOUSE OF REPRESENTATIVES

February 27, 1997

Mr. YOUNG of Alaska (for himself, Mr. CONDIT, Mr. SOLOMON, Mr. PICKETT, Mr. COBURN, Mr. TRAFICANT, Mr. POMBO, Mr. STENHOLM, Mr. HILLEARY, Ms. DANVER, Mrs. CHENOWETH, Mr. ORTIZ, Mrs. CUBIN, Mr. PETERSON of Minnesota, Mr. HASTINGS of Washington, Mr. WETHERCUTT, Ms. DUNN, Mr. HOSTETTLER, Mr. MERGER, Mr. STUMP, Mr. BONO, Mr. SMITH of Oregon, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, Mr. DICKEY, Mr. DUNCAN, Mr. NORMOOD, Mr. HAYWORTH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. BARR of Georgia, Mr. SKEEN, Mr. WELDON of Florida, Mr. CANADY of Florida, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. GEMAS, Mrs. SMITH of Washington, Mr. COLLINS, Mr. STEARNS, Mr. LARGENT, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. KIM, Mr. CALVERT, Mr. KNOLLBERG, Mr. GILLMOR, Mr. METCALF, Mr. TAUZIN, Mr. TALENT, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. SILSBAY, Mr. BLILEY, Mr. HILL, Mrs. EMERSON, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBSON, Mr. MANULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, and Mr. EULSHOF) introduced the following bill; which was referred to the Committee on Resources

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.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'American Land Sovereignty Protection Act'.

SNC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS- Congress finds the following:

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

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

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

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

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection

FAX TO: Rep. James (Attn: Myrna)
FROM: Royce

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of freedom.

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

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) **PURPOSE-** The purposes of this Act are the following:

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

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

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

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

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

(1) in subsection (a) in the first sentence, by--

(A) striking 'The Secretary' and inserting 'Subject to subsections (b), (c), (d), and (e), the Secretary'; and

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

(2) by adding at the end the following new subsections:

'(d)(1) The Secretary of the Interior may not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention, unless--

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

'(B) the Secretary has submitted to the Congress a report describing--

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

'(ii) the impacts that inclusion of the nominated lands on the World Heritage List would have on existing and future uses of the nominated lands or other lands located within 10 miles of the nominated lands; and

'(C) the nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act and after the date of publication of a finding under subparagraph (A) for the nomination.

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

'(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage

FAX TO: Rep. James (Attw: Myrda)
 FROM: Royce
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in Danger established under Article 11.4 of the Convention, unless--

(1) the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a report describing--

(A) the necessity for including that property on the list;

(B) the natural resources associated with the property;

and

(C) the impacts that inclusion of the property on the list would have on existing and future uses of the property and other property located within 10 miles of the property proposed for inclusion; and

(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress after the date of submittal of the report required by paragraph (1).

(2) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and of the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the site:

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

(2) A summary of Federal full time equivalent hours related to management of the site.

(3) A list and explanation of all nongovernmental organizations that contributed to the management of the site.

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

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

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

SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve--

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

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

(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the reserve:

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

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

(3) A list and explanation of all nongovernmental organizations that contributed to the management of the reserve.

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

FAX TO: Rep. James (Attn: Myrna)
FROM: Royce

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SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

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

'SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

'(b) A nomination, classification, or designation, under any international agreement, of lands owned by a State or local government shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

'(c) A nomination, classification, or designation, under any international agreement, of privately owned lands shall have no force or effect without the written consent of the owner of the lands.

'(d) This section shall not apply to--

'(1) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);

'(2) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4613); and

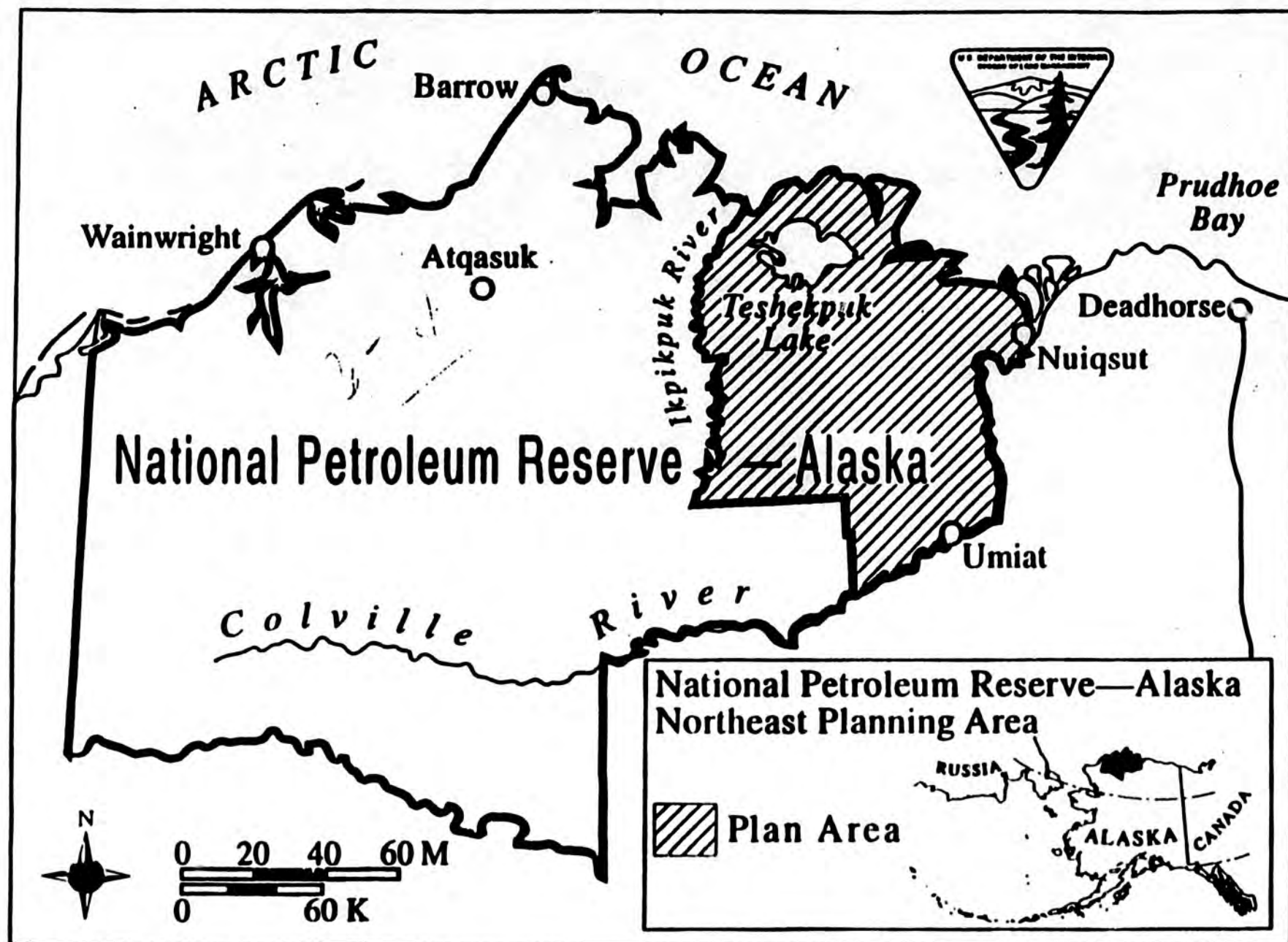
'(3) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

