

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672
2493 SCOMM 108: HOUSE SPEC. COMM. WORLD TRADE. . . , 1997-98

and it is expected to pass either the end of this year or early next year. With the passing of this proposal, companies within the utility, steel, and other private industries will be able to directly import LNG. Alaska LNG exporters should also begin negotiating directly with these companies and the State Korea office will work as a facilitator in these negotiations.

Crude Oil

Korea is also a growing market for crude oil - as I mentioned - purchases of Alaska's North Slope oil doubled last year. Korea is fully dependent upon imports from abroad for its entire supply of crude oil. LG-Caltex, Korea's second largest refiner, purchased a total of 11 million barrels of Alaskan oil from BP in 1997, which amounted to approximately \$200 million. LG-Caltex will continue to import the same volume this year.

Meanwhile, Hyundai Oil Refinery Co., who imported 3 million barrels of Alaskan oil last year, is unlikely to buy Alaskan oil this year due to lower demand caused by unusually warm weather and the current economic situation in Korea. As crude oil is essential to the Korean economy, Korea is likely to purchase oil and even increase its oil imports from Alaska, as soon as the exchange rate becomes stable and the economy returns to normal.

Seafood

Korea is an important market for Alaska seafood suppliers. Alaska fish exports to Korea approached \$ 88 million in 1996. As all fishery products were completely liberalized from import bans - effective July 1, 1997 - there are expanded opportunities for Alaskan seafood suppliers.

However, China and Russia threaten Alaska as major competitors in the Korean market. Alaskan seafood exporters need to aggressively market their products to Korea to meet this strong challenge.

Coal

Alaska coal exports to Korea reached 650,000 tons worth US\$ 27 million in 1997. Annual

exports from Alaska average 600,000 ~ 700,000 tons.

1998 is a very important year for the export of Alaskan coal to Korea. Alaskan coal suppliers will have to finalize 1998 coal price negotiation with KEPCO. What is more important for Alaskan suppliers is that they will also have to negotiate a new coal supply contract with KEPCO because the current 15 years supply contract will expire December 1998.

In this regard, Usibelli and Alaska Railroad are making all-out efforts to reach a satisfactory contract negotiation. Sun Eel Shipping Co. here in Seoul expects that the Alaskan coal supply can be extended until 2010 if Alaskan coal meets the price competitiveness and the new pollution control.

Technology and the Environment

As part of our promotional efforts to advance environmental technologies from Alaska to Korea, the State Korea Office signed a MOC with the U.S.- Asia Environmental Partnership Korea Office in 1995. It paved the official way for cooperation with the federal government in promoting advanced environmental products and services from Alaska to Korea.

For that end, the State Korea Office and U. S.- Asia Environmental Partnership jointly organized environmental trade mission from Korea to Alaska in 1996 and 1997.

Korea also needs advanced technology and services in the prevention and cleanup of oil spills in the coastal sea and in environmental bunker removal as the number of shipwrecks causing environmental damage increases.

There are opportunities for Alaska to participate actively in the Korean environmental and oil spill prevention & clean up market with advanced technologies. The State Korea Office has paved the way to access the market.

Tourism

Among major industries, tourism is especially sensitive to any downturn in the economy. Korea's current economic crisis has not only frozen outbound travel, but has also hit the Korean outbound travel agents hard.

But, there is some encouraging news for the Alaskan tourism industry. Korean Air has decided to maintain the number of its flight services to Anchorage because its Seoul-Anchorage-New York route is still busy with business travelers and visitors.

And, starting in July of this year, the Korean government will allow outbound tourists to take up to \$20,000, up from the current \$10,000 limit. It is, therefore advisable for the Alaskan travel industry to target the Korean market after the latter half of 1998 in order to prepare itself for normal recovery of Koreans' outbound travel from 2000.

Forest Products

Korea's import of Alaskan forest products for 1997 is up 26% from 1996, to \$70 million. However, due to Korea's economic problems and the timber industry's situation in Alaska, exports in 1998 are likely to remain flat or even decrease. It should be noted that despite the economic downturn in South Korea, our office continues to receive a constant stream of inquiries for a variety of Alaska forestry products.

State Korea Office Performance

The State Korea Office has been a contact point for government and private industry for both Alaska and Korea since its establishment in 1985. In 1985 it received 70 written trade lead inquiries. By March 1998 there were an accumulated 1,000 plus cases in, covering a vast array of industries, including fishery, timber, environmental services, coal, airport projects and tourism.

The number of Alaska business people visiting Korea has increased significantly. So too has well as the number of Koreans visiting the Seoul Office to learn more about trade and investment opportunities with Alaska.

In 1997 alone, 130 people visited the State Korea Office for business discussion and 170 people contacted the State Korea Office for inquiries. The State Korea Office serves more than 100 Alaskan companies each year. The State Korea Office assisted 22 trade missions from Alaska to Korea in 1996 and 16 missions in 1997.

Due to our office activities, the State Korea Office is considered to be one of the most active state offices in Korea. Currently, 22 U. S. States operate trade offices in Korea. Connecticut has just opened its Korea trade office. Pennsylvania will open its trade office soon. Korea has more than 50 foreign trade/tourism offices.

I believe Korea will overcome the current economic crisis within 2 years and trade with Alaska will continue to grow. Our Office will reinforce and invigorate trade through promotion activities that serve the best interests of Alaska. This will contribute to better trade opportunities between Alaska and Korea, thus increasing job opportunities in Alaska.

Thank you.

SCOMM

108:4



Official Business

COMMITTEES:
Natural Resources
Legislative Council

Alaska State Legislature

Office of World Trade And State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 337-7737
(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

MEMORANDUM

TO: Members, House Special Committee on World Trade
and State/Federal Relations

FROM: Representative Ramona L. Barnes, Chair
House Special Committee on World Trade
and State/Federal Relations

DATE: January 23, 1997

SUBJECT: Committee Substitute for HCR 1

A handwritten signature in cursive script, appearing to read "Ramona", with a long, sweeping underline.

Please note the Committee packet for today's meeting includes a draft CS for HCR 1, "Relating to a new Alaska liquefied natural gas project".

The CS for HCR 1 (WTR) simply adds a section which was inadvertently left out of the original resolution.

The CS adds lines 2 to 6 on page four of the resolution.



Official Business

COMMITTEES
Natural Resources
Legislative Council

Alaska State Legislature

Office of World Trade And State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

SPONSOR STATEMENT

CS HCR 1 (WTR)

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 337-7737
(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

CS HCR 1 (WTR) urges the establishment of a stable fiscal and regulatory environment in order to provide the best opportunity for a new LNG project to be economically viable and attractive. To ensure economic viability, a huge volume of 14 million metric tons of gas must be sold per year. The proposed LNG project would transport and market the North Slope gas resource in the Asian Far East market. It is believed there exists an opportunity in 2005 when demand in that market will rise enough to accept the volume of gas which this project will provide. A critical element is the likelihood Alaska's huge volume of gas could be displaced from the market for many years if smaller, more easily placed projects come on line first.

CS HCR 1 (WTR) encourages the Governor to work with North Slope leaseholders as well as the Legislature, the federal government and Congress to develop and complete the LNG project.

The Governor is asked to work with leaseholders to develop a contract for execution with those who appear likely to become sponsors of the project. The contract would point out the nature, degree and duration of fiscal terms for the project and contractually guaranteeing the terms. The contract would be submitted to the Legislature for ratification. The Governor would also provide the Legislature with enabling legislation to authorize the State of Alaska to formally enter the contract.

The Legislature encourages potential sponsors of the LNG project to find suitable measures to support and encourage Alaska businesses and residents to participate in construction and operation of the project.

If built, the project would also be constructed so as to enable the marketing of gas to Alaska communities.

The Governor is asked to work with leaseholders and Alaska's Congressional delegation to identify appropriate federal action to help expedite the project. He is also asked to identify and report to the Legislature, the form of participation in the project by the State of Alaska.



Official Business

COMMITTEES
Natural Resources
Legislative Council

Alaska State Legislature

Office of World Trade And State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 337-7737
(907) 258-8183

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

MEMORANDUM

TO: Members, House Committee on World Trade & State/Federal Relations

FROM: Ramona L. Barnes, Representative *Ramona L. Barnes*
Chair, Committee on World Trade & State/Federal Relations

DATE: January 23, 1997

SUBJECT: HCR 1 "Relating to a new Alaska Liquefied natural gas project"

HCR 1 is before the House Special Committee on World Trade & State/Federal Relations today. The resolution urges the establishment of a stable fiscal and regulatory environment in order to provide the best opportunity for a new LNG project to be economically viable and attractive. To ensure economic viability, a huge volume of 14 million metric tons of gas must be sold per year. The proposed LNG project would transport and market the North Slope gas resource in the Asian Far East market. It is believed there exists an opportunity in 2005 when demand in that market will rise enough to accept the volume of gas which this project will provide. A critical element is the likelihood Alaska's huge volume of gas could be displaced from the market for many years if smaller, more easily placed projects come on line first.

