

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2658 SCOMM 119: HOUSE SPECIAL COMMITTEE WORLD TRADE . . , 1999-2000

approximately 1100 ruins including 13 major Pueblo Indian villages. These villages consist of 3-5 story buildings which often contain over 1,000 rooms. The ceremonial complex consisting of the large villages is dated between A.D. 1,110 and 1,300 and clearly demonstrates the cultural links between the Mesoamerican cultures and the Pueblo Indians of the Southwestern U.S. Criteria: (ii) Exerted great influence, over a span of time and within a cultural area of the world, on developments in town-planning; and (iii) bears a unique testimony to a civilization which has disappeared.

Mound City Group National Monument, Ohio. (39 deg.25' N; 83 deg.1' W.) Twenty-three burial mounds of Hopewell Indians (200 B.C.-A.D. 500) have yielded vast quantities of artifacts that give insights into the ceremonial customs of the Hopewell people. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Archaic/Paleo-Indian

Cape Krusenstern Archaeological District, Alaska. (67 deg.0' N.; 164 deg.0' W.) Cape Krusenstern consists of a series of marine beach ridges (and nearby hills) which contain evidence of nearly every major cultural period in Arctic prehistory and history. This area is very near the probable route taken by man's first crossing into North America and is still inhabited today. Due to land subsidence along the coast a unique stratigraphy has formed which allows a complete dating sequence in an area where few dates are available. Each ridge represents approximately a 200-year time span for a total of approximately 8,000 years. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ventana Cave, Arizona. (32 deg.25' N.; 112 deg.15' W.) Ventana Cave offers a unique history of the hunter/gatherer cultural development and continuity. This site has been occupied continuously from 200 B.C. until the present. Excavations here solidified the stratigraphic sequence dates, and made a significant contribution to knowledge of the development of Hohokam culture in this area. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Paleo-Indian

Lindenmeier Site, Colorado. (40 deg.55'; 105 deg.10' W.) This site was one of the earliest Folsom sites to be excavated by archaeologists and was instrumental in establishing man's presence in North America at its current early date. The site consists of a kill site marked by numerous bison bones and a camp a short distance away. This is one of the few early man sites where both site types were found, and it gives a more complete picture of the early hunters' life and cultural adaptation. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hawaiian

Pu'uhonua O Honaunau National Historical Park, Hawaii. (19 deg.25' N.; 155 deg.55' W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants, and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. Criteria: (v) 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.

European Exploration and Colonial Settlement

La Fortaleza-San Juan National Historical Site, Puerto Rico. (18 deg.28' N.; 66 deg.10' W.) Spanish defenses at San Juan guarded their sea lanes to the Caribbean; at this site they founded one of their earliest colonies in the Americas. La Fortaleza, the first fortification of San Juan (built 1533-40), has been the residence of the island's governors since the 1620s. The massive masonry citadel of El Morro was begun in 1591. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history; and (vi) directly and tangibly associated with events of outstanding universal significance.

San Xavier Del Bac, Arizona. (32 deg.10' N.; 111 deg.0' W.) One of the finest Spanish colonial churches in the United States, having a richly ornamented baroque interior. (Comparative national and international study will be necessary before the United States would consider nominating property representative of this important international development. For example, the California and Texas mission systems would be examined.) Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Savannah Historic District, Georgia. The first settlement in the English colony of Georgia, which was founded with philanthropic intent, Savannah has retained much of James Oglethorpe's original city plan and possesses many structures of architectural merit. Criteria: (ii) Has exerted great influence, over a span of time, or within a cultural area of the world, on developments in town-planning; and (vi) directly and tangibly associated with events or with ideas of outstanding universal significance.

Architecture: Early United States

Monticello, Charlottesville, Virginia. (38 deg.0' N.; 78 deg.30' W.) Thomas Jefferson, the third American President, was a popularizer of the Classic Revival architectural style. In Monticello, his mansion, he combined elements of Roman, Palladian, and 18th-century French design with features expressing his extraordinary personal inventiveness. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

University of Virginia Historic District, Charlottesville, Virginia. (38 deg.0' N.; 78 deg.30' W.) Includes original classrooms and professors' quarters housed in pavilions aligned on both sides of an elongated terraced court, as well as the domed Rotunda, a scaled-down version of the Pantheon which was the focal point of Thomas Jefferson's design. Jefferson envisioned a community of scholars living and studying in an architecturally unified complex of buildings. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

Architecture: Modern U.S.

Consideration will be given to the nomination of a "thematic" Chicago School district, including some of the properties listed in this grouping.

Auditorium Building, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) Constructed in 1889, this building is one of the most important works by Chicago School architects Dankmar Adler and Louis Sullivan. Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Carson, Pirie, Scott and Company Store, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) A commercial establishment designed by Louis Sullivan in an original and practical form, Carson, Pirie, Scott and Company was his last large commercial commission. An iron and steel framework supports the structure, which is most notable for its elaborate ironwork ornament on the first and second floor facades. Sullivan's designs combine organic and geometric shapes in intricate and delicate patterns, in a type of ornament that is the hallmark of his work. The addition was by Daniel H. Burnham in 1904-6. Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Leiter II Building, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) Constructed in 1889-91, this building is the masterwork of architect William Le Baron Jenny. One of the earliest surviving examples of the Chicago School curtain wall proto-skyscraper. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Marquette Building, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) Architects William Holabird and Martin Roche made their first decisive statement on a new concept in building -- steel framing. Constructed 1893-4. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Reliance Building, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) This building (1890-5) by Daniel Burnham and John Root is a key monument of the "Chicago School." It has a steel framework and is covered with terra cotta sheathing except on the granite first floor. Windows form continuous bands and are "Chicago windows" -- large single, fixed panes of glass which fill an entire bay except for narrow, movable, double hung sash in the projecting bays. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Rookery Building, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) One of the last great masonry structures of the 19th century, designed by Daniel Burnham and John W. Root. Constructed in 1886-88, The Rookery is a transitional structure which presaged the modern steel frame office building. It combines skeletal cast-iron columns and spandrel beams supporting masonry with granite and brick and terra cotta. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) This commercial district contains landmark structures in the development of skyscraper construction and some of the finest achievements of the "Chicago School" of architects: The Manhattan Building by William Le Baron Jenny, the first complete steel skeleton building, with wind bracing; the Daniel Burnham-designed Fisher Building, an early curtain-wall structure; the Old Colony Building by Holabird and Roche, using Corydon Purdy's wind bracing system; and the Monadnock Building, by Burnham and Root (north section) and Holabird and Roche (south section), one of the largest masonry bearing-wall structures ever built. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Prudential (Guaranty) Building, Buffalo, New York. (42 deg.50' N.; 78 deg.50' W.) The last collaborative effort of Dankmar Adler and Louis Sullivan, the 13-story Prudential, constructed in

1895, is a triumph of early skyscraper design. It links two skyscraper periods and departs from the earlier commercial use of elaborate ornamentation in favor of an emphatically vertical appearance. Although appearing rectangular in shape, it is actually U-shaped due to light corridors above the first floor. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Wainwright Building, St. Louis, Missouri. (38 deg.40' N.; 90 deg.10' W.) Significant prototype of the modern office building, constructed in 1890-91. This building represents a deliberate attempt to create a historical form expressive of the new mass of the multistory office block. For Sullivan, the potential aesthetic quality of the tall building lay in its unusual height. To emphasize this height to the maximum degree, he devised a system of closely ranked, pier-like verticals that give the street elevations their forceful thrust. Criteria: (i) Represents a unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Architecture: Wright School

A single, or thematic, nomination representative of this group will be considered.

Frank Lloyd Wright Home and Studio, Illinois. (41 deg.52' N.; 87 deg.50' W.) Wright lived and practiced here, in the Shingle-style home he built for his family, during the "First Golden Age" of his long career. Constructed 1889-98. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Unity Temple, Oak Park, Illinois. (41 deg.52' N.; 87 deg.50' W.) Wright designed the Temple with a rooftop skylight, rather than a steeple. Constructed in 1906 of poured concrete, the Temple is basically a concrete cube with stark and largely unornamented interior walls. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Robie House, Chicago, Illinois. (41 deg.52' N.; 87 deg.40' W.) This brick house, with its low horizontal emphasis, was designed by Wright in his "Prairie" style, utilizing an open plan focused on a large central chimney mass. He continued inside walls to the exterior to tie the surrounding landscape to the house. Constructed 1907-9. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Taliesin, Wisconsin. (43 deg.10' N.; 90 deg.10' W.) The second great center of Wright's activity, this combination of home, workshop, laboratory, and retreat consists of several groupings of structures designed individually to suit their different uses. It is the summer home and studio of the Taliesin Fellowship. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Fallingwater, Pennsylvania. (39 deg.55' N.; 90 deg.25' W.) One of the most famous of Frank Lloyd Wright's designs, regarded by many as his masterwork. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius.