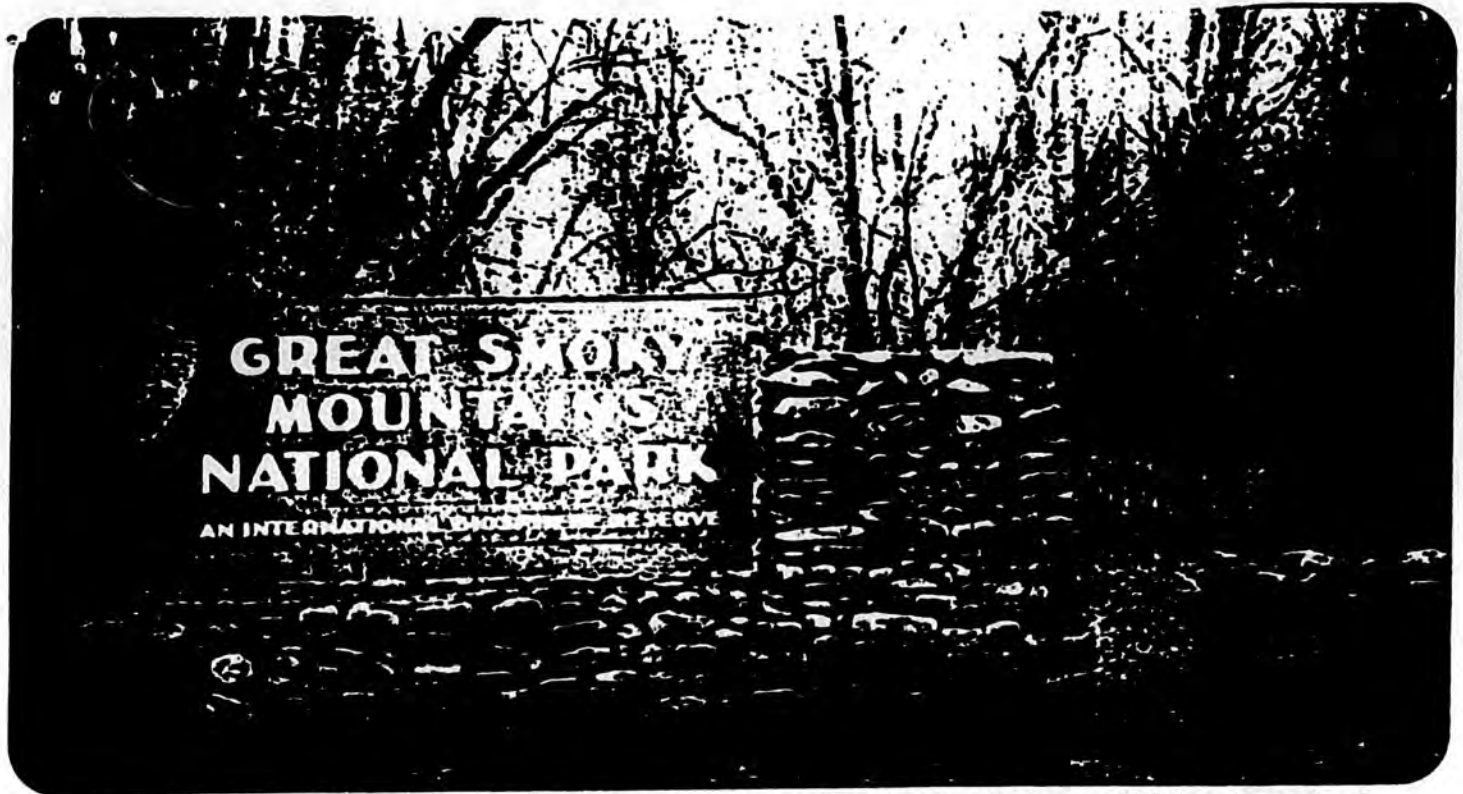
'(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.'

SEC. 6. CLERICAL AMENDMENT.

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

FAX TO: Rep. James (Ariz.: Myrna)
FROM: Royce
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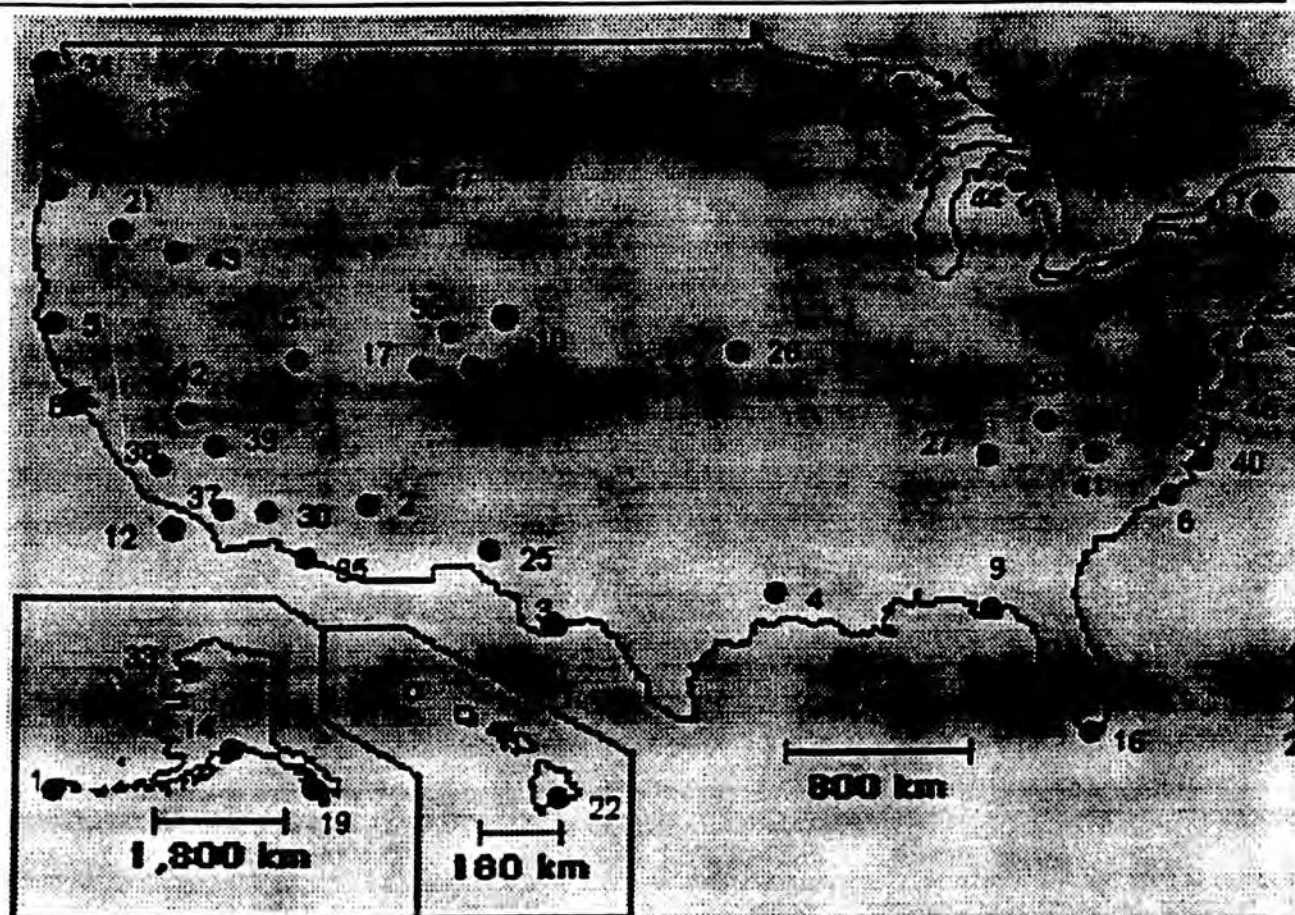
Great Smoky Mountains National Park, along with dozens of other U.S. national parks, is now officially an international biosphere reserve area administered by a United Nations committee whose authority supersedes the U.S. government.