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHCR1 (WTR)

Revision Date: 2/3/97 Dept Affected: Natural Resources
 Title: Relating to a new Alaska liquefied natural BRU: Management & Administration
gas project Component: Commissioner's Office
 Sponsor: Rep(s) Barnes, Phillips, Rokeberg, Kubina, Kott...
 Requestor: House Special Committee on World Trade.... Component Serial No. #423

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ none

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)

Prepared by: Carol Carroll, Director Phone: 465-2406
 Division: Support Services Date: 3-Feb-97
 Approved by Commissioner: [Signature] Date: 2-3-97
 Agency: Natural Resources

Revision Date: _____ Dept. Affected: Revenue
Title: North Slope Natural Gas BRU: Administration and Support
Sponsor: Rep. Barnes Component: Commissioner's Office
Requestor: (S) RES COMPONENT SERIAL NO. 123

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

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1002 Federal Receipts						
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1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost \$ 0.0

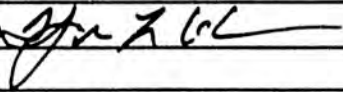
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHCR 1 (WTR), regarding the proposed North Slope gas project, requests that the Governor (1) identify fiscal terms that would best facilitate the proposed project, (2) work with the North Slope leaseholders to develop a proposed contract to lay out and guarantee those fiscal terms, (3) submit that proposed contract to the Alaska legislature for ratification along with enabling legislation, and (4) work with the Alaska Congressional delegation and the North Slope leaseholders to identify appropriate federal actions to facilitate advancement of the project. Currently, the Commissioner of Revenue is leading the Governor's efforts on the project.

The Commissioner of Revenue has already committed substantial resources, both financial and personnel, to gas line issues, and intends to do so in the future. As a result, no additional funding will be required under this resolution.

Prepared by: Tamar diFranco, Special Assistant
Division: Commissioner's Office
Approved by Commissioner: Wilson L. Condon 
Agency: Revenue

Phone: (907) 465-2300
Date: January 31, 1997
Date: January 31, 1997

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HCR1

Revision Date: 1/23/97

Dept Affected: Natural Resources

Title: Relating to a new Alaska liquefied natural
gas project

BRU: Management & Administration

Component: Commissioner's Office

Sponsor: Rep(s) Barnes, Phillips, Rokeberg, Kubina, Kott...

Requestor: House Special Committee on World Trade....

Component Serial No. #423

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
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LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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)

Prepared by: Carol Carroll, Director

Phone: 485-2406

Division: Support Services

Date: 23-Jan-97

Approved by Commissioner: 

Date: 1/24/97

Agency: Natural Resources

Revision Date: _____ Dept. Affected: Revenue
 Title: North Slope Natural Gas BRU: Administration and Support
 Component: Commissioner's Office
 Sponsor: Rep. Barnes
 Requestor: (H) WTR COMPONENT SERIAL NO. 123

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FULL-TIME						
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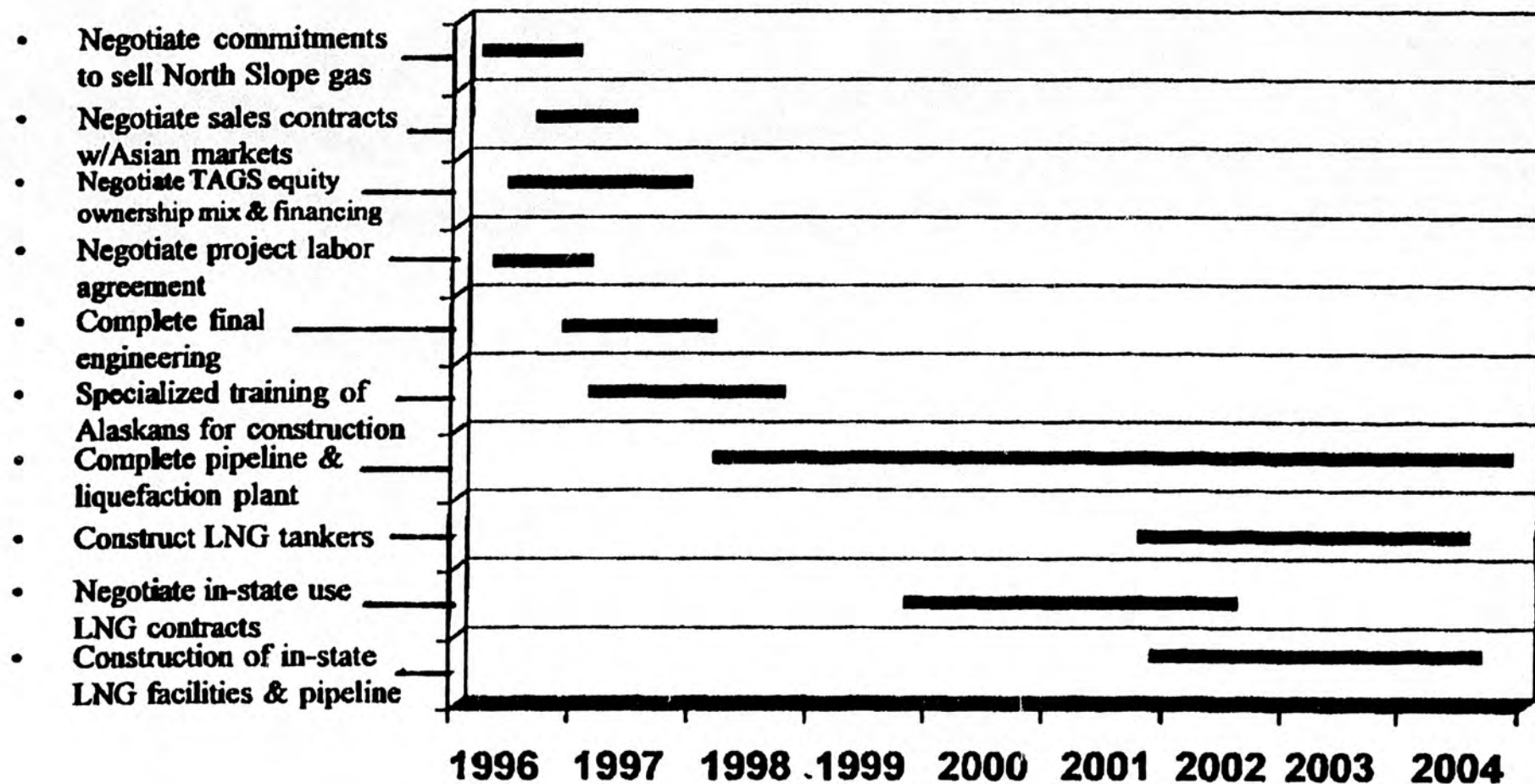
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Prepared by: Tamar diFranco, Special Assistant
 Division: Commissioner's Office
 Approved by Commissioner: Wilson L. Condon
 Agency: Revenue

Phone: (907) 465-2320
 Date: January 17, 1997
 Date: January 17, 1997

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TAGS Best Case Development Scenario



BEST CASE DEVELOPMENT SCENARIO TRANS-ALASKA GAS SYSTEM

PREPARED BY YUKON PACIFIC CORPORATION

The construction and operation of the Trans-Alaska Gas System and sales of Alaska's North Slope natural gas are critical to Alaska's future. State revenues, local government revenues, private sector jobs, contracts for Alaskan businesses, and use of the gas for residential and commercial purposes along the pipeline corridor all hinge upon conclusion of a unified proposal to present to the Asian markets.

Representatives of these Asian markets have recently substantiated that a market now exists for Alaskan gas and that if we do not move quickly to meet this market demand, they will have to make commitments to other competing projects.

The Alaska Legislature recently unanimously passed a resolution in support of the project which established an interim Legislative working group to "track progress and assist the transportation permit holder, the working interest owners of the Prudhoe Bay and Point Thompson units, and the administration in developing a unified proposal for presentation to the Asian market."