Engineering

Brooklyn Bridge, New York. (40 deg.42' N.; 73 deg.57' W.) Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The

addition, the uranium atom was split here on January 25, 1939, 10 days after the world's first splitting in Copenhagen. The cyclotron control room contains the table which held the instruments used on that night. The United States would consider nominating this site only if the Copenhagen location is no longer extant. Criteria: (vi) Directly and tangibly associated with an event of outstanding universal significance.

Trinity Site, New Mexico. (33 deg.45' N.; 106 deg.25' W.) The world's first nuclear device was exploded here in July 1945. Criteria: (vi) Directly and tangibly associated with an event of outstanding universal significance.

Humanitarian Endeavor and Social Reform

New Harmony Historic District, Indiana. (38 deg.08' N.; 87 deg.55' W.) Founded by the Rappite religious sect in 1815, New Harmony was purchased in 1825 by British visionary and socialist reformer Robert Owen, who sought to alleviate evils spawned by the factory system. Some 35 structures from the Rappite-Harmonist period survive. This property will be compared to Owenite remains in the United Kingdom and to other communal societies in the U.S. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Chapel Hall, Gallaudet College, District of Columbia, District of Columbia. This large Gothic Revival structure (1867-70) is the earliest major building at the college, the only institution of higher learning specifically devoted to the education of the deaf. Criteria: (vi) Directly and tangibly associated with events or ideas of outstanding universal significance.

Warm Springs Historic District, Georgia. (32 deg.50' N.; 84 deg.40' W.) The National Foundation for Infantile Paralysis, which grew out of the Warm Springs Foundation established by Franklin D. Roosevelt, became one of the leading charitable institutions of the 20th century. Warm Springs Hospital was the major international center for the treatment of infantile paralysis (polio); the research that led to the development of the preventive vaccines had its roots here. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

International Affairs

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska. (57 deg.30' N.; 170 deg. 30' W.) Originally frequented by the native peoples of Alaska, these islands have lured Russian, British, French, Spanish, and American fur hunters since the 18th century. The seal herds have several times been threatened with extinction due to indiscriminate hunting, but a notable 1911 convention between the United States, the United Kingdom, Russia (USSR), and Japan has provided them with international protection and management. Today's flourishing herds illustrate the international application of conservation principles. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Statue of Liberty National Monument, New Jersey-New York. (40 deg.07' N.; 74 deg.03' W.) French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. The national monument also includes Ellis Island, the depot through which many millions of immigrants and emigrants passed. Criteria: (iv) An outstanding example of type of structure which illustrates a significant stage in history, and (vi) directly and tangibly associated with events of outstanding universal significance.

II. Natural Properties

Appalachian Ranges

Great Smoky Mountains National Park, Tennessee/North Carolina. (35 deg.37' N.; 83 deg.27' W.) This tract, which includes one of the oldest uplands on earth, has a diversity of lush vegetation associated with its varied topography, including spruce-fir, hemlock, deciduous, and mixed forests. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

Atlantic Coastal Plain

Okefenokee National Wildlife Refuge, Georgia/Florida. (30 deg.48' N.; 82 deg.17' W.) This tract includes a vast peat bog, interspersed with upland prairies, marshes, and open water. These diverse habitats are some for a wide range of uncommon, threatened, and endangered species, including the American alligator. Criteria: (ii) An outstanding example of biological evolution, and (iv) habitat of endangered animal species.

Virginia Coast Reserve, Virginia. (37 deg.30' N.; 75 deg.40' W.) The Virginia Coast Reserve is the most well-preserved extensive barrier island system remaining on the Atlantic Coast of North America. The system of barrier islands, saltmarshes, and lagoons demonstrate dune and beach migration and storm action on barrier islands, and include virtually all of the plant communities which once occurred along the Atlantic Coast. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and formations.

Brooks Range

Arctic National Wildlife Refuge, Alaska. (69 deg.0' N.; 143 deg.0' W.) This area's varied topography, extending from the Brooks Range north to the Arctic Ocean, is habitat for a tremendous diversity of wildlife, including caribou, polar and grizzly bears, musk ox, Dall sheep, Arctic peregrine falcons, and golden eagles. It is a virtually undisturbed arctic landscape, with coastal plain, tundra, valley, and mountain components. Criteria: (ii) An outstanding example of biological evolution, and (iii) superlative natural phenomena and areas of exceptional natural beauty.

Gates of the Arctic National Park, Alaska. (67 deg.30' N.; 153 deg.0' W.) Gates of the Arctic includes a portion of the central Brooks Range and is characterized by jagged mountain peaks, gentle arctic valleys, wild rivers and numerous lakes. Criteria: (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Cascade Range

Crater Lake National Park, Oregon. (42 deg.55' N.; 122 deg.06' W.) This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains

superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington. (46 deg.52' N.; 121 deg.41' W.) Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristic of the Cascade Range. Criteria: (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington. (48 deg.40' N.; 121 deg.15' W.) The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Chihuahuan Desert

Big Bend National Park, Texas. (29 deg.15' N.; 103 deg.11' W.) This area has many excellent examples of mountain systems and deep canyons formed by a major river. A variety of unusual geological formations are found here, with many vegetation types -- dry coniferous forest, woodland, chaparral, and desert -- associated with them. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Carlsbad Caverns National Park, New Mexico. (32 deg.10' N.; 104 deg.40' W.) This series of connected caverns, which include the largest underground chambers yet discovered, have many magnificent and curious cave formations, including an array of speleothems. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Guadalupe Mountains National Park, Texas. (31 deg.50' N.; 104 deg.50' W.) Rising abruptly from the surrounding desert, the mountain mass constituting this national park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Criteria: (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Colorado Plateau

Arches National Park, Utah. (38 deg.40' N.; 109 deg.30' W.) Arches National Park contains many extraordinary products of erosional processes, including giant arches, windows, pinnacles and pedestals. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Bryce Canyon National Park, Utah. (37 deg.30' N.; 112 deg.10' W.) Bryce Canyon includes innumerable highly colorful and bizarre pinnacles, walls and spires, perhaps the most colorful and unusual erosional forms in the world. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional

natural beauty.

Canyonlands National Park, Utah. (38 deg.20' N.; 109 deg.50' W.) this area's diverse geological features, which include arches, fins pillars, spires, and mesas, exemplify the array of erosional patterns carved primarily by running water. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Capitol Reef National Park, Utah. (38 deg.20' N.; 111 deg.10' W.) The 100-mile long Waterpocket Fold is one of the world's most graphic examples of a monoclinical folding of the earth's crust. A striking variety of features, including volcanic dikes and sills, arches and bridges, and monoliths and sinkholes, have been created or exposed by wide-scale erosion occurring over the past 270 million years. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Colorado National Monument, Colorado. (39 deg.0' N.; 108 deg.40' W.) Sheer-walled canyons, towering monoliths, bizarre formations, and dinosaur fossils are contained within this national monument. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rainbow Bridge National Monument, Utah. (37 deg.0' N.; 111 deg.0' W.) Rainbow Bridge is the greatest of the world's known natural bridges, rising 290 feet above the floor of Bridge Canyon. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Zion National Park, Utah. (37 deg.20' N. 113 deg.0' W.) Zion's colorful canyon and mesa vistas include erosion and rock-fault patterns that produce phenomenal shapes and landscapes. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Hawaiian Islands

Hawaii Volcanoes National Park, Hawaii. (19 deg.20' N.; 155 deg.20' W.) This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. The area has been designated a Biosphere Reserve. Criteria: (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mohave Desert

Death Valley National Monument, California/Nevada. (36 deg.30' N.; 117 deg.0' W.) This large desert area, which is nearly surrounded by high mountains, contains the lowest point in the Western Hemisphere. It is highly representative of Great Basin/Mohave Desert (mountain and desert) ecosystems. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena.

Joshua Tree National Monument, California. (33 deg.50' N.; 116 deg.0' W.) This area, located at the junction of the Mohave and Sonoran Deserts, contains an unusually rich variety of desert

plants, including extensive stands of Joshua trees, set amongst striking granitic formations. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and formations.

New England-Adirondacks

Acadia National Park, Maine. (44 deg.20' N.; 68 deg.20' W.) Acadia, situated on a rocky archipelago along the Maine coast, is an area of diverse geological features, dramatic topography (including the highest headlands along the entire Atlantic coast), and outstanding scenic beauty. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional beauty.