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) 276-7997 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

RESOLUTION

A RESOLUTION SUPPORTING THE "AMERICAN LAND SOVEREIGNTY ACT"

WHEREAS, the United Nations has designated 67 sites in the United States as "World Heritage Sites" or Biosphere Reserves", which altogether are about equal in size to the State of Colorado, the eight largest state; and

WHEREAS, Article IV, Section 3 of the United States Constitution provides that the United States Congress shall make all needed rules and regulations governing lands belonging to the United States; and

WHEREAS, many of the United Nations designation include private property inholdings and contemplate "buffer zones" of adjacent land; and

WHEREAS, some international land designation such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational and Culture organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from Congress; and

WHEREAS, these international designations, as presently handled are an open invitation to the international community to interfere in domestic land use decisions; and

WHEREAS, the local citizens and public officials usually have no say in the designation of land near their homes for inclusion in an international land use program; and

WHEREAS, the President and the Executive Branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress; and

WHEREAS, actions by the President in applying international agreements to lands owned by the United States may circumvent Congress: and

WHEREAS, Congressman Don Young has introduced a bill in the 104th Congress entitled the "American Land Sovereignty Protection Act of 1996," which required the explicit approval of Congress prior to restricting any use of United State' lands under international agreements.

NOW, THEREFORE BE IT RESOLVED THAT THE _____
supports this legislation, which reaffirms the Constitutional Authority of Congress as the
elected representatives of the people and urges the "American Land Sovereignty
Protection Act" be introduced and passed by both the House of Representatives and the
Senate as soon as possible during the 105th Congress

PASSED AND APPROVED THIS _____ DAY OF _____, 1997.

ATTEST:

AMERICAN LAND SOVEREIGNTY PROTECTION ACT OF 1996

SEPTEMBER 24, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3752]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3752) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Land Sovereignty Protection Act of 1996".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

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

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

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate

under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

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

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

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

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

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) **PURPOSE.**—The purposes of this Act are the following:

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

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

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

SEC. 2. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1) is amended—

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

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

(B) inserting "and subject to subsections (b), (c), (d), (e), and (f)" before the period at the end;

(2) in subsection (b) in the first sentence, by inserting ", subject to subsection (d)," after "shall"; and

(3) adding at the end the following new subsections:

(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

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

(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

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

(2) A summary of Federal full time equivalent hours related to management of the site.

(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

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

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SEC. 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES.

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

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;

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

"(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

"(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

"(1) An accounting of all money expended to manage the reserve.

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

"(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve."

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

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

"SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

"(b) A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

"(c) A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.

"(d) This section shall not apply to—

"(1) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention);

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

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

"(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna."

SEC. 6. CLERICAL AMENDMENT.

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

PURPOSE OF THE BILL

The purposes of H.R. 3752 are 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.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3752 asserts the Constitutional power of Congress over management and use of lands belonging to the United States. The international agreement covering World Heritage Sites, for example, largely leaves Congress out of the process. The bill also provides a process under which the United States by Congressional action may, when desirable, nominate lands for inclusion under international agreements.

Over the last 25 years, an increasing expanse of our nation's public lands have been made subject to various international land use restrictions, most notably Biosphere Reserves and World Heritage Sites. Under article IV, section 3 of the United States Constitution, the power to make all needful rules and regulations governing lands belonging to the United States is vested in Congress, yet these international land designations have been created with virtually no Congressional oversight or approval.

Biosphere Reserves and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). World Heritage Areas are natural sites or cultural monuments recognized by UNESCO under the Convention Concerning Protection of the World Cultural and Natural Heritage. Biosphere Reserves are part of the U.S. Man and Biosphere Program which operates in conjunction with a worldwide program under UNESCO. The U.S. biosphere program operates without legislative direction and is not authorized by Congress. Over 68 percent of our National Parks, Preserves and Monuments have been designated as United Nations World Heritage Sites, Biosphere Reserves or both. Biosphere Reserves alone cover an area about the size of Colorado, our eighth largest State. There are now 47 UNESCO Biosphere Reserves and 20 World Heritage Sites in the United States.

In becoming a party to these international land use designations through Executive Branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention on Biodiversity, to which the United States is not a party or which the United States Senate has refused to ratify. For example, "The Seville Strategy for Biosphere Reserves" recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in Article 6 of the Convention on Biodiversity." Furthermore, the "Strategic Plan for the U.S. Biosphere Reserve Program" published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeo-

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graphical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves."

Also disturbing is that designation of Biospheres and World Heritage Areas rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for Biosphere Reserves. The "Operational Guidelines for the Implementation of the World Heritage Convention" state:

In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated . . . pending the final decision of the Committee of the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee.

By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated area. Honoring these agreements could force the federal government to prohibit or limit some uses of private lands outside the international designated area unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policy-makers in an awkward position. Federal regulatory actions could cause a significant adverse impact on the value of private property and on the local and regional economy. For example, the involvement of the World Heritage Committee in the National Environmental Policy Act review process for the New World Mine Project near Yellowstone National Park, which is a World Heritage Area, exemplifies this problem. Creation of a buffer zone, possibly ten times as large as the Park, was suggested by at least one member of the Committee. Moreover, by excluding the federal lands on which the New World Mine Project lie from an adjoining wilderness area, Congress has already determined that these lands are available for multiple uses, including mining.