This resolution was supported by the Alaska Municipal League, the Alaska AFL-CIO, the Alaska Environmental Lobby, the Fairbanks North Star Borough, the Alaska Trucker's Association, the Fairbanks North Star Borough, the City and Borough of Juneau, the Bristol Bay Borough, the Southwest Marine Pilots and others throughout Alaska.

Korea and Taiwan have already signed letters of intent to purchase Alaskan gas and President Clinton also promoted Alaska North Slope gas sales in Japan on his recent mission to Asia.

Many of the components of this project are already in place. What is the best case development scenario for the earliest completion of this project?

PERMITTING:

Environmental permits are a major uncertainty in any large scale development project. Fortunately, in this instance, Yukon Pacific has already obtained all the permits and an export license within the existing pipeline corridor. This process took 10 years to accomplish. Any alternative to this route would have to start from scratch to seek permits which would delay beginning of this project for at least 5 years. The participation of Yukon Pacific Corporation is critical to any near term Alaska LNG project.

NEGOTIATION OF COMMITMENTS TO SELL GAS:

This is the most pressing component of the project at this time. Until the working interest owners on the North Slope actually agree to put Alaskan gas on the market this project cannot move forward. There are several options to conclude these agreements. First, the major oil companies could agree to let Yukon Pacific market the gas and agree to a sales price and production schedule.

As an alternative they could join as ownership partners with Yukon Pacific to jointly present this project to the Asian markets. Yukon Pacific has offered up to 75% ownership of TAGS to the oil companies or other investors.

If due to reinjection requirements, or the Issues Resolution Agreement, the oil companies cannot market their gas before 2005, Point Thomson could lead the production required for this project to begin, and the oil companies could agree to bring Prudhoe Bay production on line after 2005.

NEGOTIATE SALES CONTRACT WITH ASIAN MARKETS:

Korea and Taiwan have already signed letters of intent with Yukon Pacific to buy Alaskan gas. Representatives of Japan National Oil Corporation who recently visited Juneau indicated their interest in Alaskan gas and encouraged Alaskans to present a unified proposal to them for their consideration. President Clinton also promoted sales of Alaskan gas on his recent mission to Asia. Long term contracts (20 to 30 years) need to be negotiated to facilitate financing of the project.

NEGOTIATE TAGS OWNERSHIP AND FINANCING:

This component would involve establishing an ownership and management structure for the project. This will be partially determined by the investors of the project. Total costs and returns from the project need to be presented to potential financiers including Yukon Pacific, the oil companies, banks, and end users of the gas. Although it is not required to secure adequate project financing, the State of Alaska may want to consider investing in the project if it can be shown that the State can achieve a higher rate of return than its existing investments.

NEGOTIATE PROJECT LABOR AGREEMENT:

Yukon Pacific has stated its willingness to negotiate a project labor agreement for the project to ensure availability of qualified workers and to ensure maximum Alaskan hire. A no strike clause will be an essential part of this agreement.

COMPLETE FINAL ENGINEERING:

Preliminary engineering has been completed but final engineering and construction blueprints need to be completed. During this phase all opportunities for shared facilities

with existing pipeline operations need to be considered in an effort to lower costs of the project.

CONSTRUCT PIPELINE AND LIQUEFACTION PLANT:

Estimated construction schedule is five years from start to completion. This phase will overlap to some degree with the 2-3 years required for final engineering and design discussed above. The pipeline will be buried except for occasional stream crossings.

CONSTRUCT LNG TANKERS:

Construction of the initial vessels required is estimated to take 2 years. New tankers will be phased in as production ramp up occurs.

NEGOTIATE IN STATE USE OF NATURAL GAS:

This would include local distribution companies and potential industrial users including petrochemical production, etc.

CONSTRUCTION OF IN STATE NATURAL GAS FACILITIES AND PIPELINES:

This construction would be timed to coordinate with completion of the main gas line.

Grass Roots LNG Projects

Cost Comparison

Project	Production (MMTPA*)	Estimated Cost \$ Billions	Cost in \$ Billions per MMTPA	Capital ** per MMBTU
Alaska TAGS	15	13.6	0.91	0.70
TAGS at higher cost	15	15.0	1.00	0.77
Qatargas	6	6.0	1.00	0.77
Natuna Island	15	21.3	1.42	1.09
Sakhalin	6	7.9	1.32	1.01

* million metric tons per annum

** does not reflect capitalized interest, cost of gas, time value of money or operating expenses

TAGS Competition is Other Undeveloped Gas Fields in:

	<u>Start-up Date</u>	<u>Annual Volume</u>
▲ Qatar (Qatargas & Rasgas) - Mobil	2003	6-10 MMTA
▲ Indonesia (Natuna Island) - Exxon	2004	15 MMTA
▲ Sakhalin (Russia) - Exxon x2, Marathon/Shell	2004	10 MMTA
▲ Yemen - Exxon	??	10 MMTA
▲ Papua New Guinea - BP	??	2 MMTA
▲ Oman - Shell	2005	6 MMTA
▲ Australia - Shell, BP	2003	16 MMTA

Each host country (together with the private gas producers shown above) is actively promoting its project as the next post-2000 LNG supplier to Asia.



Anchorage Economic Development Corporation
The Center of Opportunity

Date: January 28, 1997

To: Representative Ramona Barnes

**Subject: Support for CS-1:
A Resolution Concerning a New Alaska Natural Gas Pipeline**

The Anchorage Economic Development Corporation (AEDC) supports House Concurrent Resolution No.1 relating to a new Alaska liquefied natural gas project (CS-1). The AEDC is a private, non-profit corporation whose mission is to expand and diversify the Anchorage economy, provide a favorable business climate and improve the standard of living for Anchorage residents by creating permanent jobs. Over 160 businesses support the organization.

Alaska operates in a global economy from an economic base currently driven by extraction and export of natural resource commodities. Through the process of developing the oil resources in Prudhoe Bay over the last twenty years, natural gas co-located with oil has been discovered, and reinjected to existing fields. As a competitive market position, Alaska enjoys greater certainty of the availability and size of gas reserves. The competitive nature of the gas business requires a lengthy process of negotiation for contract sales in advance of development. Alaska has a long term presence anticipated in the natural gas market. However, the window of opportunity for entering the market and establishing a solid presence is narrowing as other fields progress toward market.

The proposed Resolution CS-1 addresses the need to begin the process of establishing the commitment of Alaska to enter the gas production arena and capture a share of the market. The AEDC supports this resolution for three reasons:

First, the resolution is a means of providing a background of policy stability against which negotiations can proceed in good faith. Removing governmental and regulatory uncertainty contributes significantly to Alaska's advantage in the market.

Second, the AEDC supports the creation of jobs and business opportunities that will follow development of a new gas pipeline. Following initial construction, operation of the gas development facilities will provide jobs directly proportional to the flow of gas to international markets. The AEDC is active in promoting the retention of qualified and skilled businesses and workers in gas exploration, development and production. This is a key, high value component of the economy of our state.

Third, it is important for any development of gas resources to provide for use of natural gas in Alaskan communities along the pipeline route. Alaskan businesses and development needs can be significantly enhanced by the availability of natural gas both as an energy source and as a potential process feedstock.

The State of Alaska's ownership of a portion of the natural gas resource should be brought to bear as leverage to achieve resolution of the prevailing impediments to market entry.

AEDC urges expeditious action to implement the provisions of Resolution CS-1.

Respectfully submitted,



Patricia M. DeMarco, Ph.D.
President



Morrison/Canadian 88

(Continued from p. 1)

Canadian 88 stock. Morrison closed Jan 27 at \$10.30/share, down 5 cents, in Toronto Stock Exchange trading.

While the prospect of success for Canadian 88's bid is uncertain, several analysts said one thing appeared clear: Morrison will soon not resemble the company it was at the start of the year. "The company has to do something," said Smith Barney's Kurt Wulff, whether it is taken over, merges with another producer, or makes a big change in its capital structure.

A "white knight" has yet to show itself, and analysts said time is getting short, as Canadian 88's bid expires Feb 7. Rumors have centered on another Alberta producer stepping to the table. "It's a strong market for companies and for properties, and there's a big company on the table," said Wood Gundy analyst Peter Linder. "So there's a lot of interest."

Canadian 88 president Greg Noval said the company has no intention of extending its offer past the original 21 days or increasing the cash price. "Ten dollars is a clear knock-out punch, and that's our offer," said Noval, who has just wrapped up a tour of major US and Canadian cities presenting the offer to institutional shareholders. Canadian 88 has control of 8% of Morrison shares.