North Pacific Border

Point Reyes National Seashore/Farallon Islands National Wildlife Refuge, California. (38 deg.0' N.; 123 deg.0' W.) This proposal includes properties within the Point Reyes/Farallon Islands National Marine Sanctuary. The Point Reyes Peninsula, an unique living example of tectonic and seismic activity, has moved more than 300 miles in the past 80 million years. A complex active rift zone, including the famed San Andreas Fault, occurs where the Peninsula meets the California mainland. The area is characterized by a diverse set of habitats, striking scenery, and a large variety of terrestrial and aquatic animal species. The Farallon Islands support the largest seabird rookeries in the contiguous United States, including species such as the ashly storm petrel, western gull, Brandt's cormorant, black oystercatcher, and Cassin's auklet. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Pacific Mountain System

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Alaska. (54 deg.40' N.; 164 deg.10' W.) The Aleutians represent a mixture of flora and fauna found in both the North American and Asian continents, and serves as a resting place for migratory species. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution.

Denali National Park, Alaska. (63 deg.20' N.; 150 deg.40' W.) This tract embodies a unique and spectacular combination of geologic features, including active glaciers, major earthquake faults, and Mt. McKinley, the highest mountain peak in North America. It also includes outstanding examples of tundra and boreal forest ecosystems. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Glacier Bay National Park, Alaska. (58 deg.30' N; 136 deg.30' W) Great tidewater glaciers, a dramatic range of plant communities from rocky terrain recently covered by ice to lush temperate rainforest, and a large variety of animals, including brown and black bear, mountain goats, whales, seals and eagles, can be found in this Park. Criteria: (ii) an outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Katmai National Park, Alaska. (58 deg.30' N.; 155 deg.20' W.) This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The

eruption produced countless fumaroles, a few of which are still active. Criteria: (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

Rocky Mountains

(Includes northern, middle, and southern Rocky Mountain natural regions.)

Glacier National Park, Montana. (48 deg.40' N.; 113 deg.50' W.) With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams, and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Grand Teton National Park, Wyoming. (43 deg.40' N.; 110 deg.40' W.) Containing the most impressive portion of the Teton Range in the Rocky Mountains, this series of peaks rise more than a mile above surrounding sagebrush plains. The park includes the winter feeding ground of the largest American elk herd. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rocky Mountain National Park, Colorado. (40 deg.20' N.; 105 deg.40' W.) Within this 412-square mile national park, peaks towering over 14,000 feet shadow wildlife and wildflowers that are characteristic of the Front Range of the Rocky Mountains. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Sierra Nevada

Sequoia/Kings Canyon National Parks, California. (36 deg.40' N.; 118 deg.30' W.) A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, and areas of exceptional natural beauty.

Yosemite National Park, California. (37 deg.50' N.; 119 deg.30' W.) Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including the nation's highest, are found here. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Sonoran Desert

Organ Pipe Cactus National Monument, Arizona. (32 deg.0' N.; 112 deg.50' W.) This park contains block-faulted mountains separated by wide alluvial valleys, along with playas, lava fields,

and sands. It includes representative examples of the Sonoran Desert found in this region and nowhere else in the United States. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

Saguaro National Monument, Arizona. (32 deg. 10' N.; 110 deg. 40' W.) Giant saguaro cactus, unique to the Sonoran Desert of southern Arizona and northwestern Mexico, reach up to 50 feet in height in the cactus forest in this park. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

48 FR 38101

The addition to the U.S. Indicative Inventory will consist of the following section:

II. Natural Properties

Hawaiian Islands

Haleakala National Park, Hawaii. (20 deg. 40' N; 156 deg. 10' W) With an elevational range from sea level to 3000 m, the park has a great variety of habitats. Alpine deserts, subalpine shrubland, dry forests, subalpine grassland, bogs, rainforests, and coastal vegetation all occur within a linear distance of 25 km. Of international botanical significance, over 95 percent of the species, and 20 percent of the genera of flowering plants are found nowhere else on earth. Criteria: (i) An outstanding example representing major stages of the earth's evolutionary history, (ii) outstanding example representing ongoing biological evolution, and (iii) contains superlative natural beauty.

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MLO



Alaskans tell Babbitt to shun U.N. program

ADW 10-1-11

By DAVID WHITNEY

Daily News Washington Bureau

WASHINGTON — Sen. Frank Murkowski and Rep. Don Young have asked Interior Secretary Bruce Babbitt to remove six Alaska parks and refuges from further consideration for United Nations designation as World Heritage sites.

"Bureaucrats in Washington, D.C., already treat Alaska like a colony," Young said in a written statement Thursday. "The last thing we need is for the

United Nations to stick its nose in our land issues."

Young wrote House-passed legislation that would require congressional approval before more American sites could be given the United Nations designation. Murkowski has introduced similar legislation in the Senate.

During congressional hearings on the legislation, Interior Department officials said that some 92 sites

Please see Page B-3, U.N.

Alaska Sen. Frank Murkowski, top, and Rep. Don Young want to keep the U.N. out of Alaska land issues. "Alaskans ... have made it quite clear that we don't want another layer of bureaucratic review added to our federal lands," Murkowski said.



U.N.: State rejects site designations

Continued from Page B-1

in 31 states and the District of Columbia are on a list for possible consideration as World Heritage sites.

The Alaska sites include the Arctic National Wildlife Refuge, the Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge, Cape Krusenstern National Monument, Denali National Park and Preserve, Gates of the Arctic National Park and Katmai National Park.

But the Interior Department officials said that the administration would not press to designate any sites where such action is opposed by local communities or the state's congressional delegation.

Murkowski and Young wrote to Babbitt last week to remove any possible doubt that the Alaska delegation opposes any United Nations designation of the state sites. They head House and Senate committees with jurisdiction over the Interior Department.

"Alaskans, from the Legislature to private individuals, have made it quite clear that we don't want another layer of bureaucratic review added to our federal lands," Murkowski said.

Stephanie Hanna, an Department of Interior press aide, said she doesn't know if Babbitt has responded to the letter. "We regard World Heritage designations as an honor that carries no force of law and that draws millions of tourists to the sites," she said.

□ Reporter David Whitney can be reached at dwhitney@adn.com.

HR 883 IH

106th CONGRESS

1st Session

H. R. 883

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

March 1, 1999

Mr. YOUNG of Alaska (for himself, Ms. DANNER, Mr. DELAY, Mr. PICKETT, Mrs. EMERSON, Mr. TRAFICANT, Mr. COBURN, Mr. GOODE, Mr. POMBO, Mr. BARCIA, Mrs. CHENOWETH, Mr. HALL of Texas, Mrs. CUBIN, Mr. SHOWS, Mr. HASTINGS of Washington, Mr. BISHOP, Ms. DUNN, Mr. SISISKY, Mr. HERGER, Mr. CRAMER, Mrs. BONO, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, Mr. GREEN of Texas, Mr. HILLEARY, Mr. DUNCAN, Mr. NORWOOD, Mr. KASICH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. THOMAS, Mr. SKEEN, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. HOSTETTLER, Mr. STUMP, Mr. DOOLITTLE, Mr. STEARNS, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. TANCREDO, Mr. BLILEY, Mr. HILL of Montana, Mr. EVERETT, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mr. HUNTER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. PAUL, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. LATHAM, Mr. BLUNT, Mr. LINDER, Mrs. MYRICK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. PICKERING, Mr. NEY, Mr. MCINNIS, Mr. ROYCE, Mr. BAKER, Mr. CALLAHAN, Mr. WATKINS, Mr. DEAL of Georgia, Mr. PACKARD, Mr. ROGERS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. SCHAFFER, Mr. LEWIS of Kentucky, Mr. WICKER, Mr. BURR of North Carolina, Mr. TIAHRT, Mr. COOKSEY, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GRAHAM, Mr. DEMINT, Mr. HAYWORTH, Mr. ROGAN, Mr. OXLEY, Mr. PITTS, Mr. WELLER, Mr. BARR of Georgia, Mr. GOSS, Ms. GRANGER, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BASS, Mr. MORAN of Kansas, Mr. WAMP, Mrs. FOWLER, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. ADERHOLT, Mr. RILEY, Mr. GOODLING, Mr. SIMPSON, Mr. BARTON of Texas, and Mr. FLETCHER) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 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 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.'

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

'(2) 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'.

END

PROPERTY RIGHTS FOUNDATION BACKGROUND BRIEF *cc: Officers, Directors, Mining District***DANGERS OF DESIGNATIONS****REGIONAL, FEDERAL, STATE AND INTERNATIONAL LAND-USE INTRUSIONS**
*National/American Heritage Areas, UN Biosphere Reserves and UN World Heritage Sites***Myths**

The Designation of National American Heritage Areas is merely honorary and has no regulatory power.