It is clear from this example, that at best, World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in U.S. domestic land use decisions. More seriously, these international land use agreements potentially have several significant adverse effects on the American system of government. In these instances, the federal land use policy making authority is further centralized at the federal/Executive Branch level, and the role that ordinary citizens have in the making of this policy through their elected representatives is diminished. The Executive Branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

COMMITTEE ACTION

H.R. 3752 was introduced on June 27, 1996, by Congressman Don Young (R-AK). The bill was referred to the Committee on Re-

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sources. On September 12, 1996, the Committee held a four-hour hearing on H.R. 3752. A total of 13 witnesses testified.

Seven witnesses including three local elected officials and a Member of Congress testified in support of H.R. 3752. The Honorable Tim Hutchinson (R-AR), a cosponsor of H.R. 3752, outlined the problems associated with the proposed "Ozark Highland Man and Biosphere Plan" which was advanced without public input and which has now apparently been withdrawn after strong public opposition developed following discovery of the proposal. Local elected officials from New York and New Mexico confirmed that there is little or no input by the public or elected officials into these designations. A Cornell University professor of government testified that "if the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the Congressional duty to keep international commitments from floating free of traditional Constitutional restraints."

The Assistant Secretary for Fish, Wildlife and Parks stated that the Interior Department opposed H.R. 3752 and would recommend that the President veto the bill, if it was passed by Congress.

A representative from UNESCO testified that "UNESCO does not take a position on the pros and cons of the legislation proposed in H.R. 3752 at the 104th Congress. The way in which the United States chooses to relate to our MAB (Man and Biosphere) Programme or to the subject of World Heritage is a sovereign decision of the American people and the American Government."

On September 18, 1996, the Full Resources Committee met to consider H.R. 3752. Congressman Don Young offered an en bloc amendment to exempt sites nominated under certain international conventions from the terms of the bill and to require annual reports to Congress on World Heritage Areas and Biosphere Areas in the United States; the amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by a rollcall vote of 18-8, as follows:

Members	Yea	Nay	Present	Members	Yea	Nay	Present
Mr. Young (Chairman)	X			Mr. Miller			
Mr. Tencin	X			Mr. Morley		X	
Mr. Hansen				Mr. Rohall		X	
Mr. Sauten	X			Mr. Vento		X	
Mr. Gallagher				Mr. Kildee			
Mr. Duncan	X			Mr. Williams			
Mr. Hefley	X			Mr. Cajigas		X	
Mr. DeLoatch	X			Mr. Richardson		X	
Mr. Alford				Mr. DeFazio			
Mr. Gilchrest				Mr. Faleomavaega	X		
Mr. Calvert				Mr. Johnson			
Mr. Pomeroy	X			Mr. Abernethy			
Mr. Torricelli				Mr. Studds			
Mr. Hayworth	X			Mr. Ortiz			
Mr. Cramer	X			Mr. Pickart			
Mr. Coble				Mr. Pallone			
Mr. Conaway	X			Mr. DeLoach			
Mr. Chaworth	X			Mr. Romo-Barcelo	X		
Mr. Smith				Mr. Hinchey			
Mr. Radenovich	X			Mr. Underwood		X	
Mr. Jones	X			Mr. Fort		X	
Mr. Thornberry	X			Mr. Kennedy		X	
Mr. Hastings	X						
Mr. Metcalf	X						

Members

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Mr. Shadegg
Mr. Ensign

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rights and uses. The Secretary of State is to submit an annual report to Congress providing specified information on each Biosphere Reserve in the United States.

SECTION 5. INTERNATIONAL AGREEMENTS IN GENERAL

Section 5 amends the National Historic Preservation Act to prohibit federal officials from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law. "International agreement" means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna. The amendments made by this section do not apply to sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, agreements established under the North American Wetlands Conservation Act, and conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978.

Lands owned by State or local governments may not be included within the boundaries of any area designated for a special or restricted use under any international agreement unless the designation is approved by a law enacted by the State or local government, respectively.

No privately owned lands may be included within the boundaries of any area designated for a special or restricted use under any international agreement unless the owner of the property concurs with such action in writing.

SECTION 6. CLERICAL AMENDMENT

This section updates a reference to the Committee on Resources in the National Historic Preservation Act Amendments of 1980.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 3752 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3752. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely

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submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3752 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3752.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3752 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3752, the American Land Sovereignty Protection Act of 1996, as ordered reported by the House Committee on Resources on September 18, 1996. We estimate that enacting this bill would have no significant impact on the federal budget. H.R. 3752 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3752 would prohibit any federal official from nominating, classifying, or designating any federal land for a special or restricted use under any international agreement unless specifically authorized by law, with certain exceptions. Moreover, the bill would make ineffective the designation of any area in the United States under such agreements unless the designation is specifically authorized in written permission from the landowner for private property, or by state or local law for property owned by such governments. Designations of federal land would be ineffective as well, unless authorized by federal legislation enacted after enactment of H.R. 3752. These provisions would affect designations of land under programs such as the World Heritage List and the Man and Biosphere Program of the United Nations. H.R. 3752 would require the Secretaries of State and the Interior to submit annual reports to the Congress on each site designated under these programs.

CBO estimates that the Departments of State and the Interior would incur minor expenses to collect information (such as budget and staffing data by site) and to submit annual reports to the Con-

gress. Implementing the bill would have no impact on other federal agencies.

H.R. 3752 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would have no impact on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Victoria Heid.

Sincerely,

JUNE E. O'NEILL, Director.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3752 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 1980

* * * * *

TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

SEC. 401. (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973 (in this section referred to as the "Convention"), in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States and subject to subsections (b), (c), (d), (e), and (f).

(b) The Secretary of the Interior shall, subject to subsection (d), periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on [Natural Resources] Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

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(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

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

(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

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

(2) A summary of Federal full time equivalent hours related to management of the site.

(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

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

SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

(1) is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996 and before December 31, 1999;

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

(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

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

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

(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

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

SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

(b) A nomination, classification, or designation of lands owned by a State or local government, under any international agreement shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

(c) A nomination, classification, or designation of privately owned lands under any international agreement shall have no force or effect without the written consent of the owner of the lands.

(d) This section shall not apply to—

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

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

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

(e) In this section, the term "international agreement" means any treaty, compact, executive agreement, convention, or bilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.

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DISSENTING VIEWS OF HON. GEORGE MILLER, HON. ED-
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SON, HON. SAM GEJDENSON, AND HON. BRUCE F. VENTO

H.R. 3752 is an unjustified and unnecessary bill that addresses a phantom problem on behalf of extreme, anti-environmental, anti-United Nations groups.

Under six Presidents—four Republicans and two Democrats—the World Heritage Convention has been successfully implemented by the Department of the Interior. In fact, the Convention was a United States initiative and the United States was the first nation to ratify it in 1973. There are 20 United States sites on the World Heritage List, 17 of which are National Parks. Under the Convention, a site may only be nominated to be listed by the country in which it lies. A site may only be listed if it contains cultural or natural resources of universal value, and if the national government provides a certain level of protection for the site. Listing as a World Heritage Site imposes no change in domestic law nor any requirement for future changes in domestic law. It does not give oversight, management or regulatory authority to any foreign nation or organization. In short, the legal protection of a World Heritage Site is entirely the responsibility of the nation in which it lies.