Noval said Morrison's statement rejecting the takeover offer acknowledges the compatibility of the two companies. "They've admitted what a nice couple we'd make walking down the aisle," Noval said. He referred in particular to a statement that read: "The offer does not reflect the strategic value of Morrison's assets to Canadian 88, especially in view of Morrison's large land holdings located near Canadian 88's Waterton property and Morrison's nearby Coleman gas plant."

Morrison also calls the bid "opportunistic. It seeks to exploit the recent technical difficulties encountered at Morrison's Racehorse Creek property and the fact that new drilling and test results are not expected until early March 1997."

The option of creating a royalty trust, which would deliver the bulk of earnings and cash flow directly to shareholders, is a viable alternative to the Canadian 88 offer, analysts said. Scott Inglis of FirstEnergy Capital Corp said there are few better ways of maximizing the value of the company, if the market is able to absorb the trust.

He estimated Morrison could be worth at least C\$12/share (\$8.90) as a royalty trust, even though some of its reserves have a relatively short lifespan. Morrison has already spun off a natural gas processing plant and a British Columbia pipeline into an income trust, a transaction that will net it C\$180-million (\$133.4-million) when it closes Jan 28. —Peter Zipf, with Gary Park in Calgary

Alaska LNG warning: pick up the pace

Anchorage—State Rep. Ramona Barnes (Republican-Anchorage) is warning North Slope oil and gas producers not to drag their feet on a gas pipeline project to Valdez as she pushes for the Alaska legislature to officially back the project.

Barnes, who chairs the House Special Committee on World Trade and State/Federal Relations, said Alaska might miss opportunities to sell gas to Asian countries if projects elsewhere are developed first.

Last week, Barnes' committee passed House Concurrent Resolution 1, which calls for Alaska officials to provide a fiscal and regulatory environment that would give the proposed new LNG project the best chance to become economically viable in time to bring product to market by 2005. The project would include a gas pipeline for transporting more than 26 Tcf of natural gas from Alaska's North Slope to tidewater and a liquefaction plant to prepare the gas for transport to market by tanker.

"We see a window of opportunity existing for Alaska gas by 2005 and 2007 at the latest," Barnes said in an interview Jan 24. "We feel those commitments must be in place and signed so consumers in Japan, Korea and Taiwan know the gas will be coming in a timely manner."

The resolution essentially urges holders of the North Slope gas leases, Arco Alaska Inc, BP Exploration (Alaska) Inc and Exxon Co USA, to sign an agreement developed by the Knowles administration several weeks ago for all the parties to work together on the LNG project.

Barnes said the House Resources and Special Oil & Gas committees will take up the resolution in a joint hearing Jan 28, and hopefully, it will come to the House floor for a vote by Jan 31.

Meanwhile, Barnes is researching whether the state could take back Alaska gas leases from companies that dawdled on the project. Barnes made the comments at a Jan 22 legislative hearing where the state unveiled the latest drafts of agreements between the state and companies involved in

the gas project.

Barnes said she was directing her remarks at Exxon representatives at the hearing. Arco is ready to sign, and BP has indicated to expect the go-ahead in two to three weeks," Barnes said. "But Exxon has indicated that they have problems with certain aspects of the agreement."

"From time to time, people have to be motivated," Barnes said. "I just know there's a time for us to get into the gas market, and if we don't get there, we're in serious trouble."

Exxon spokesman Bob Davis said the company is working with Alaska on the project and has fulfilled all its lease obligations and duties. The problem with the proposed pipeline and LNG facility, Davis said, is that the project is not yet commercially viable.

"It may become viable, through a combination of improved fiscal terms, improved market terms and reduced costs," Davis said. "We've been, and continue to be, prudent in seeking ways to commercialize North Slope oil and gas." Project costs have been estimated at \$15-billion.

Barnes accused Exxon of holding up the deal in favor of other Exxon projects.

"The Alaska Constitution provides that Alaska's resources be used for the maximum benefit of the people," she said. "Gas sitting in the ground is not benefiting the people of Alaska. If Exxon chooses to continue on this path, then we would have to look for ways of taking those gas leases away from Exxon to maximize their use for the people of Alaska."

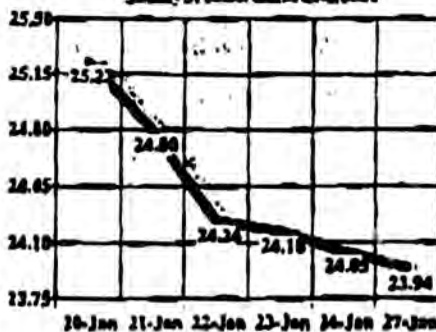
Davis said Exxon has other gas projects elsewhere that could compete with Alaska, and that each project has to stand on its own.

Yukon Pacific Corp, a company owned by CSX Corp, has most of the major permits needed for the pipeline, but still needs to work out deals with producers and buyers. Jeff Lowonfels, Yukon Pacific's president, said he believes Barnes' efforts are likely to help move the project along.

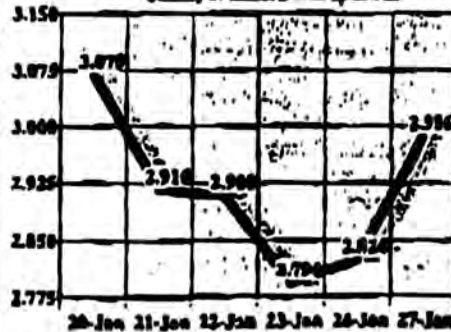
—Rose Ragsdale

What crude and natural gas markets are doing...

NYMEX crude settle, first month
January 27 settle: \$22.94 down 20.11



NYMEX natural gas settle, first month
January 27 settle: \$2.065 up 20.142



TAGS PERMITS AND AUTHORIZATIONS

Over the past twelve years YPC has secured or satisfied all of the necessary legal approvals and requirements to export North Slope natural gas to Asia. These include:

1. **Presidential Approval: Presidential Finding Concerning Alaska Natural Gas:** Removes impediments to Alaska natural gas exports required by Section 12 of the Alaska Natural Gas Transportation Act (15 U.S.C. 719j), January 13, 1988;
2. **Project-Wide Environmental Impact Statement¹:** *Trans-Alaska Gas System Final Environmental Impact Statement*, June 1988 (21 federal and State agencies);
3. **Ahtna Right-of-Way¹:** *Grants to Yukon Pacific Corporation the right to designate and acquire certain rights in any and all lands acquired by or otherwise available to Ahtna under the Alaska Native Claims Settlement Act of 1971 which are reasonably necessary to construct, maintain operate or terminate the pipeline.* October 14, 1988;
4. **Federal Right-of-Way¹:** *Right-of-Way Grants for the Trans-Alaska Gas System from The United States of America to The Yukon Pacific Corporation*, October 17, 1988;
5. **State Right-of-Way¹:** *Trans-Alaska Gas System Conditional Right-of-Way Lease*, December 10, 1988;
6. **DOE's Authorization for Export of Gas¹:** *DOE/FE Opinion and Order No. 350, Order Granting Authorization to Export Liquefied Natural Gas From Alaska; Limiting of FERC's Jurisdiction*, November 16, 1989;
7. **Confirmation of Order 350¹:** *DOE/FE Opinion and Order No. 350-A, Order Denying Requests for Rehearing and Modifying Prior Order for Purpose of Clarification*, March 8, 1990;
8. **Anderson Bay Final Environmental Impact Statement¹:** *Yukon Pacific Corporation LNG Project: Final Environmental Impact Statement*, March 1995;
9. **Order Granting NGA Section 3 Authorization for the Siting, Construction and Operation of LNG Facility:** *Federal Energy Regulatory Commission's approval of Anderson Bay, Port Valdez, Alaska as the Place of Export*, May 22, 1995.

10. **Prevention of Significant Deterioration (PSD) application in progress:**
Reserves critical Port Valdez airshed "space" for future LNG plant and marine terminal emissions.¹

¹These assets are exclusive property rights of Yukon Pacific Corporation currently held through its interest in Yukon Pacific Company L.P. and represent over 12 years of effort. It is important to note that the majority of these property rights were obtained before the *Exxon Valdez* oil spill and it is highly unlikely that they could be duplicated in a reasonable period of time, if ever.

Taken together, these authorizations and agreements give YPC the exclusive right to construct TAGS and export Alaska's North Slope natural gas to Asia.