The designation of UN Biosphere Reserves is for research and education only.

The designation of UN World Heritage Sites does not bring foreign influence over land in the United States.

The designations are to promote tourism.

According to United Nations testimony before Congress, local officials are always consulted before Biosphere Reserves are proposed.

Reality

Congressional bills and federal laws for **National or American Heritage Areas** require a contract between the state government regional entity and the U.S. Secretary of Interior to manage the land-use of the region for preservation. This means federal control of zoning, either directly, by the terms of the "management compact," or indirectly, by the use of funds dispensed by preservation agencies to influence zoning under a seductive porkbarrel system. The iron-clad zoning is enforced locally, with home-rule seemingly preserved, but private property owners' rights diminished and locally generated land-use patterns foreclosed.

The preponderance of research (published in specialized journals) about **Biosphere Reserves** is about "restoring" rural areas so that human influence on nature is eliminated. The "international significance" of the designated region is trumpeted by the national environmental groups to lobby for government land acquisition and more "environmental" restrictions on land-use.

Exactly what people feared happened near Yellowstone National Park, which is a **World Heritage Site**. When environmentalists acting in conjunction with the Clinton Administration persuaded UNESCO to declare the park a "World Heritage Site in Danger," United Nations officials threatened the U.S. from Paris to complain about a gold & copper mine that was planned outside the park, but inside an area the environmentalists call "Greater Yellowstone." President Clinton himself then stopped the environmental impact review required under the National Environmental Protection Act (NEPA) from being completed and disapproved the mine based on the UN World Heritage Committee's recommendation.

If the stated purpose of tourism succeeds for the **National Heritage Areas**, of which over 200 are proposed encompassing much of the West, the entire 2,500-mile Mississippi River and adjacent counties, and most of the land east of the Mississippi, the United States will theoretically become one vast "heritage" tourism complex, to the detriment of productive, less "beautiful" industries, agriculture and forestry. In addition, for **Biosphere Reserves** and **World Heritage Sites** to be successful, areas must be off-limits to hunting, and many roads used by hunters and tourists closed. Tourism is one of the first sectors to suffer from recessions and depressions. Much tourism is both weather-dependent and seasonal, and tourism jobs are predominately low-paid. The only things that are "sustainable" are the views that new restrictions protect. Flexibility to respond economically is lost. Most communities cannot afford to focus a large part of their resources on their past heritage. Communities with sagging economies become run-down and uninviting. Preservation zoning and lack of jobs force ordinary people to move away, whereby wealthier people may move in and gentrify the area without generating a productive local economy.

When state and local elected officials in New York learned from property rights activists about the secret proposal to designate the Catskill Mountains Biosphere Reserve, they were angry, and the application ultimately had to be withdrawn from the U.S. Department of State. **Biosphere Reserve** applications are usually done secretly, and local people and their elected representatives excluded from information.

Over...

Dangers of Designations continued

Myths

UN Biosphere Reserves and World Heritage Sites are approved only after public hearings and Congressional vote.

The Biosphere Reserve and World Heritage Site programs have potentially little impact on government or private property.

UN Biosphere Reserves and World Heritage Site designations present no threat to American sovereignty.

Reality

The U.S. Congress failed to pass the legislation (H.R. 2379) to establish the **Biosphere Reserve** system when it was proposed in 1983. The **World Heritage Convention** was ratified by the U.S. Senate in 1979. Working in conjunction with the National Park Service, the Department of State does not consult Congress before designating individual **Biosphere Reserves** or **World Heritage Sites**. Neither of these agencies, nor Congress, holds public hearings and no Congressional vote takes place before the UN sites are designated.

There are 17 **Biosphere Reserves** and 20 **World Heritage Sites** in the United States. The designations involve not only government, but private property. The largest Biosphere Reserve in the U.S. is the 10-million acre, secretly designated Champlain-Adirondack Biosphere Reserve. Private landowners were not notified and their permission was not granted for the designation, but environmental groups quickly publicized it among their members, who thereupon lobbied for stricter environmental regulations of the private land in the region. Official goals for "core" and "buffer" regions of Biosphere Reserves and for World Heritage Sites are not consistent with the continued population of the regions.

"I think it perfectly understandable that people are concerned that when you set up a program, when you give it a designation, where you as international authorities recognize it, the implication is that down the road when there are conflicts, somebody's going to be leaned on, and the authority for this, at least the moral authority for this, will be an invocation of some very dubious international authority." — **Dr. Jeremy Rabkin**, Associate Professor, Cornell University, from testimony before the U.S. House of Representatives, Committee on Resources Sept. 12, 1996, on the American Land Sovereignty Protection Act.

AVAILABLE FROM

THE PROPERTY RIGHTS FOUNDATION OF AMERICA:

National Heritage Areas

(*Positions on Property*, Jan-Apr 1996) \$3.00 p. pd.

The National Park Service, No. 2 - UNESCO Biosphere Reserves

(*Positions on Property*, Jan-Mar 1993, 12 pp.) .. \$3.00 p. pd.

The American Heritage Areas

Background Brief, July 1993, 2 pp free

Building & Zoning Codes

(*Positions on Property* May-Dec. 1996, 32 pp) .. \$6.00 p. pd.

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The Property Rights Foundation of America, Inc.
P.O. Box 73, Stony Creek, NY 12578 (516) 696-5748

The Property Rights Foundation of America, Inc. is a national, New York-based not-profit organization dedicated to the right to own and use private property guaranteed in the United States Constitution.

The Foundation publishes *Positions on Property* (\$25.⁰⁰ yearly), a quarterly journal of information, analysis and ideas on private property rights, and the *New York Property Rights Clearinghouse* (\$25.⁰⁰ yearly), a quarterly newsletter of current information on property rights across New York and the Northeast.

American Land Rights Association

Biosphere Reserves-World Heritage Programs Threaten You

Since the mid 1980's, ALRA has been warning its members about UNESCO's (United Nations Environmental, Scientific and Cultural Organization) Biosphere Reserve and World Heritage programs, now 25 years old.

To date, 20 World Heritage sites and 47 Biosphere Reserves have been designated in the US. Despite the fact that almost 43 million acres have been designated as Biosphere Reserves in the US, the Interior Department operates this program without any legislative direction and no authorization from Congress.

The 1995 designations of Glacier National Park in Montana and the Carlsbad Caverns in New Mexico as World Heritage Areas, preceded by the 1989 designation of the Greater Yellowstone Ecosystem as a Biosphere Reserve, were made with no public or Congressional input.

Federal agencies and non-governmental organizations, such as the Sierra Club, the Greater Yellowstone Coalition, the National Parks and Conservation Association are using these designations to support their efforts to get rid of inholders, buy up private land, limit mining (they stopped the New World Mine in Montana and hundreds of new jobs by calling in the United Nations), oil and gas, tourism, grazing, logging, farming, and development. Example, ALRA helped lead the fight to defeat the 1990 Greater Yellowstone Vision Document.

The Interior Department and the National Park Service, which actually runs the programs, say they get their authority from treaties. In the case of World Heritage Sites, it is the Convention on World Heritage and was ratified by the Senate in 1972. As we said before, there is no treaty and no authorizing legislative authority for Biosphere Reserves.

A treaty can override acts of Congress. This means that despite legislation that is made with public input and many compromises, the Park Service feels it may ignore that legislation and any guarantees of property rights included in it by relying on the authority in a treaty which was completed with no public input.

By definition, Biosphere Reserves are to have a legally constituted core protected area of sufficient size and minimal human activity plus a buffer zone around the core where non-compatible uses are limited. In the case of the New World Mine, the UN recommended a 50 mile buffer zone after their inspection.

Congressman Don Young (R-AK) introduced the American Lands Sovereignty Protection Act late in 1996 and expects to reintroduce it in January. This bill would require Congressional oversight of federal agency actions involving World Heritage Sites and Biosphere Reserves. Any "buffer zones" would have to be approved by Congress. The Young bill would preserve the sovereignty of the US over its own lands as well as state sovereignty and private property rights on surrounding non-federal lands before designations are made.

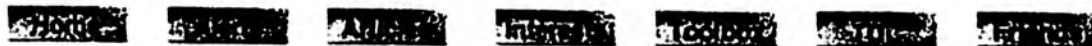
**Readers should call their Congressmen at
(202) 225-3121
to urge them to co-sponsor the American Land Sovereignty Protection Act when Rep.
Young reintroduces it in January.**

For More Information Contact:

American Land Rights Association

Tel: 360-687-3087

FAX: 360-687-2973



Send mail to alra@pacifier.com with questions or comments about this web site.