The U.S. Man and the Biosphere Program attempts to facilitate a more sustainable relationship between human beings and their natural environment by identifying areas rich in natural resources that are also suited to the program's cooperative approach. It brings local and regional stakeholders to the table in a voluntary joint planning effort, and provides technical assistance and limited research funding to relevant projects. A United States Biosphere Reserve is an honorific designation by the United States Man and the Biosphere Program, which is a domestic federal program, not under UN control. As with World Heritage designations, Biosphere Reserve status does not impose or imply any land or natural resource use restrictions above and beyond those already in place under federal, state, or local law.

For over 20 years, these programs have functioned effectively and with little controversy. Far from subjecting the American people to UN hegemony, these programs have allowed the United States to export its vision of parks to the world. But some interests, whose activities—often on public land—could pollute or otherwise despoil our national parks and other public lands, would prefer to operate without the public attention and media scrutiny that comes with World Heritage or Biosphere Reserve status. This legislation, which caters to those suspicious of international agreements and environmental planning, aids these special interests by hinting at threats to United States sovereignty and the undermining of domestic law by these beneficial programs.

If Congress wishes to micromanage these international programs, it could assume that responsibility. However, it is very ironic that this Congress is willing to spend its waning days fixing programs that are not broken when it has completely failed to enact meaningful reform of a host of natural resource management programs that rob the Treasury of much-needed revenue and deny the American people sustainable use of their natural resource legacy. Perhaps more harmful, by pandering to the radical right, the Majority diverts attention from the real issues—the rights and responsibilities of the American people to protect our natural heritage, as embodied in our National Parks and other public lands.

GEORGE MILLER,
*Senior Democrat, Committee
on Resources.*

SAM FARR.

SAM GEJDENSON.

EDWARD J. MARKEY.

BILL RICHARDSON,
*Senior Democrat, Sub-
committee on National
Parks, Forests, and Lands.*

BRUCE F. VENTO.

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OPTIONAL FORM 90 (7-80)

FAX TRANSMITTAL

of pages 1-43

To: MURNA	From: Jan Jarvis
Dept./Agency:	Phone: WRangel St. Elias
Fax: 907-465-2381	Fax: Nat. Park & Preserve
NSN 7540-01-217-7088	5089-101 GENERAL SERVICES ADMINISTRATION

APPENDIX I

This is the act that established the WHC program in U.S.

National Historic Preservation Act Amendments of 1980, Public Law 96-515, December 12, 1980, 94 Stat. 3000

This appendix contains related legislative provisions enacted in the National Historic Preservation Act Amendments of 1980 but that are not part of the National Historic Preservation Act.

Section 208 (16 U.S.C. 469c-2)

Costs for identification, surveys, evaluation, and data recovery with respect to historic properties

Notwithstanding section 7(a) of the Act of June 27, 1960 (16 U.S.C. 469c) or any other provision of law to the contrary--

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7(a) of such Act.

Section 401 (16 U.S.C. 470a-1)

World Heritage Convention

(a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national signifi-

PARTICIPANT'S DESK REFERENCE

cance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

Section 402 (16 U.S.C. 470a-2)

Federal undertakings outside the United States; mitigation of adverse effects

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

Section 502 (16 U.S.C. 470a note)

Secretary's report to the President and Congress: folklife

The Secretary, in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

Section 503 (16 U.S.C. 470j note)

Council's report to the President and Congress: tax laws

The Advisory Council on Historic Preservation, in cooperation with the Secretary and the Secretary of the Treasury, shall submit a report to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation. Such report shall include recommendations respecting amendments to such laws which would further the purposes of this Act. Such report shall be submitted within one year after the date of enactment of this Act.

Title 36
Code of Federal
Regulations
Part 73

Redesignated at
and correctly re-
Aug. 26, 1981,
37, Apr. 8, 1982

PART 73—WORLD HERITAGE CONVENTION

Sec.

- 73.1 Purpose.
- 73.3 Definitions.
- 73.5 Authority.
- 73.7 World Heritage Nomination Process.
- 73.9 World Heritage Criteria.
- 73.11 Federal Interagency Panel for World Heritage.
- 73.13 Protection of U.S. World Heritage Properties.
- 73.15 International World Heritage Activities.
- 73.17 Public Information and Education Activities.

AUTHORITY: 84 Stat. 3006; 16 U.S.C. 470 a-1, a-3, d.

SOURCE: 47 FR 23397, May 27, 1982, unless otherwise noted.

§73.1 Purpose.

The purpose of these rules is to set forth the policies and procedures that the Department of the Interior, through the National Park Service (NPS), uses to direct and coordinate U.S. participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by the Senate on October 26, 1978. The rules describe the procedures used to implement the Convention under the National Historic Preservation Act Amendments of 1980. The purpose of the World Heritage Convention is to enhance worldwide understanding and appreciation of heritage conservation, and to recognize and preserve natural and cultural properties throughout the world that have outstanding universal value to mankind.

§73.3 Definitions.

Cultural Heritage—Article 1 of the Convention defines "Cultural Heritage" as:

Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings, and combinations of features, which are of outstanding universal value from the point of view of history, art, or science;

Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art, or science; and

Sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological, or anthropological points of view.

Natural Heritage—Article 2 of the Convention defines "Natural Heritage" as:

Natural features, consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; and

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation, or natural beauty.

Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, or World Heritage Committee, means the Committee established by Article 8 of the Convention and assisted by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is composed of 21 nations participating in the Convention, and is responsible for implementing the Convention at the international level. Countries represented on the Committee are elected by participating nations and serve for three sessions of the UNESCO General Conference (six years). The Committee establishes criteria which properties must satisfy for inclusion on the World Heritage List, sets policy and

procedures, and approves properties for inclusion on the World Heritage List.

World Heritage Convention, or Convention, means the Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the U.S. Senate on October 26, 1978.

World Heritage List, means the List established by Article 11 of the Convention which includes those cultural and natural properties judged to possess outstanding universal value for mankind.

UNESCO, means the United Nations Educational, Scientific and Cultural Organization, which provides staff support for the Convention and its implementation.

Secretary, means the Secretary of the Interior, or the designee authorized to carry out the Secretary's responsibilities.

Assistant Secretary, means the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, or the designee authorized to carry out the Assistant Secretary's responsibilities.

Director, means the Director of the National Park Service, U.S. Department of the Interior, or the designee authorized to carry out the Director's responsibilities.

Department, means the U.S. Department of the Interior.

Federal Interagency Panel for World Heritage, or Panel, means the Panel consisting of representatives from the Office of the Assistant Secretary, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; the Department of Commerce; and the Department of State.

Owner, means the individual(s) or organization(s) of record that own private land that is being nominated for World Heritage status, or the head of the public agency, or subordinate to whom such authority has been delegated, responsible for administering public land that is being nominated for World Heritage status.