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

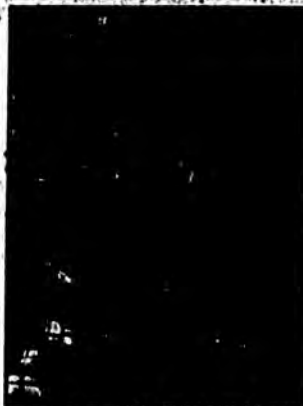
By PHIL STEWART

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 IH
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. NETHERCUTT, Ms. DUNN, Mr. HOSTETTLER, Mr. HERGER, 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. SILSBY, Mr. BLILEY, Mr. HILL, Mrs. EMERSON, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, and Mr. HULSHOF) 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'.

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

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

1 of 4

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).

(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 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 (Arria Myrna)
FROM: Royce

3 of 4

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

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.

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February 27, 1997

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(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

1 of 4

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 (Ariz. 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

3 of 4

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

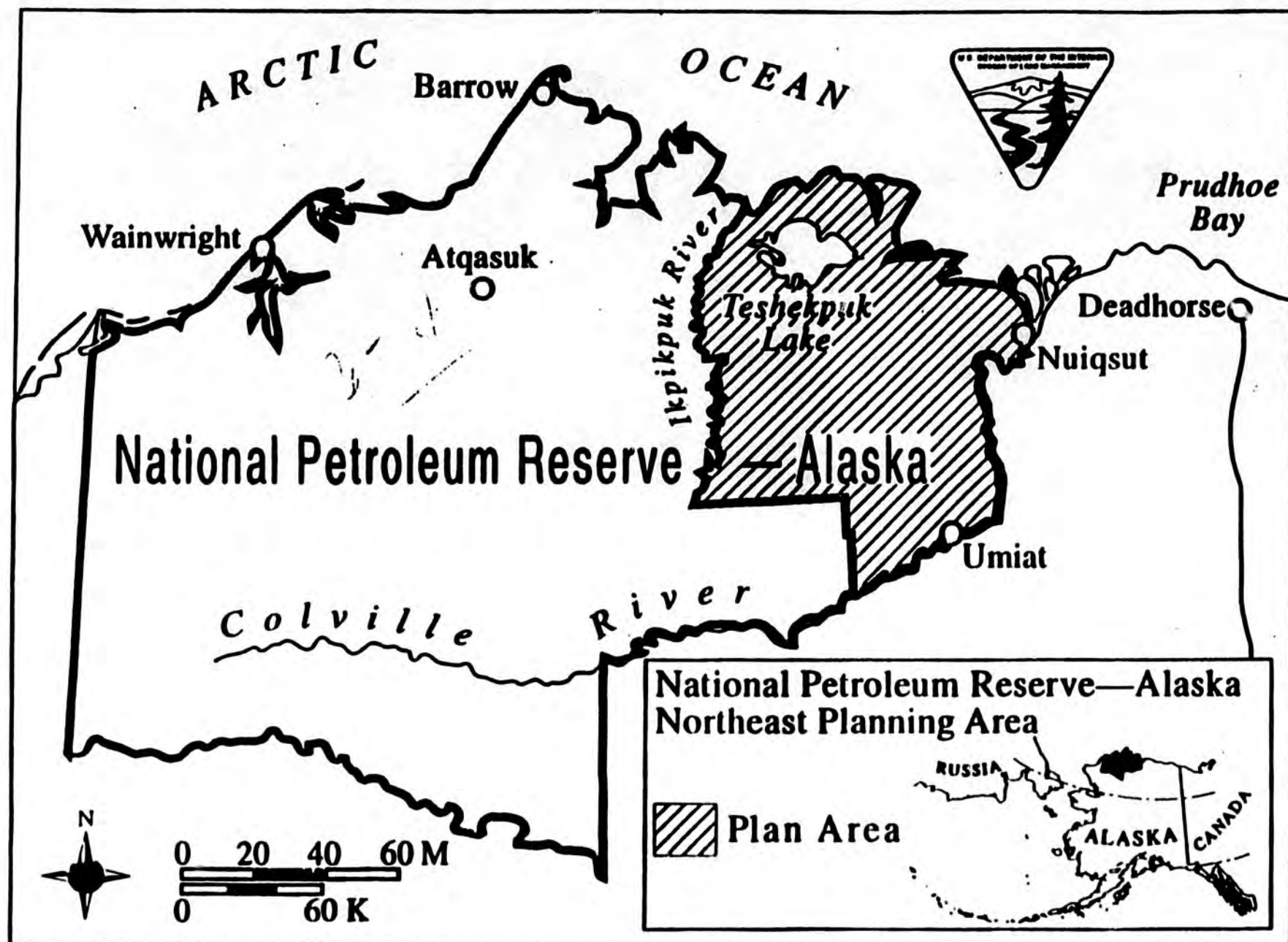
'(3) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

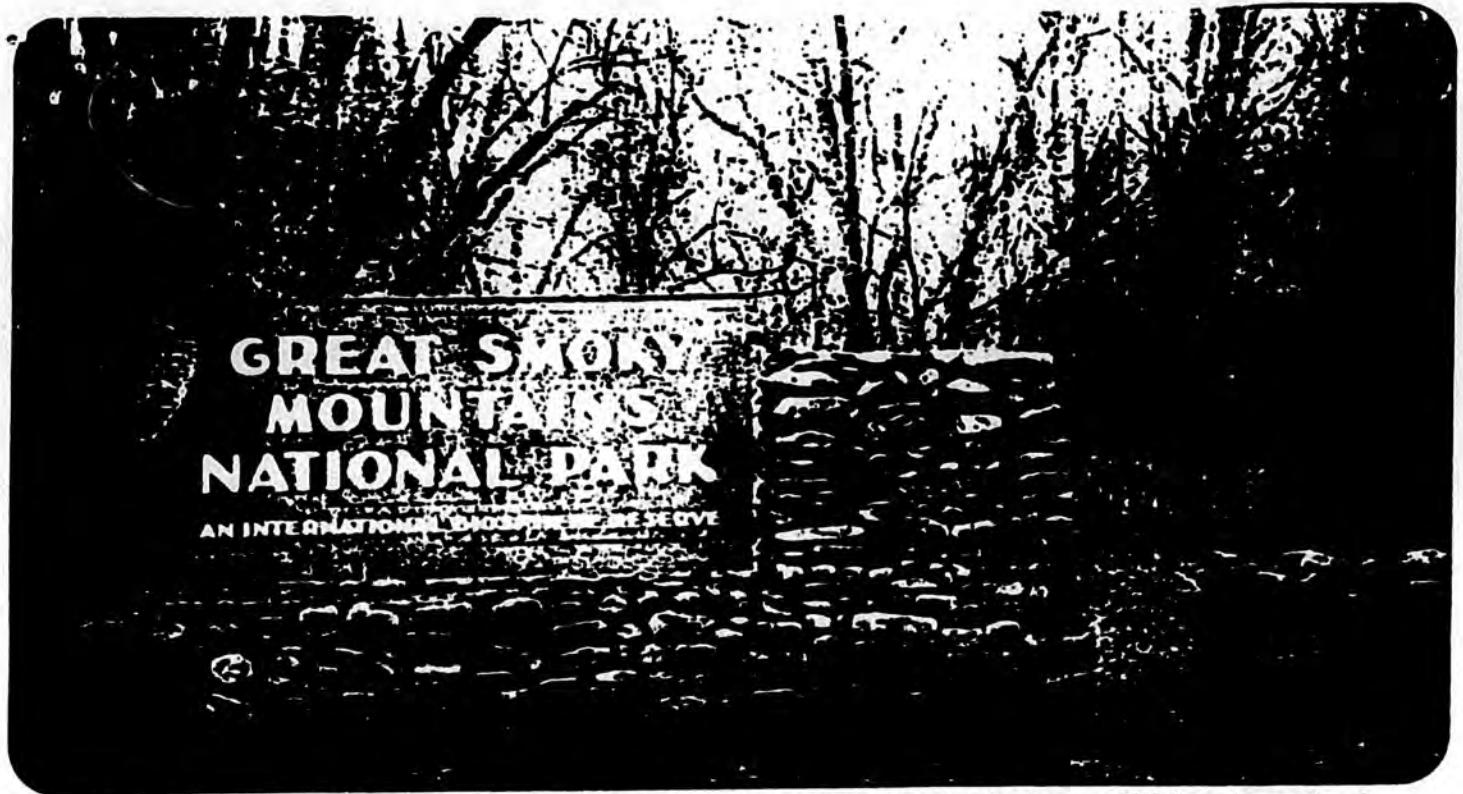
'(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose 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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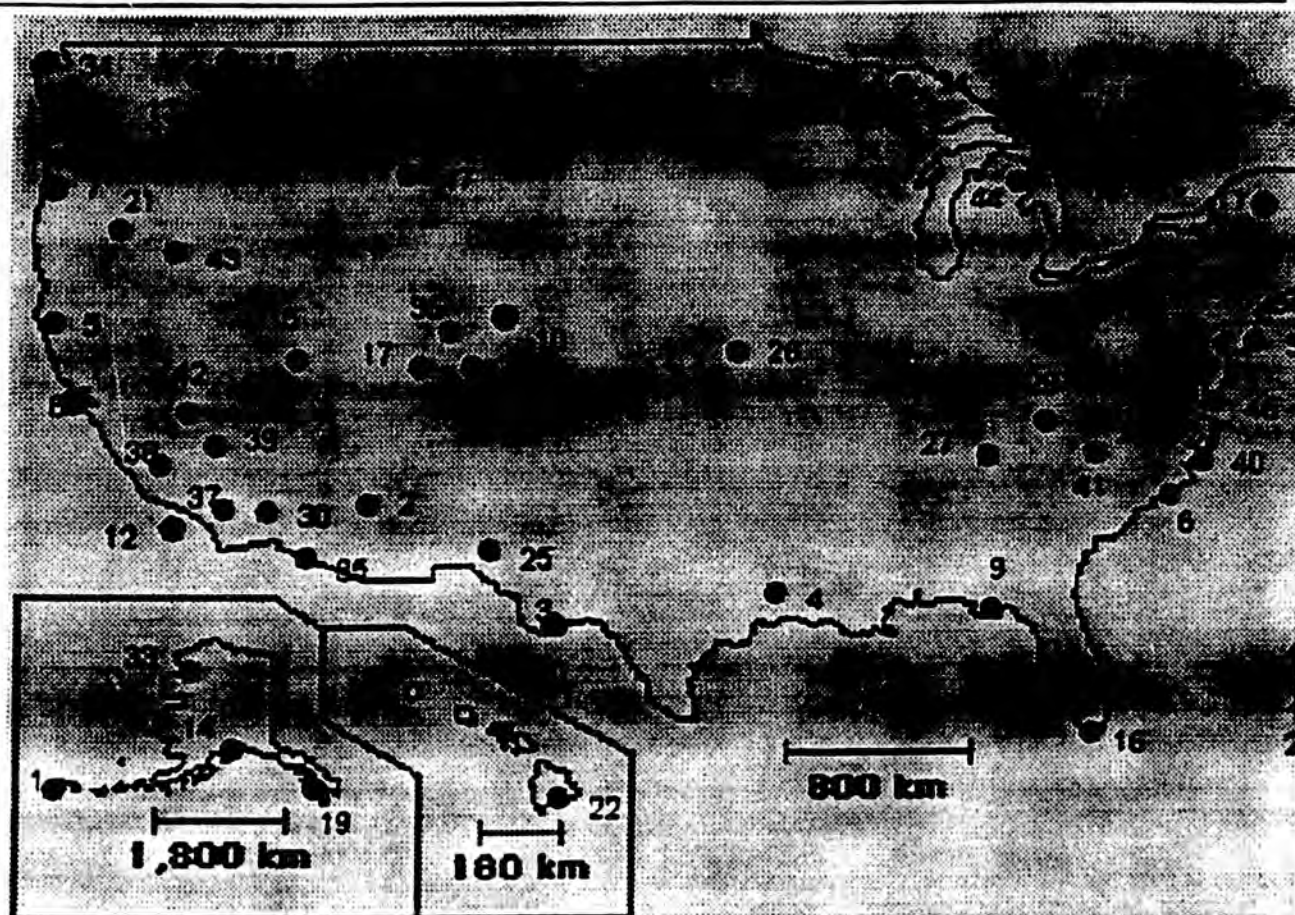
Great Smoky Mountains National Park, along with dozens of other U.S. national parks, is now officially an international biosphere reserve area administered by a United Nations committee whose authority supersedes the U.S. government.