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Biosphere Reserves: Fact Sheet

Susan R. Fletcher

Senior Analyst in International Environmental Policy
Environment and Natural Resources Policy Division

June 6, 1996

96-517 ENR

"Biosphere Reserve" is a term denoting an area that has been nominated by the locality and the country in which it is located for participation in the worldwide Biosphere Reserve Program under the U.S. Man and the Biosphere Program (MAB), and accepted for such recognition by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Areas are nominated and recognized on the basis of their significance for research and study of representative biological regions of the world. The United States has 47 biosphere reserves, part of a worldwide network of 324 biosphere reserves in 82 countries.

Biosphere Reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or state and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. Areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country.

The Biosphere Reserve System. The Biosphere Reserve network was established in 1968 as one program area of the Man and the Biosphere program of UNESCO, which operates through independent national committees in each of the 114 participating countries. The U.S. MAB program operates under the U.S. National MAB Committee, which coordinates six "directorates" studying various kinds of environmental and biological regions and issues. One of these six directorates is the Biosphere Reserve Directorate. The U.S. MAB Committee is composed of scientists from universities, government agencies, and other members from entities such as private conservation organizations.

The purpose of the Biosphere Reserve program is to promote cooperation and communication among a worldwide network of areas that would include all the major ecosystem types globally, with sites identified as areas where research on ecological concerns -- especially the impacts of human activity on ecological systems -- could be performed. A major goal of the network is to allow comparative work in various countries in similar, or dissimilar, areas to assess how the systems work and how they can be used productively without destroying their essential ecological properties and life-support potential.

The goals and functions of biosphere reserves are to enable research, study, and exchange of information among scientists and policymakers to facilitate these goals:

- conservation of important biological resources;
- development of environmentally sound economic growth;
- support of environmental research, monitoring, education, and training;
- creation of a framework to bring people together around these goals.

Criteria for Biosphere Reserves. In order to facilitate research on ecosystems in various stages of protection as well as development, biosphere reserves meet these criteria: (1) they have a legally protected core area relatively free from outside or human activity-in the United States, usually an already designated park, wilderness or wildlife refuge area; (2) there is a "buffer zone" or zones, surrounding or contiguous to the core area, where human activity is carried out, but generally at low/rural intensity and types of activity that are compatible with conservation objectives; and (3) transitional areas outside the buffer zone where human activity is more intensified, but presumably with some cooperative effort underway in these adjacent communities to achieve sustainable development in which conservation and economic development are jointly pursued according to the values and guidance of the local community.

When a local community, state or national MAB committee begins to pursue recognition of the area as a biosphere reserve, these criteria are usually already being met. It is not expected that steps will have to be taken to create core areas or change activity patterns after recognition. However, local communities are encouraged to develop cooperative mechanisms to maximize opportunities for the research and information focus of the Biosphere Reserve program.

Designation Process for Biosphere Reserves. An area to be considered for recognition as a Biosphere Reserve is nominated locally-always with the support of the local community, and the nomination is considered by the U.S. National Committee. Documentation on the recommended area and how it meets the criteria of the Biosphere Reserve system is assembled by the local proponents and forwarded by the U.S. MAB program to the International Coordinating Council (ICC) of the MAB Programme in Paris, which considers the recommendation and makes a decision, which is conveyed to the U.S. MAB Program.

Policy Implications of Designation/Recognition. There are no legally binding requirements on countries or communities regarding the management of biosphere reserves. Full sovereignty and control over the area continues as it was before recognition. The main effect of recognition is to publicize the inclusion of an area in the Biosphere Reserve Network, thus making it known that research on the area's ecosystem type and impacts of adjacent human development on the area is appropriate as part of an international network of such research. It is expected that research in such areas-conducted mainly by private and/or government scientists -- will be shared through the Biosphere Reserve program in order to maximize benefits of information exchange. Funding for the U.S. Biosphere Reserve program is provided by pooled resources from several participating Federal agencies; totaling some \$225,000 in FY 1996, funding goes almost entirely to U.S. programs and local organizations, with some relatively small amounts supporting research by U.S. scientists in other countries, or assisting developing country scientists to attend MAB meetings.

State: Alaska**Biosphere Reserve: Aleutian Islands Biosphere Reserve**

Administered by: Alaska Maritime National Wildlife Refuge, Aleutian Islands Unit; U.S. Fish and Wildlife Service, Department of the Interior

Role as Biosphere Reserve:

Nearly all the islands in the Aleutian Island chain are part of the national wildlife refuge, a conservation unit in the Bering Sea Ecosystem. These islands exhibit extensive biological diversity closely tied with the surrounding marine environment. The refuge protects these islands for seabirds, marine mammals and other wildlife, Aleut archaeological resources and World War II historic sites. Presently, several Aleut villages are within the Aleutian Island chain, as well as private holdings belonging to The Aleut Corporation. Other stakeholders in the Aleutians include the U.S. Department of Defense, which has military bases in several locations. The U.S. Fish and Wildlife Service currently works closely with these partners in the Aleutians. Information centers are located in Adak and Homer offering distribution of refuge brochures. Naturalists are available on board the state ferry and commercial cruise ships.

Major Issues:

- Seabird populations and productivity.
- Eradication of introduced species, especially arctic foxes, Norway rats, and caribou.
- Aleutian Canada goose restoration.
- Marine mammals, especially Steller's sea lions and sea otters.
- Winter waterfowl populations monitoring.
- Removal of contaminants remaining from military activities.
- Prevention of rat introduction to rat-free islands.

Accomplishments and Benefits:

Several significant resource accomplishments and resource concerns have occurred in the Aleutian Islands region since its designation as a Biosphere Reserve in 1976. The Aleutian Canada Goose, formerly listed as an endangered species, is currently listed as a threatened species, due to restoration of its breeding habitat in the Aleutians as well as protection on its wintering grounds. The refuge continues

to focus on eradication of introduced foxes as the primary means for restoration of goose and seabird populations. Annual seabird monitoring sites have been established in the eastern, central, and western Aleutians to document populations and productivity.

Several issues of concern in recent years are the focus of attention in the Aleutian Islands. As of June 1997, the Aleutian population of Steller's sea lions is being listed as an endangered species. In the central Aleutians, an unexplained decline in sea otter numbers has occurred. Findings of contaminants left over from WW II military activities, and later nuclear test explosions, are necessitating further sampling to determine effects on the tundra environment and wildlife.

To accomplish refuge goals, and to expound on our understanding of the Bering Sea Ecosystem, the U.S. Fish and Wildlife Service has formed partnerships with other organizations resulting in mutual benefits. These include the National Marine Fisheries Service, the University of Alaska Institute of Marine Science, the U.S. Geological Service Biological Resources Division, numerous academic researchers, and other cooperators conducting biological and archaeological research.

Designation of the Aleutian Islands as a Biosphere Reserve in no way infringes on nor influences how these public lands are managed by the U.S. Fish and Wildlife Service. Management mandates are determined by statutes and agency policies. In the Aleutian Islands Unit of this refuge, no Man and the Biosphere funds were used to achieve the accomplishments noted above.

Contact:

Laura Greffenius, Unit Manager
or Jeff Williams, AIU Wildlife Biologist,
Aleutian Islands Unit,
Alaska Maritime National Wildlife Refuge,
PSC 486, Box 5251,
Adak, Alaska FPO-AP 96506
Tel. (907) 592-2406,
Fax. (907) 592-3473,
E-mail: R7AIUWR@mail.fws.gov
John Manager, Refuge Manager
or Dan Boone, Deputy Refuge Manager,
Alaska Maritime National Wildlife Refuge,
2355 Kachemak Bay Dr., Suite 101,
Homer, Alaska 99603-8021
Tel. (907) 235-6546,
Fax. (907) 235-7783,
E-mail: R7AMNWR@mail.fws.gov

Model Biosphere Reserve

A biosphere reserve is a unique category of protected area dedicated to solving problems associated with human impacts on natural ecosystems.

A model biosphere reserve consists of a protected (core) area, a managed use area (buffer zone), and a zone of cooperation (transition area.)