Owner concurrence, means the concurrence of all owners of any property interest that is part of the World Heritage nomination.

§73.5 Authority.

The policies and procedures contained herein are based on the authority of the Secretary of the Interior under Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515; 94 Stat. 3006; 16 U.S.C. 470a-1, a-3) which directs the Secretary to ensure and direct U.S. participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the U.S. Senate on October 26, 1978, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation.

§73.7 World Heritage Nomination Process.

(a) **Overview.** The Assistant Secretary periodically nominates properties which appear to be of outstanding universal value to the World Heritage Committee on behalf of the U.S. The initial identification of properties for nomination, and subsequent preparation, evaluation, and approval of U.S. nominations for properties so identified is an annual process (January-December) which is initiated through a **FEDERAL REGISTER** notice that includes the indicative inventory of potential future U.S. World Heritage nominations and requests recommendations from interested public and private sources. The Assistant Secretary, working in cooperation with the Federal Interagency Panel for World Heritage, may select a limited number of proposed nominations from the properties on the indicative inventory. A detailed nomination document is prepared for each property identified as a proposed nomination. The Panel reviews the accuracy and completeness of the draft nominations, and makes recommendations to the Assistant Secretary. If approved, the Assistant Secretary transmits the U.S. nominations, through the Department of State, to UNESCO for review and approval by

the World Heritage Committee during the following year.

(b) **Identification**—(1) **Requirements.** In order for a U.S. property to be considered for possible nomination to the World Heritage List, it must satisfy the following legislative requirements in addition to satisfying one or more of the World Heritage criteria (§ 73.9):

(i) The property must have previously been determined to be of national significance (16 U.S.C. 470a-1). For the purposes of these rules, "national significance," refers to properties designated as National Historic Landmarks (36 CFR Part 65) or National Natural Landmarks (36 CFR Part 62) by the Secretary of the Interior under provisions of the 1935 Historic Sites Act (Pub. L. 74-292; 49 Stat. 666; 16 U.S.C. 461 et seq.), or areas of national significance established by the Congress of the U.S. or by Presidential proclamation under the Antiquities Act of 1906 (16 U.S.C. 433);

(ii) The property's owner(s) must concur in writing to the nomination (16 U.S.C. 470a-1). In the case of properties owned or controlled by Federal, State, and/or local governments, a letter from the owner(s) would demonstrate concurrence. In the case of properties owned or controlled by private parties, the protection agreement outlined in § 73.13(c) would demonstrate concurrence. Any owner must concur before his/her property may be included within the World Heritage nomination. For example, concurrence from the responsible management official for Federal property indicates concurrence for the management unit, but does not indicate concurrence of any non-Federal property interest located within its boundaries. Concurrence of any non-Federal property interest will be sought if that property interest is determined to be integral to the entire property's outstanding universal values. To be included within the World Heritage nomination, the owner of the non-Federal property interest would indicate concurrence by fulfilling the protection requirement outlined in § 73.13(c); and

(iii) The nomination document must include evidence of such legal protections as may be necessary to ensure the preservation of the property and

its environment (16 U.S.C. 470a-1). The protection requirements for public and private properties are identified in § 73.13.

(2) **Process Initiation.** The Assistant Secretary, through the National Park Service (NPS), publishes a notice in the *FEDERAL REGISTER* in January of each year initiating the annual U.S. World Heritage nomination process. Among other things, this notice:

(i) Sets forth the annual schedule and procedures for identifying proposed U.S. nominations to the World Heritage List, including specific deadlines for receipt of suggestions and comments, and for preparing and approving nomination documents for properties so identified;

(ii) Includes the indicative inventory of potential future U.S. nominations to the World Heritage List, and solicits recommendations on properties on the inventory which should be nominated that year, or suggestions of additional properties that should be considered for inclusion on the inventory.

(iii) Identifies any special requirements that properties must satisfy to be considered for possible nomination.

(3) **Inventory.** The National Park Service compiles and maintains an indicative inventory of cultural and natural properties located within the U.S. that, based on preliminary examination, appear to qualify for World Heritage status and that may be considered for nomination to the World Heritage List. The inventory is a tentative list of properties that the U.S. may nominate at some point in the future. Inclusion of a property on the inventory does not confer World Heritage status on it, but merely indicates that a property may be further examined for possible nomination. Properties included on this inventory are drawn from suggestions received from any interested party and from the Department's own sources. The inventory is used as the basis for selecting future U.S. nominations, and provides a comparative framework within which the outstanding universal value of a property may be judged. Proposed nominations are selected from among the potential future nominations included on the inventory. Any agency, organization, or individual may recommend ad-

ditional properties, with accompanying documentation, that should be considered for inclusion on the inventory. Except in exceptional circumstances, a property must be listed on the indicative inventory before it can be considered for nomination. The Assistant Secretary, in cooperation with the Panel and other sources as appropriate, determines whether the recommended property should be included on the inventory. If approved for inclusion on the inventory, the property will be listed when the inventory is next published in the *FEDERAL REGISTER*. The Assistant Secretary transmits a copy of the inventory of potential future U.S. World Heritage nominations, including documentation on each property's location and significance, to the World Heritage Committee for use in its evaluation of nominations, as requested by Article 11(1) of the Convention.

(4) **Selection of Proposed Nominations.** After the January notice's comment period has expired, the National Park Service compiles all suggestions and comments received. Using the recommendations received and working in cooperation with the Federal Interagency Panel for World Heritage, the Assistant Secretary may identify properties as proposed U.S. nominations for a given year. In addition to how well the property satisfies the World Heritage criteria (§ 73.9) and the legislative requirements outlined in § 73(b)(1), considerations in the selection of proposed nominations may include:

(i) How well the particular type of property (i.e., theme or region) is already represented on the World Heritage List;

(ii) The balance between cultural and natural properties already included on the List and those currently under consideration;

(iii) The opportunities afforded by the property for public visitation, interpretation, and education;

(iv) Potential threats to the property's integrity or its current state of preservation; and

(v) Other relevant factors, including public interest and awareness of the property.

Selection of a property as a proposed nomination indicates that it appears to qualify for World Heritage status and that a detailed nomination document will be prepared for the property. This document serves as the basis for making the decision to nominate the property to the World Heritage Committee (§ 73.7(e)).

(c) **Notification.** Following decisions on the proposed U.S. nominations, the Assistant Secretary publishes the results in the *FEDERAL REGISTER*. If properties are identified as proposed nominations, the Assistant Secretary notifies the following parties in writing:

(1) The owner(s) of lands or interests of land that are to be included in the nomination; and

(2) The Committee on Interior and Insular Affairs of the U.S. House of Representatives and the Committee on Energy and Natural Resources of the U.S. Senate.

The notice advises the recipients of the proposed action, references these rules, and sets forth the process that will be followed in preparing the nominations. The NPS prepares and issues a press release on the proposed nominations.