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. Allard				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. Chabot	X			Mr. Romano-Boyd	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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Members	Years	Days	Present	Members	Years	Days	Present
Mr. Langley	1891-1892	182	175	Mr. Shadock	1891-1892	182	175
Mr. Shadock	1892-1893	182	175	Mr. Ensign	1892-1893	182	175
Mr. Ensign	1893-1894	182	175				

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

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

SECTION 2. FINDINGS AND PURPOSE

Section 2 makes eight findings which basically state that: (1) the constitutional power to make rules and regulations governing lands belonging to the United States belongs to Congress; (2) actions in creating lands with international designations may affect the use and value of nearby or intermixed non-federal lands; and (3) actions by the President in applying international designations to lands owned by the United States may conflict with Congressional constitutional responsibilities.

This section further states that the purpose of H.R. 3752 is to assert the power of Congress over the management and use of lands belonging to the United States and protect State powers not reserved to the federal government and to ensure that no United States citizen suffers any diminishment or loss of individual rights or private property rights as a result of federal actions designating lands pursuant to international agreements.

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

Section 3 amends the National Historic Preservation Act to compel the Secretary of the Interior to require the legislative consent of Congress to any nomination of a property located in the United States for inclusion on the World Heritage List pursuant to the Convention Concerning the Protection of the World Cultural and Natural Heritage. The Secretary is also required to obtain Congressional approval before assenting to the designation of any United States site on the World Heritage List as a Site in Danger under the World Heritage Convention. The Secretary must submit an annual report to Congress on each World Heritage site within the United States.

SECTION 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES

Section 4 amends the National Historic Preservation Act to prohibit federal officials from nominating any land in the United States for designation as a Biosphere Reserve. Existing United States Biosphere Reserves are terminated unless: (1) the Biosphere Reserve is specifically authorized in subsequently enacted law by December 31, 1999; (2) the designated Biosphere Reserve entirely consists of lands owned by the United States; and (3) a management plan for the Biosphere Reserve has been implemented which specifically provides for the protection of non-federal property

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
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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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FAX TRANSMITTAL

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Dept./Agency		Phone	WRangel St. Elias
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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.

(3) 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

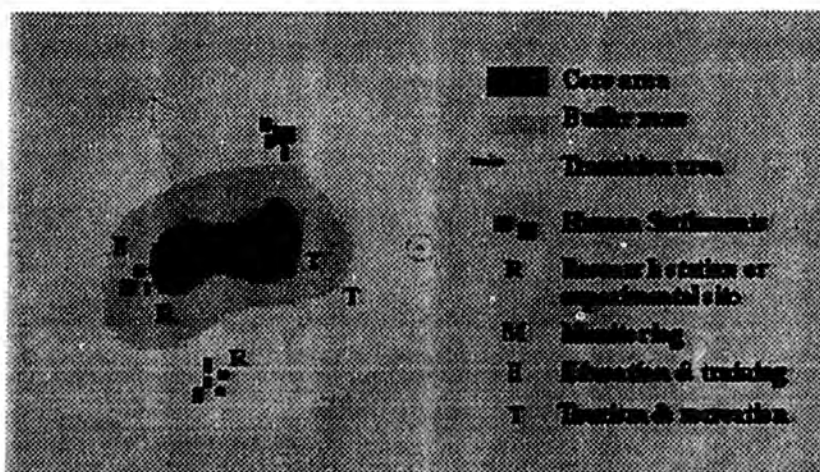
In 1968, the UNESCO Conference on the Conservation and Rational Use of the Biosphere gave rise to the Man and the Biosphere (MAB) Programme within UNESCO. The biosphere reserve concept was key to achieving MAB's objective of striking a balance between conserving biodiversity, encouraging economic and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

SCOMM

108:6



Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 258-8163

State Capitol
Juneau, AK 99801-1182
(907) 465-3438

MEMORANDUM

TO: Members of the House Committee on World Trade &
State/Federal Relations

FROM: Representative Ramona Barnes, Chair
House Committee on World Trade & State/Federal Relations

DATE: February 21, 1997

SUBJECT: **MEETING NOTICE**

I have scheduled a meeting for 1 p.m. to 3 p.m. Wednesday, February 26th in the House Resources Committee Room (#124) to hear House Joint Resolution 22, "Relating to the maritime boundary between Alaska and the former Union of Soviet Socialist Republics."

For additional information, please call Mark #6585.