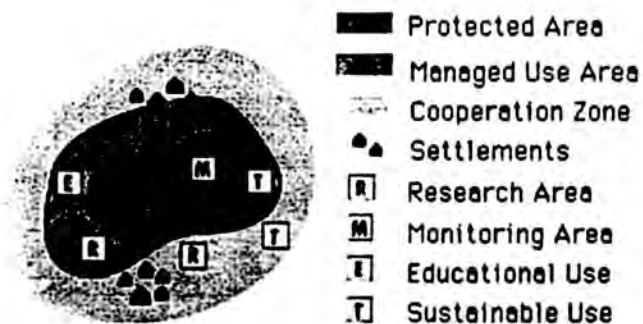
Biosphere reserve status is awarded by the United Nations Educational Scientific and Cultural Organizations (UNESCO) to those protected areas that combine scientific research and monitoring, conservation, education, and training. Each site is nominated by its country MAB Program. The Biosphere reserve designation does not provide any additional international protection to the site nominated. Together, the 352 biosphere reserves in 87 countries form an international network that represents the world's major ecoregions.

A protected area consists of examples of minimally disturbed ecosystems and has secure domestic legal protection. Only activities that do not adversely affect the natural habitat are allowed. The managed use area is adjacent to the protected area. Here, activities such as fishing, hunting, camping and other activities are encouraged.

The zone of cooperation is a regional size area which contains settlements, croplands, managed forests, recreation areas, and other economic uses characteristic of the region. The UNESCO Biosphere Reserve designation does not recognize the zone of cooperation. It is a suggested concept to promote the establishment of cooperative programs and partnerships between the protected area managers and the surrounding community.

Since 1984 the management agencies of a site have been asked to serve as focal points for regional environmental cooperation. Biosphere reserves thus help to bring together the diverse regional stakeholders so as to find practical strategies to deal with the complex and interrelated environmental, land use, and socioeconomic concerns affecting a particular region. The MAB Biosphere Reserve concept serves as a means of exchanging information and ideas regarding the conservation, sustainable use and management of natural resources in harmony with the needs of local populations.

BIOSPHERE RESERVE ZONATION



HOW ARE BIOSPHERE RESERVES ORGANIZED?

To carry out the complementary activities of nature conservation and use of natural resources, Biosphere Reserves are organized into three interrelated zones, known as the core area, the buffer zone and the transition area.

The protected area:

needs to be legally established and give long-term protection to the landscape, ecosystem and species it contains. It should be sufficiently large to meet these conservation objectives. As nature is rarely uniform and as historical land-use constraints exist in many parts of the world, there may be several protected areas in a single Biosphere Reserve to ensure a representative coverage of the mosaic of ecological systems. Normally, the protected area is not subject to human activity, except research and monitoring and, as the case may be, to traditional extractive uses by local communities.

Zones of managed use

which is clearly delineated and which surrounds or is contiguous to the protected area. Activities are organized here so that they do not hinder the conservation objectives of the protected area but rather help to protect it, hence the idea of "buffering". It can be an area for experimental research, for example to discover ways to manage natural vegetation, croplands, forests, fisheries, to enhance high quality production while conserving natural processes and biodiversity, including soil resources, to the maximum extent possible. In a similar manner, experiments can be carried out in the area of managed use to explore how to rehabilitate degraded areas.

An outer transition area:

or area of co-operation extending outwards, which may contain a variety of agricultural activities, human settlements and other uses. It is here that the local communities, conservation agencies, scientists, civil associations, cultural groups, private enterprises and other stakeholders must agree to work together to manage and sustainably develop the area's resources for the benefit of the people who live there. Given the role that Biosphere Reserves should play in promoting the sustainable management of the natural resources of the region in which they lie, the transition area is of great economic and social significance for regional development.

Although presented schematically as a series of concentric rings, the three zones are usually implemented in many different ways to accommodate local geographic conditions and constraints. This flexibility allows for creativity and adaptability, and is one of the greatest strengths of the concept.

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U.S. MAB Biosphere Reserves

Fact Sheet released by the Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, July 1, 1998.

The main functions of biosphere reserves are:

- conservation of important biological resources;
- development of environmentally sound economic growth;
- support of environmental research, monitoring, education, and training;
- as a framework to bring people together to accomplish the above three.

The United States has 47 biosphere reserves with 99 administrative units. The *protected areas* and *managed use areas* are owned/administered by the National Park Service; U.S.D.A.-Forest Service; state, county, or city governments; U.S. Fish and Wildlife Service; The Nature Conservancy; universities; private owners; U.S.D.A.-Agricultural Research Service; National Oceanic and Atmospheric Administration; Bureau of Land Management; Tennessee Valley Authority; and the Department of Energy.

A biosphere reserve ideally consists of a "protected area", an adjacent managed use area" and a broader "zone of cooperation." The *protected area* is legally protected from activity which would adversely affect the natural features of the area. The *managed use area* contains lumbering, grazing, and fishing activities, settlements, recreational facilities etc., managed to benefit local residents and the local environment. The *zone of cooperation* is the larger region in which local residents, cultural groups, economic interests, scientists, managing agencies etc. work together to link conservation and economic development guided by the cultural values of the local community.

The biosphere reserve concept emphasizes cooperation among the landowners and local residents in developing a program of research, conservation, and development. No restrictions, land purchase authority, or land use regulations are conveyed with the award of biosphere reserve status.

The biosphere reserve designation facilitates sharing of scientific and land management information. A biosphere reserve is a member of a network of worldwide sites. As of October 1997 there are 352 biosphere reserves in 87 countries. Each nation exercises sovereignty over its sites.

A biosphere reserve is nominated locally, recommended nationally, designated internationally, and administered locally. The United Nations Educational, Scientific and Cultural Organization (UNESCO) awards the title of biosphere reserve and provides guidelines. The National Committee for the U.S. Man and the Biosphere Program (U.S. MAB) gives program support. The Biosphere Reserve Directorate of U.S. MAB coordinates national activities. The biosphere reserve generates program and activities for ecosystem conservation, management, and use with local cooperation.

(###)



U.S. Biosphere Reserves

A brief explanation of the U.S. Biosphere Reserves Program.

There are presently over 352 biosphere reserves in 87 countries. The 47 U.S. biosphere reserves include 99 legally protected sites under government or private ownership.



Three Sisters Wilderness, USDA-Forest Service

Conservation

A biosphere reserve conserves the natural resources and special natural qualities of its region.

Each biosphere reserve must have at least one legally protected natural area. This area could be used for such activities as hiking, diving, bird watching, educational field trips, scientific research and monitoring of plant and animal life.

In the U.S. most biosphere reserves are either national parks (22) or national forests (15). Others are under federal, state, or private ownership and management.

One purpose of a biosphere reserve is to encourage local residents to maintain the variety of plants and animals representative of the region.



Isle Royale National Park

Development

The ideal biosphere reserve has areas locally managed for economic development with respect for the conservation of the protected areas. These managed areas are used for tourism, agriculture, fishing, forestry, and recreation.

The managers of a protected area encourage the development of a zone of cooperation near the protected areas. This zone contains towns, factories, farms, fisheries, and other human activities. The economic and cultural development can also help protect the natural areas.

One purpose of a biosphere reserve is to promote economic and cultural development for generations to come.



Apalachicola Research Reserve

Cooperation

The biosphere reserve is a place for long term study of changes in the physical, biological, and human environment. Scientists and managers at biosphere reserves cooperate with each other to share data from research and monitoring programs to better understand nature and mankind's impact on the environment.

The biosphere reserve is a place for education and training. Land management methods can be demonstrated. Local people, landowners, and organizations cooperate on conservation and development issues affecting the region. The involvement of local people is essential to a biosphere reserve.

One purpose of a biosphere reserve is to foster cooperation among residents and landowners to plan the research, development, conservation, and education activities of the area.

Personal Comments

"We in Pittman Center have been involved with the Southern Appalachian Man and the Biosphere (SAMAB) Program for almost five years. I want to make it clear that the SAMAB Program does not infringe upon private property rights, try to depopulate an area, allow outsiders to direct future development, nor bring additional regulatory pressures. Our association with the program has resulted in many benefits to the community especially the recognition that economic development and natural resource protection are complementary goals, not competing ones!"

James B. Coykendall, III, Board of Alderman
Pittman Center, Tennessee

"Let's keep humankind in touch with reality. Reality is that we exist within our natural world, part of nature and part of the family of living systems. The creation of biosphere reserves in our urban world allows us to continue being a part of total living systems."

Ann Azari, Mayor
City of Fort Collins, Colorado

"In the Native American perspective, the preservation of the earth's environment is based on two key principles; time and relationship. Components of the earth's natural environment interact and complement each other. If man fails to recognize these fundamental relationships and does not institute preservation measures, the interaction will slowly decrease and eventually cease altogether. The long-term preservation concepts and success of the Biosphere Program will be measured by man's relationship with the earth's natural environment over time. The Man and the Biosphere Program is a necessity for the very existence of man."