(d) **Nomination Preparation.** Following selection of proposed nomination(s), the NPS coordinates arrangements for the preparation of a detailed nomination document for each property. The owner(s) of the proposed property, in cooperation with NPS, is responsible for preparing draft nomination documents and for gathering necessary documentation in support of the nomination. The NPS oversees the nomination preparation process, and ensures that the procedural guidelines set forth by the World Heritage Committee and contained in these rules are satisfied. Each nomination is prepared according to the format and requirements established by the World Heritage Committee, and according to the schedule set forth in the annual January *FEDERAL REGISTER* notice (§ 73.7(c)(2)). In preparing nominations, consideration is given to including within their boundaries only those areas that appear to be of outstanding universal value to mankind.

(c) *Nomination Evaluation.* Following completion of the draft nomination document(s), the NPS coordinates their review and evaluation. The NPS distributes copies to all representatives on the Panel, with a request for comments regarding the adequacy of the nomination document and the significance of the property being nominated. The NPS compiles the recommendations and comments received from representatives on the Panel.

(f) *Nomination.* The Assistant Secretary, based on his/her evaluation and the recommendations of the Panel, nominates properties which appear to possess outstanding universal value to the World Heritage Committee on behalf of the U.S. The Assistant Secretary transmits the nomination(s), through the Department of State, to UNESCO. The nomination(s) should be transmitted so that they are received by UNESCO prior to the January 1 deadline for any given year.

(g) *Notification.* When the nomination has been approved, as in paragraph (f) of this section, the Assistant Secretary publishes notice of this action in the *Federal Register*. In addition, the Assistant Secretary notifies the following parties, in writing, of the nomination(s):

(i) The owner(s) of land or interests in land that are included in the nomination; and

(ii) The Committee on Interior and Insular Affairs of the U.S. House of Representatives and the Committee on Energy and Natural Resources of the U.S. Senate.

The NPS prepares and issues a press release on the U.S. World Heritage nomination(s).

§ 73.9 World Heritage Criteria.

The World Heritage Committee uses the following criteria to evaluate the World Heritage potential of cultural and natural properties nominated to it:

(a) *Criteria for the Inclusion of Cultural Properties on the World Heritage List.* (1) A monument, group of buildings or site—as defined in Article 1 of the Convention—which is nominated for inclusion in the World Heritage List will be considered to be of outstanding universal value for the pur-

poses of the Convention when the Committee finds that it meets one or more of the following criteria and the test of authenticity. Each property nominated should therefore:

(i) Represent a unique artistic achievement, a masterpiece of the creative genius; or

(ii) Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or townplanning and landscaping; or

(iii) Bear a unique or at least exceptional testimony to a civilization which has disappeared; or

(iv) Be an outstanding example of a type of structure which illustrates a significant stage in history; or

(v) Be an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change; or

(vi) Be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance. (The Committee considered that this criterion should justify inclusion in the List only in exceptional circumstances or in conjunction with other criteria); and

In addition, the property must meet the test of authenticity in design, materials, workmanship, or setting.

(2) The following additional factors will be kept in mind by the Committee in deciding on the eligibility of a cultural property for inclusion on the List:

(i) The state of preservation of the property should be evaluated relatively, that is, it should be compared with that of other property of the same type dating from the same period, both inside and outside the country's borders; and

(ii) Nominations of immovable property which is likely to become movable will not be considered.

(b) *Criteria for the Inclusion of Natural Properties on the World Heritage List.* (1) A natural heritage property—as defined in Article 2 of the Convention—which is submitted for inclusion in the World Heritage List will be considered to be of outstanding universal value for the purposes of the Conven-

tion when the Committee finds that it meets one or more of the following criteria and fulfills the conditions of integrity set out below. Properties nominated should therefore:

(i) Be outstanding examples representing the major stages of the earth's evolutionary history. This category would include sites which represent the major "eras" of geological history such as "the age of reptiles" where the development of the planet's natural diversity can well be demonstrated and such as the "ice age" where early man and his environment underwent major changes; or

(ii) Be outstanding examples representing significant ongoing geological processes, biological evolution, and man's interaction with his natural environment; as distinct from the periods of the earth's development, this focuses upon ongoing processes in the development of communities, of plants and animals, landforms, and marine and fresh water bodies; or

(iii) Contain superlative natural phenomena, formations or features or areas of exceptional natural beauty, such as superlative examples of the most important ecosystems, natural features, spectacles presented by great concentrations of animals, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements; or

(iv) Contain the foremost natural habitats where threatened species of animals or plants of outstanding universal value from the point of view of science or conservation still survive.

(2) In addition to the above criteria, the sites should also fulfill the conditions of integrity:

(i) The areas described in paragraph (b)(1)(i) of this section should contain all or most of the key interrelated and interdependent elements in their natural relationships; for example, an "ice age" area would be expected to include the snow field, the glacier itself, and samples of cutting patterns, deposition, and colonization (striations, moraines, pioneer stages of plant succession, etc.).

(ii) The areas described in paragraph (b)(1)(ii) of this section should have sufficient size and contain the necessary elements to demonstrate the key

aspects of the process and to be self-perpetuating. For example, an area of "tropical rain forest" may be expected to include some variation in elevation above sea level, changes in topography and soil types, river banks or oxbow lakes, to demonstrate the diversity and complexity of the system.

(iii) The areas described in paragraph (b)(1)(iii) of this section should contain those ecosystem components required for the continuity of the species or of the objects to be conserved. This will vary according to individual cases; for example, the protected area of a waterfall would include all, or as much as possible, of the supporting upstream watershed; or a coral reef area would be provided with control over siltation or pollution through the stream flow or ocean currents which provide its nutrients.

(iv) The area containing threatened species as described in paragraph (b)(1)(iv) of this section should be of sufficient size and contain necessary habitat requirements for the survival of the species.

(v) In the case of migratory species, seasonal sites necessary for their survival, wherever they are located, should be adequately protected. If such sites are located in other countries, the Committee must receive assurances that the necessary measures be taken to ensure that the species are adequately protected throughout their full life cycle. Agreements made in this connection, either through adherence to international conventions or in the form of other multilateral or bilateral arrangements, would provide this assurance.

(3) The property should be evaluated relatively, that is, it should be compared with other properties of the same type, both inside and outside the country's borders, within a biogeographic province, or migratory pattern.

§ 73.11 Federal Interagency Panel for World Heritage.

(a) *Responsibilities.* The Federal Interagency Panel for World Heritage is established to advise the Department of the Interior on implementation of the World Heritage Conven-

tion. Among other things, the panel assists in the following activities:

(1) The development of policy and procedures for effectively implementing the Convention in the U.S.;

(2) The evaluation of draft U.S. nomination documents;

(3) The making of recommendations for approval of U.S. nominations;

(4) The dissemination of information on the Convention within other Federal agencies; and

(5) The promotion of increased awareness and understanding of the importance of heritage conservation.