Alaska State Legislature

While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719
Fax 907-465-3258



Interim:
119 N. Cushman, Suite 211
Fairbanks, Alaska 99701-2879
907-456-5081
Fax 907-456-8245

Representative Al Vezey

February 17, 1997

From: Representative Al Vezey ✓
State Capitol, Rm. 13
Juneau, Alaska 99801-1182
(907) 465-3179

To: Representative Ramona Barnes, Chairman
Spec. Cmte World Trade & State/Fed. Relations
State Capitol Building, Room 403
Juneau, Alaska

Re: Request for Hearing on HJR22

I respectfully request a hearing on HJR22, "*Relating to the maritime boundary between Alaska and the former Union of Soviet Socialist Republics*" in the **Special Committee on World Trade and State/Federal Relations** at your earliest opportunity and convenience.

I would appreciate your favorable consideration of this request.

Alaska State Legislature

Interim Address:

119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245
Official Business



Session Address:

Room 13
State Capitol
Juneau AK
99801-1182
(907)-465-3719

2/21/97

Representative Al Vezey

HJR 22 SPONSOR STATEMENT

Currently the boundary between Russia and Alaska is a matter of dispute. At issue is a vast amount of seabed equivalent to an area the size of the state of Texas. Under U.S. Constitutional law Alaska has a right to participate in any negotiations affecting its boundaries and Alaska must concur in any changes that are made.

The current boundary dispute arises from two main sources. When the United States purchased Alaska from Russia in 1867 each party received a hand drawn map showing the Territory of Alaska being sold to the United States.

Then in 1881 Wrangel Island was discovered by an exploration and rescue party lead by Lt. Berry commanding the U.S. revenue cutter Rodgers. There is a body of evidence to establish that the Treasury Department (the governing body for Alaska for much of the 19th Century) added this newly discovered territory to the Territory of Alaska.

In 1924 Soviet Forces took Wrangel Island by force and interned its American inhabitants. The United States maintained its territorial sovereignty over Wrangel Island until as recently as 1976.

In 1977 the United States established the 200 mile Exclusive Economic Zone which was soon adopted by the rest of the world. All of sudden there was renewed interest in who owned which Island. Given a 200 mile EEZ, a single rock in the ocean could qualify a country for 30,000 square miles of seabed over which it would hold the right of an Exclusive Economic Zone.

When the United States and Russia sat down to work out the details of determining and managing their EEZ's, they discovered that the

two hand drawn maps did not agree with each other. In question where several small islands in the western Aleutians, and some other rocks in the Bering Sea.

In addition the Russians and the Americans could not agree on how to interpret the line drawn on the map between Russian and Alaska. Was it an arc of a great circle as the U.S. maintained or was it a rump line (a straight line projected onto a globe)? The difference can be as much as a 50 mile east-west shift in a boundary line.

Over Alaska's and California's protest, the U.S. entered into boundary negotiations without the participation of representatives from Alaska. The U.S. Senate subsequently ratified the proposed treaty without the consent of Alaska.

At the same time the Soviet Union broke up and the successor Russian government never ratified the treaty.

The boundary between Russia and Alaska remains unresolved as does the status of the territory of Wrangel Island and other islands in the Arctic Ocean. Someday this matter will have to be resolved and Alaska has a right to a place at the bargaining table.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HJR 22

Relating to the maritime boundary
Title: between Alaska and the former Union of
Soviet Socialist Republics
Sponsor: Representative Al Vezey
Requestor: H. World Trade & State/Fed. Relations Comm.

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

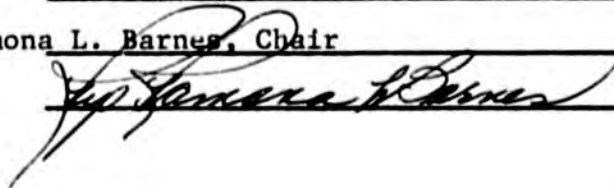
POSITIONS:

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. World Trade & State/Fed. Relations Comm by
Rep. Ramona L. Barnes, Chair



Date: February 20, 1997

Phone: 465-3438

Phone:

Carl Olson 812 223 8080 P. 02

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

October 13, 1987

STEVE COWPER, GOVERNOR

REPLY TO:

☐ 1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE. (907) 276-3550

☐ 1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

☒ P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE. (907) 465-3600

R. Brian Kidney
Assistant Chief Clerk
Assembly
California Legislature
State Capitol
Sacramento, California 95814

Re: Assembly Joint Resolution
No. 37, relative to the
boundaries of Alaska

Dear Mr. Kidney:

Alaska Governor Steve Cowper asked that I respond to your September 24, 1987 letter which invited our attention to Assembly Joint Resolution No. 37, relating to the boundaries of Alaska.

On behalf of Governor Cowper and all Alaskans, please communicate our thanks for this resolution of support for Alaska sovereignty. As the California Legislature correctly notes, states have "an essential and overriding interest" in the negotiation of the United States' international boundaries when the negotiation may have the effect of altering state boundaries. The United States currently has disputes with Canada over boundary delimitation in Dixon Entrance to the south of Alaska and the Beaufort Sea to the north, as well as the dispute with the Soviet Union to the west.

The United States Supreme Court has repeatedly noted that the treaty power does not authorize the federal government unilaterally to divest a state of territory without its consent. See, e.g., DeGeofroy v. Riggs, 133 U.S. 258, 33 L.Ed. 642, 645 (1890); Fort Leavenworth R.R. Co. v. Lowe, 114 U.S. 525, 541 (1885). Rest assured that Alaska will fully assert its sovereign rights in this regard.

R. Brian Kidney
Assistant Chief Clerk

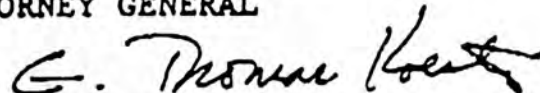
October 13, 1987
Page 2

We appreciate California's support in this effort.
Thank you for communicating our appreciation to both houses of
the California Legislature.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:



G. Thomas Koester
Assistant Attorney General

GTK:dlm

cc: Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510

Honorable Frank N. Murkowski
United States Senate
709 Hart Building
Washington, D.C. 20510

Honorable Donald E. Young
House of Representatives
2331 Rayburn House Office Bldg.
Washington, D.C. 20515

Rosita Worl
Special Assistant
Office of the Governor
(CTS #87272HDC0001)

John Katz
Special Counsel, State/Federal Relations
Office of the Governor

David A. Colson
Assistant Legal Adviser
United States Department of State
Room 6420
Washington, D.C. 20520

Scott Hajost
Assistant Legal Adviser
United States Department of State
Room 6420
Washington, D.C. 20520

John Briscoe, Esq.

Michael W. Reed, Esq.



California Republican Party

1903 West Magnolia Blvd. • Burbank, California 91506 • (818) 841-5210

Bob Naylor
Chairman

Frank Visco
State Vice Chairman

Certi B. Thomas
Regional Vice
Chairman North

Beth Ahlf
Regional Vice
Chairman Central

Mrs. Phil Moore
Regional Vice
Chairman South

Charlotte Mousel
Secretary

Marcia Gilchrist
First Assistant Secretary

Bill Hawkins
and Assistant Secretary

Howard G. Schaefer
Treasurer

Brian O'Toole
Assistant Treasurer

Hon. Clair Burgener
National Committeeman

Esther Greene
National Committeewoman

James Dignan
President, County Chairmen's
Association

January 29, 1988

Honorable Ronald Reagan
The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Enclosed is a copy of a resolution relative to the Alaska Boundary Negotiations which passed unanimously at our last California Republican Party Convention.

I ask that you consider the support by the California State Legislature with respect to Joint Resolution 37, and our membership's convictions on the matter of involving the State of Alaska in boundary negotiations with the Soviet Union.

Respectfully,

Robert Naylor
Chairman

cc: Vice President George Bush
Hon. Jim Wright,
Speaker of the House
Steve Cowpers,
Governor of Alaska
California Congressional Delegation

PASSED BY CALIFORNIA REPUBLICAN PARTY IN
CONVENTION, ANAHEIM, CALIFORNIA
SEPTEMBER 27, 1987

RESOLUTION

RELATIVE TO ALASKA BOUNDARY NEGOTIATIONS

SUBMITTED BY: CARL OLSON

WHEREAS, A resolution was passed by the California State Legislature Joint Resolution 37, authored by Marian LaFollette (38 AD) and co-authored by Assemblymen William Leonard, Gil Ferguson, Nolan Frizzelle, Eric Seastrand, John Lewis, Bill Bradley, Stan Statham, Gerald Felando, and Phil Wyman, and by Senators Don Rogers and Ed Royce supporting the State of Alaska in boundary negotiations with the Soviet Union; and

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, or has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

WHEREAS, These negotiating delegations that the United States Department of State has assembled have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiations of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, The usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

RESOLVED, That the California Republican Party supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and, be it further.