Floyd Flores, O'odham Nations,
Tucson, Arizona

"A Biosphere Reserve creates a biologically relevant framework to recognize and protect the broader range of resources required by many forms of wildlife. Natural systems can only be protected over larger areas. A Biosphere Reserve creates the collaborative goals between groups to accomplish more than would be accomplished individually."

Daniel Evans, Executive Director
Point Reyes Bird Observatory, California

Biosphere reserve designation encourages voluntary cooperation, and requires no special programs, methods of management, financial obligations, or changes in ownership. U.S. MAB provides program support to U.S. Biosphere Reserves, but the local partners in the biosphere reserves are in charge.

Steps to Biosphere Reserve Designation

1. A federal, state, or local agency, organization, or individual completes the nomination form. Owners and managers of the protected lands and local government leaders write letters of support.
2. The completed nomination form and letters of support are sent to the U.S. Man and the Biosphere Program (U.S. MAB) for review and recommendation.
3. U.S. MAB sends the recommended nomination to the United Nations Educational, Scientific, and Cultural Organization (UNESCO) office in Paris. The Man and the Biosphere Program office there makes the final approval and awards the biosphere reserve designation.

For further information please contact:

U.S. MAB Program
U.S. Department of State
OES/ETC/MAB

Washington, DC, 20522-4401
Tel. (202) 776-8318, Fax. (202) 776-8367

Department of State Publication, released September 1996, updated July 1, 1998

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WHY DO WE NEED BIOSPHERE RESERVES

To conserve biological diversity.

Human pressures on land and water resources are drastically reducing the diversity of genes, plant and animal species, ecosystems and landscapes of the planet. This threatens human welfare, since this biodiversity is the potential source of foods, fibers, medicines, and raw material for industry and building. It constitutes an irreplaceable wealth for research, education and recreation for the whole of humankind. The core areas and buffer zones of Biosphere Reserves serve as repositories to safeguard samples of the biodiversity of the world's major biogeographical regions, and as reference and study sites to help improve our knowledge on biodiversity.

To maintain healthy ecosystems.

Biosphere reserves, which may represent large areas of land and water, contribute significantly to the maintenance of the life support systems which serve to avoid soil erosion, maintain soil fertility, regulate river flow, recharge aquifers, recycle nutrients, and absorb air and water pollutants.

To learn about natural systems and how they are changing.

Research may be conducted on the structure and dynamics of the minimally disturbed natural systems of the core areas of Biosphere Reserves, and compared with the functioning of human-affected landscapes in the buffer and transition areas. Such studies, when carried out over the long term, show how these systems may be changing over time. Setting up similar long-term monitoring plots, and harmonizing methods and measurements allows comparison of results regionally and worldwide. The information thus obtained allows us to better understand global environmental changes.

To learn about traditional forms of land-use.

People in many parts of the world have devised, over a long period of time, ingenious land-use practices which do not deplete the natural resources and which can provide valuable knowledge for modern production systems. Biosphere Reserves are areas where such peoples can maintain their traditions, as well as improving their economic well-being through the use of culturally and environmentally appropriate technologies. Moreover, such traditional systems are highly useful for conserving ancient breeds of livestock and old land races of crops, which are invaluable gene pools for modern agriculture.

page 2: Frequently Asked Questions: Why do we need

To share knowledge on how to manage natural resources in a sustainable way.

Research to find land-use practices that improve human well-being, without degrading the environment, is a central purpose of Biosphere Reserves. The lessons learned are transmitted at the field level through on-the-spot training and demonstrations. They can then be applied in the transition area and in the region beyond. Government officials, national and foreign scientists, visitors, as well as local community leaders, all benefit from this experience. The Biosphere Reserve thus serves to share knowledge and skills at the local, national and international levels.

To co-operate in solving natural resources problems.

A major obstacle to reconciling environment with development is the sectoral structure of our institutions. Biosphere Reserves provide places where conflicts in interest can be debated by all the stakeholders concerned: local officials, local landowners, nature conservation associations, government leaders, scientists, local farmers, fishermen, private enterprises, etc. -- all must work together to find appropriate co-ordination mechanisms to plan and manage the Biosphere Reserve. Biosphere Reserves therefore provide opportunities for conflict resolution which could be applied in other land and water development issues.

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Model Biosphere Reserve

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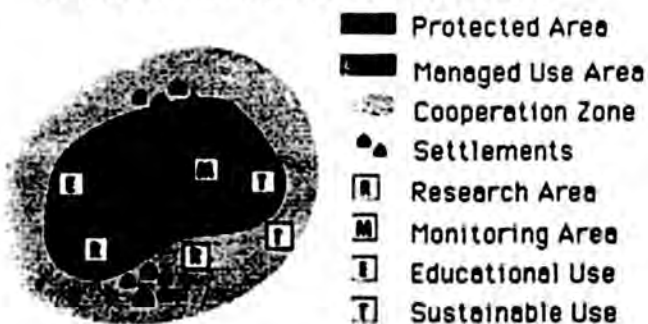
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BIOSPHERE RESERVE ZONATION



AMENDMENT

OFFERED IN THE HOUSE
TO: HJR 15

BY REPRESENTATIVE JAMES

1 Page 1, line 1:

2 Delete "an"

3 Insert "the"

4 Page 3, line 8:

5 Delete "Lands"

6 Insert "Land"

7 Page 3, line 11:

8 Delete all material and insert

9 "WHEREAS Congressman Don Young has reintroduced this legislation in the 106th
10 Congress as House Resolution No. ⁸⁸³~~833~~, which is entitled the "American Land Sovereignty
11 Protection Act";

12 Page 3, line 12:

13 Delete "an "American Lands"

14 Insert "HR ⁸⁸³~~833~~, the "American Land"

15 Page 3, line 13:

16 Delete "Act"

17 Insert "Act,"

HR 883 IH

106th CONGRESS

1st Session

H. R. 883

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

March 1, 1999

Mr. YOUNG of Alaska (for himself, Ms. DANNER, Mr. DELAY, Mr. PICKETT, Mrs. EMERSON, Mr. TRAFICANT, Mr. COBURN, Mr. GOODE, Mr. POMBO, Mr. BARCIA, Mrs. CHENOWETH, Mr. HALL of Texas, Mrs. CUBIN, Mr. SHOWS, Mr. HASTINGS of Washington, Mr. BISHOP, Ms. DUNN, Mr. SISISKY, Mr. HERGER, Mr. CRAMER, Mrs. BONO, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, Mr. GREEN of Texas, Mr. HILLEARY, Mr. DUNCAN, Mr. NORWOOD, Mr. KASICH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. THOMAS, Mr. SKEEN, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. HOSTETTLER, Mr. STUMP, Mr. DOOLITTLE, Mr. STEARNS, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. TANCREDO, Mr. BLILEY, Mr. HILL of Montana, Mr. EVERETT, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mr. HUNTER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. PAUL, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. LATHAM, Mr. BLUNT, Mr. LINDER, Mrs. MYRICK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. PICKERING, Mr. NEY, Mr. MCINNIS, Mr. ROYCE, Mr. BAKER, Mr. CALLAHAN, Mr. WATKINS, Mr. DEAL of Georgia, Mr. PACKARD, Mr. ROGERS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. SCHAFFER, Mr. LEWIS of Kentucky, Mr. WICKER, Mr. BURR of North Carolina, Mr. TIAHRT, Mr. COOKSEY, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GRAHAM, Mr. DEMINT, Mr. HAYWORTH, Mr. ROGAN, Mr. OXLEY, Mr. PITTS, Mr. WELLER, Mr. BARR of Georgia, Mr. GOSS, Ms. GRANGER, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BASS, Mr. MORAN of Kansas, Mr. WAMP, Mrs. FOWLER, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. ADERHOLT, Mr. RILEY, Mr. GOODLING, Mr. SIMPSON, Mr. BARTON of Texas, and Mr. FLETCHER) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 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 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.'

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

'(2) 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'.