(b) *Composition.* (1) The Federal Interagency Panel for World Heritage is composed of representatives, named by their respective agencies, from the following agencies and offices:

(i) The Office of the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior;

(ii) The National Park Service, U.S. Department of the Interior;

(iii) The U.S. Fish and Wildlife Service, U.S. Department of the Interior;

(iv) The President's Council on Environmental Quality;

(v) The Smithsonian Institution;

(vi) The Advisory Council on Historic Preservation;

(vii) The National Oceanic and Atmospheric Administration, Department of Commerce; and

(viii) The Department of State.

(2) Additional representatives from other Federal agencies with mandates and expertise in heritage conservation may be requested to participate in the Panel from time to time.

(3) The Assistant Secretary, or his/her designee, chairs the Panel, and sets its agenda and schedule. The NPS provides staff support to the Panel.

§ 73.13 Protection of U.S. World Heritage Properties.

(a) *Requirements.* (1) Article 5 of the Convention mandates that each participating nation shall take, insofar as possible, the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, preservation, and rehabilitation of properties of outstanding universal value; and

(2) Title IV of Pub. L. 96-515 requires that no non-Federal property may be nominated to the World Heritage List unless its owner concurs in writing to such nomination. The nomination document for each property must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment, including, for example, restrictive covenants, easements, and other forms of protection (16 U.S.C. 470a-1).

(b) *Protection Measures for Public Properties.* For properties owned or controlled by Federal, State, and/or local governments, the following items satisfy the protection requirements outlined in paragraph (a) of this section:

(1) Written concurrence by the owner prior to nomination;

(2) The nomination document must include reference to:

(i) All legislation establishing or preserving the area; and

(ii) All existing and proposed administrative measures, including management plans, that would ensure continued satisfactory maintenance of the property and its environment; and

(3) A written statement by the owner(s) that such protection measures satisfy the requirements outlined in (a) above.

(c) *Protection Measures for Private Properties.* For properties owned or controlled by private organizations or individuals, the following items satisfy the protection requirements outlined in (a) of this section:

(1) A written covenant executed by the owner(s) prohibiting, in perpetuity, any use that is not consistent with, or which threatens or damages the property's universally significant values, or other trust or legal arrangement that has that effect; and

(2) The opinion of counsel on the legal status and enforcement of such a prohibition, including, but not limited to, enforceability by the Federal government or by interested third parties.

In addition, if the owner(s) is willing, a right of first refusal may be given for acquisition of the property, along with a guaranteed source of funding and appropriate management framework.

in the event of any proposed sale, succession, voluntary or involuntary transfer, or in the unlikely event that the requirements outlined above prove to be inadequate to ensure the preservation of the property's outstanding universal value.

The protection measures for each private property being considered for possible nomination to the World Heritage List will be reviewed on a case-by-case basis to ensure that the requirements set forth above fulfill the mandate of Pub. L. 96-515.

§ 73.15 International World Heritage Activities.

(a) The Assistant Secretary, and other officials as appropriate, may represent the U.S. at meetings of the World Heritage Committee, the Bureau of the World Heritage Committee, or other international organizations or agencies which have activities that relate to World Heritage.

(b) In furtherance of Article 6 of the Convention and to the extent that resources permit, the Department will encourage and provide international assistance to other nations in activities relating to the identification, protection, conservation, and preservation of cultural and natural properties. The Secretary, or his designee, may develop and make available to other nations and international organizations training in, and information concerning, professional methods and techniques for the preservation of historic and natural properties (16 U.S.C. 470d; 16 U.S.C. 1537).

(c) NPS staff, in conjunction with the Federal Interagency Panel for World Heritage, provide support for the Assistant Secretary's international activities, including the preparation of documentation, briefing papers, and position statements.

(d) The Assistant Secretary responds, on behalf of the U.S., to requests from the World Heritage Committee, international heritage conservation organizations, or other nations regarding U.S. participation in the World Heritage Convention.

§ 73.17 Public Information and Education Activities.

(a) To the extent that time and resources permit, owners of U.S. properties approved for inclusion on the World Heritage List are encouraged to publicize the status of the property, through appropriate signs, plaques, brochures, public dedication ceremonies, and interpretive displays or programs.

(b) The Department, through the NPS, may provide guidance to owners of U.S. World Heritage properties in developing publicity, educational, and/or interpretive programs.

(c) The NPS is responsible for developing and distributing general information materials on the World Heritage Convention, including brochures, slide shows, lectures, or other presentations in order to strengthen appreciation and understanding of the importance of World Heritage as set forth in Article 27 of the Convention.

PARTS 74-77—[RESERVED]

PART 78—WAIVER OF FEDERAL AGENCY RESPONSIBILITIES UNDER SECTION 110 OF THE NATIONAL HISTORIC PRESERVATION ACT

Sec.

78.1 Authorization.

78.2 Definitions.

78.3 Federal Agency decision to waive responsibilities.

78.4 Federal Agency notice.

78.5 Review by the Secretary of the Interior.

AUTHORITY: National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et. seq.

SOURCE: 50 FR 7550, Feb. 25, 1985, unless otherwise noted.

§ 78.1 Authorization.

Section 110 of the National Historic Preservation Act of 1966, as amended ("Act"), sets forth certain responsibilities of Federal agencies in carrying out the purposes of the National Historic Preservation Act of 1966. Subsection 110(j) authorizes the Secretary of the Interior to promulgate regulations under which the requirements in section 110 may be waived in whole or in

The Biosphere Reserve Concept

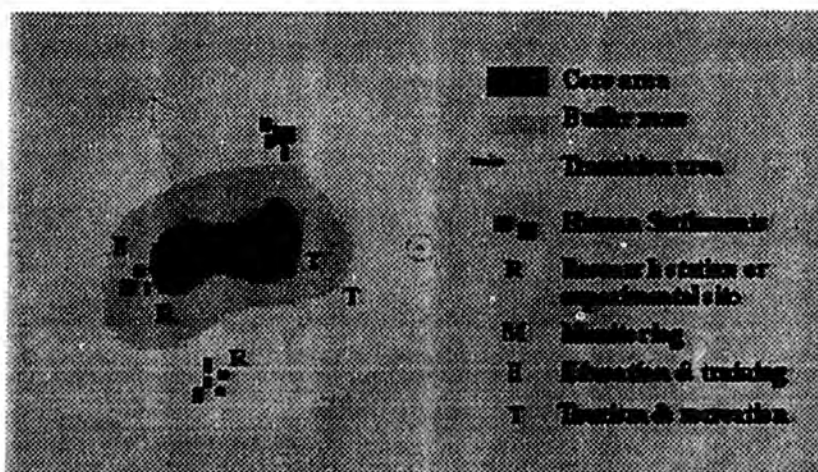
In 1968, the UNESCO Conference on the Conservation and Rational Use of the Biosphere gave rise to the Man and the Biosphere (MAB) Programme within UNESCO. The biosphere reserve concept was key to achieving MAB's objective of striking a balance between conserving biodiversity, encouraging economic and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



While traditional parks often attempt to form small protected areas in a world increasingly dominated by severe human impacts, biosphere reserves are designed to