RESOLVED, That the California Republican Party urges the President and U.S. Congress to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty or ratification by the United States Senate; and, be it further

RESOLVED, That the Secretary is directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.



The California Republican Assembly

RESOLUTION

SOVIET EMPIRE'S CLAIM TO 5 ALASKAN ISLANDS

WHEREAS: The following five islands located in the Arctic Circle adjoining Alaska: Henrietta, Jeanette, Bennett, Wrangell, and Herald were discovered by United States explorers, and have been claimed by the United States Government since 1881, and

WHEREAS: the Soviet Empire ^{is} negotiating with our State Department for the ^{legal} possession of these islands; therefore be it

RESOLVED: that the Board of Directors urges our members of Congress to oppose the Soviet Empire's claim to these islands which are known to be rich in oil and are strategically located; and be it further

RESOLVED: that our State Department be unyielding to the Russian demands; and be it further

RESOLVED: that this mandate of the January 18, 1987 CRA Board of Directors meeting be forward to : The President of the United States, United State Secretary of State, President Pro-tem of the United States Senate, Speaker of the House of Representatives, and Chairpersons of the Foreign Affairs Committess of both the United States Senate and the House of Representatives.

Adopted January 18, 1987
Board Meeting, Ontario, Calif.

Dr. Ralph Waugh, President
40646 16th Street West
Palmdale, Calif. 93550
805-948-5061, 273-2233



The California Republican Assembly

Bob Byerley, President
1230 Essex Drive
Fairfield, California 94533
707-422-9696

Be it resolved by the California Republican Assembly to urge each of the Republican members of the State Senate and Assembly to sponsor or co-sponsor the attached resolution in support of the State of Alaska regarding its fight to be included in the U.S. State Department's negotiations of an international boundary with the Soviet Union.

Adopted in Convention
March 29, 1987
Irvine, California

RESOLUTION OF SUPPORT FOR STATE OF ALASKA
IN BOUNDARY NEGOTIATIONS WITH SOVIET UNION AND CANADA

Whereas the boundaries of the State of Alaska are of vital concern to the State Government of Alaska, and
Whereas the essence of sovereignty of a State within America's federal system requires that a State Government have complete and unambiguous jurisdiction over well-defined geographical boundary lines, and
Whereas any time that boundaries of a State are to be altered in any way, that State has an essential and overriding interest in the determination of the boundary, and
Whereas Alaska is unique among all American States in that it is the only State with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union), and
Whereas boundaries with foreign countries and a State are, and ought to be, coterminous with America's national boundaries with said foreign countries, and
Whereas negotiations are underway between the U.S. Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and
Whereas there have been at least ~~six~~^{seven} rounds of negotiations on this issue since 1981, and
Whereas the economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity, and
Whereas at no time has the U.S. Department of State allowed, or even offered to invite, a representative of the State Government of Alaska to be on any said delegation, nor has it formally solicited the input or advice of the State Government of Alaska over the content and/or form of these negotiations, and
Whereas these negotiating delegations that the U.S. Department of State has assembled has included representatives of various other agencies of the Federal Government, and
Whereas it is settled procedure for negotiation of boundaries that representatives of any affected State not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine), and
Whereas a usurpation of one State's rights and sovereignty is an attack on the entire Federal system of the United States of America,

CALIFORNIA

Therefore be it resolved by the State of _____
to support the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada, and
Be it further resolved that any terms and conditions of any boundary agreement with respect to Alaska's boundaries must be consented to by the State of Alaska, and that any such boundary agreement must be drafted in the form of a treaty for ratification by the U.S. Senate.

Introduced: 2/4/88
Referred: State Affairs

5-1777A

Passed State Senate on vote of
18-0 (2 absent) on Feb. 24, 1988.

1 IN THE SENATE

BY FISCHER

2

SENATE JOINT RESOLUTION NO. 61

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

Requesting the Government of the United

6

States to reassert jurisdiction over

7

Wrangel Island, Herald Island, Henrietta

8

Island, Jeannette Island, and Bennett

9

Island together with the surrounding

10

outer continental shelf within the

11

American waters of the Chukchi Sea and

12

the East Siberian Seas and to pay the

13

State of Alaska compensation for damages

14

from their loss.

15 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

16 WHEREAS Alaskans and other Americans remain justifiably grateful for

17 the fortitude shown by Captain Thomas Long and the crew of the whaling bark

18 "NILE" from New London, Connecticut who, on August 14, 1867, were the first

19 to confirm the existence of a 1,740 square mile island in the Chukchi Sea;

20 and

21 WHEREAS Wrangel Island, named by Captain Long after the former gover-

22 nor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located

23 some 270 miles northwest of Cape Lisburne, Alaska and is larger than the

24 State of Rhode Island; and

25 WHEREAS Captain Long was the first to sight and to describe Wrangel

26 Island, and the first recorded landing on the island occurred August 12,

27 1881, when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a

28 division of the U.S. Treasury Department and as such, the de facto governor

29 of Alaska, landed at Clark River on the eastern coast of Wrangel Island

1 and, with his fellow officers and John Muir (who later founded the Sierra
2 Club) raised the American flag and took possession of the island in the
3 name of the United States; and

4 WHEREAS Captain Hooper was engaged in a Congressionally sponsored
5 effort to rescue the "JEANNETTE," a vessel engaged in Arctic research that
6 was locked in ice floes and subsequently lost and therefore Captain Hooper
7 had the authority to claim Wrangel Island for the United States; and

8 WHEREAS Wrangel Island became a part of the United States by right of
9 confirmed discovery and first possession and, later, a permanent settle-
10 ment; and

11 WHEREAS Wrangel Island and its nearby satellite island Herald Island
12 were placed by the United States Coast and Geodetic Service within the
13 District and later Territory and State of Alaska in publications from 1900
14 through 1977; and

15 WHEREAS the De Long Islands of Henrietta, Jeannette, and Bennett were
16 first discovered in the East Siberian Sea and were claimed and named by
17 U.S. Navy Commander George W. De Long during his 1879 - 1881 expedition
18 into the Arctic where the commander and his crew died when their ship, the
19 "JEANNETTE," was crushed and sunk by ice floes; and

20 WHEREAS the first permanent settlement on Wrangel Island occurred when
21 the American ship "SILVER WAVE" landed a party on the island on
22 September 15, 1921, and raised the American flag over the island under the
23 direction of Captain Jack Hammer; and

24 WHEREAS the party from the "SILVER WAVE" landed with provisions for
25 only six months as they stated that they planned to sustain themselves by
26 hunting; and

27 WHEREAS the relief vessel in 1922 was blocked by ice floes; and

28 WHEREAS when the relief vessel "DONALDSON" arrived on August 23, 1923,
29 the only survivor of the 1921 expedition was an Eskimo seamstress named Ada

1 "Blackjack" Johnson, who died just a few years ago in Alaska; and
2 WHEREAS a new party led by Charles Wells of Uniontown, Pennsylvania
3 continued settlement on Wrangel Island; and
4 WHEREAS on May 13, 1924, Secretary of State Charles Evans Hughes
5 stated that the American Lomen Brothers were the proprietary owners of
6 Wrangel Island; and
7 WHEREAS on August 20, 1924, an armed party from the Soviet gunboat
8 "RED OCTOBER" landed on Wrangel Island, took Wells and the other Americans
9 by force, and told them that they were being returned to Alaska; and
10 WHEREAS notwithstanding their promises, they took the Americans to
11 Vladivostok and confiscated the pelts that the American trappers had accu-
12 mulated during the 12 bitter months on the island; and
13 WHEREAS the Americans who survived their ordeal in Vladivostok were
14 released following the intervention of the American consul at Harbin,
15 Manchuria but Charles Wells and two residents of Alaska died while detained
16 by the Soviet government; and
17 WHEREAS the residents of Alaska who survived their ordeal in Soviet
18 Siberia were all from Golovin Bay, Alaska and they survived notwithstanding
19 the severe physical and emotional trauma resulting from the assault, kid-
20 napping, false imprisonment, theft of property together with other vio-
21 lations of American and Alaska law by the agents of the Soviet regime; and
22 WHEREAS after seizing Wrangel Island, the Soviet government proceeded
23 to seize more American soil by occupying the nearby and defenseless Herald
24 Island; and
25 WHEREAS the Soviet government subsequently asserted a spurious claim
26 to the American De Long Islands of Henrietta, Jeannette, and Bennett; and
27 WHEREAS these illegal acts by the Soviet government interrupted 57
28 years of peaceful use of these islands by American seamen, herders, and
29 hunters; and