END



U.S. List of Biosphere Reserves

Below is a list of U.S. Biosphere Reserves and their administrative unit(s), if applicable. The (****) indicates the ownership or administering entity for each site. For contact information please go to the U.S. Biosphere Reserves Directory. The following acronyms are used:

NPS - National Park Service, Department of Interior
 NOAA - National Oceanic and Atmospheric Administration, Department of Commerce
 FWS - U.S. Fish & Wildlife Service, Department of Interior
 FS - Forest Service, Department of Agriculture
 ARS - Agricultural Research Service, Department of Agriculture
 DOE - Department of Energy
 BLM - Bureau of Land Management, Department of Interior
 Private - Denotes Some Form of Private Ownership
 Complex - Denotes Multiple Ownership

- Aleutian Islands National Wildlife Refuge (FWS)
- Beaver Creek Experimental Watershed [Alternate Site] (FS)
- Big Bend National Park (NPS)
- Big Thicket National Preserve [Alternate Site] (NPS)
- California Coast Ranges Biosphere Reserve (8 Units)
- Elder Creek Area of Critical Environmental Concern (BLM)
- Heath and Marjorie Angelo Coast Range Preserve (University of California)
- Jackson Demonstration State Forest (California Department of Forests)
- Landels-Hill Big Creek Reserve (University of California)
- Redwood Experimental Forest (FS)
- Redwood National Park (NPS)
- North Coast Redwoods District State Parks (3 Units)
- --Del Norte Coast Redwoods State Park (California Department of Parks and Recreation)
- --Jebediah Smith Redwoods State Park (California Department of Parks and Recreation)
- --Prairie Creek Redwoods State Park (California Department of Parks and Recreation)
- Western Slopes of Cone Peak, Los Padres National Forest (FS)
- Carolinian-South Atlantic Biosphere Reserve (11 Units)
- Blackbeard Island and Wolf Island National Wildlife Refuges (FWS)
- Cape Lookout National Seashore (NPS)
- Cape Romain National Wildlife Refuge (FWS)
- Capers Island Heritage Preserve (South Carolina Department of Natural Resources, Marine Resources Division)
- Cumberland Island National Seashore (NPS)
- Gray's Reef National Marine Sanctuary (NOAA)
- Hobcaw Barony (North Inlet) (Complex Private)
- Little St. Simons Island (Private)
- Santee Coastal Reserve (South Carolina Department of Natural Resources) and Washo Reserve (The Nature Conservancy)
- Ten Fathom Ledge and Big Rock (NOAA)
- Tom Yawkey Wildlife Center (South Carolina Department of Natural Resources)
- Cascade Head Experimental Forest & Scenic Research Area (FS)
- Central California Coast Biosphere Reserve (See Golden Gate Biosphere Reserve)
- Central Gulf Coastal Plain Biosphere Reserve
- Apalachicola National Estuarine Research Reserve [Alternate Site] (NOAA)
- Central Plains Experimental Range (ARS)

- Champlain-Adirondack Biosphere Reserve (3 Units)
 - Adirondack Park Agency (Private)
 - Green Mountain National Forest (FS)
 - Mount Mansfield State Natural Area (Vermont Agency of Natural Resources)
- Channel Islands Biosphere Reserve (2 Units)
 - Channel Islands National Park (NPS)
 - Channel Islands National Marine Sanctuary (NOAA)
- Coram Experimental Forest (FS)
- Denali National Park and Biosphere Reserve (NPS)
- Desert Experimental Range (ARS)
- Everglades National Park (with Fort Jefferson NM) (NPS)
- Fraser Experimental Forest (FS)
- Glacier Bay-Admiralty Island Biosphere Reserve (2 Units)
 - Admiralty Island National Monument (FS)
 - Glacier Bay National Park and Preserve (NPS)
- Glacier National Park (NPS)
- Golden Gate Biosphere Reserve (13 Units)
 - Jasper Ridge Biological Preserve (Coordinator) (Stanford University)
 - Audubon Canyon Ranch (Private)
 - Bodega Marine Reserve (University of California)
 - Cordell Bank National Marine Sanctuary (NOAA)
 - Farallon National Wildlife Refuge (FWS)
 - Golden Gate National Recreation Area (NPS)
 - Gulf of the Farallones National Marine Sanctuary (NOAA)
 - Marin Municipal Water District (Marin County, California)
 - Mount Tamalpais State Park (California Department of Parks and Recreation)
 - Point Reyes National Seashore (NPS)
 - San Francisco Peninsular Watershed (City of San Francisco, California)
 - Tomales Bay State Park (California Department of Parks and Recreation)
 - Samuel P. Taylor State Park (California Department of Parks and Recreation)
- Guanica Commonwealth Forest Reserve (Puerto Rico Department of Natural Resources)
- Hawaiian Islands Biosphere Reserve (2 Units)
 - Hawaiian Volcanoes National Park (NPS)
 - Haleakala National Park (NPS)
- H.J. Andrews Experimental Forest (FS)
- Hubbard Brook Experimental Forest (FS)
- Isle Royale National Park (NPS)
- Jornada Experimental Range (ARS)
- Konza Prairie Research Natural Area (The Nature Conservancy)
- Land Between the Lakes (Tennessee Valley Authority)
- Luquillo Experimental Forest [Alternate Site] (FS)
- Mammoth Cave Area (2 Units)
 - Barren River Area Development District, BRADD (Complex)
 - Mammoth Cave National Park (NPS)
- Mojave and Colorado Deserts Biosphere Reserve (5 Units)
 - Anza-Borrego Desert State Park (California Department of Parks and Recreation)
 - Death Valley National Monument (NPS)
 - Joshua Tree National Monument (NPS)
 - Philip L. Boyd Deep Canyon Desert Center (University of California)
 - Santa Rosa Wildlife Management Area, San Bernadino National Forest (FS)
- New Jersey Pinelands Biosphere Reserve (Pinelands Commission, Complex)
- Niwot Ridge Biosphere Reserve (University of Colorado)
- Noatak National Preserve (2 Units)
 - Gates of the Arctic National Park (NPS)
 - Noatak National Preserve (NPS)
- Olympic National Park (NPS)
- Organ Pipe Cactus National Monument (NPS)
- Rocky Mountain National Park (NPS)

- San Dimas Experimental Forest (FS)
 - San Joaquin Experimental Range (ARS)
 - Sequoia-Kings Canyon National Parks (2 Units)
Sequoia National Park (NPS)
Kings Canyon National Park (NPS)
 - South Atlantic Coastal Plain Biosphere Reserve
Congaree Swamp National Monument (NPS)
 - Southern Appalachian Biosphere Reserve (5 Units)
Coweeta Hydrologic Laboratory (FS)
Grandfather Mountain (Private)
Great Smoky Mountains National Park (NPS)
Mt. Mitchell State Park (North Carolina Department of Environmental Health and Natural Resources)
Oak Ridge National Environmental Research Park (DOE)
 - Stanislaus-Tuolumne Experimental Forest (FS)
 - Three Sisters Wilderness, Deschutes National Forest (FS)
 - University of Michigan Biological Station (University of Michigan)
 - Virgin Islands National Park and Biosphere Reserve (NPS)
 - Virginia Coast Reserve (The Nature Conservancy)
 - Yellowstone National Park (NPS)
-

Number of Sites/Administrative Units:

NPS - 29
NOAA - 6
FWS - 4
FS - 16
ARS - 4
DOE - 1
BLM - 1
Private - 7
State/Local - 15
University - 7

The National Park Service

Bering Land Bridge National Preserve

Bering Land Bridge National Preserve is a remnant of the land bridge that connected Asia with North America more than 13,000 years ago. The land bridge itself is now overlain by the Chukchi Sea and the Bering Sea.

During the glacial epoch this was part of a migration route for people, animals, and plants whenever ocean levels fell enough to expose the land bridge. Archeologists agree that it was across this Bering Land Bridge, also called Beringia, that humans first passed from Asia to populate the Americas.

ACREAGE:

Total: 2,784,960

Federal: 2,690,179

NonFederal: 94,781

VISITATION:

Highest in June and July; lowest in December, January and February.

ADDRESS:

Bering Land Bridge National Preserve

P.O. Box 220

Nome, AK 99762

TELEPHONE:

(907) 443-2522

Other ways to contact the preserve.

OPERATING HOURS AND SEASONS:

The Preserve is open year-round.

CLIMATE, RECOMMENDED CLOTHING:

Weather in the preserve is variable. Summer temperatures on the coast are usually in the low 50's ° F, with mid 60's to 70's and an occasional 80 or 90 in the interior. Average January lows are -15 on the coast and -50 in the interior. Winds average 8 to 12 mph, but 50 to 70 mph winds commonly accompany storms and produce extremely low and dangerous chill factors.

Though generally useful, these averages cannot account for the wide variance in temperature, wind and precipitation in the preserve. Even in summer, one can see snow, near freezing temperatures, and long periods of clouds, wind, and rain. Summer days are long, almost without darkness; winter days are short, with only a few hours of light. *Exposure and hypothermia are real threats throughout the year.*

DIRECTIONS:

The Preserve is located on the Seward Peninsula in northwest Alaska. It is accessible via small bush planes and boat in the summer months, and by snowmachine, dog sleds, or small plane on skis.

FACILITIES:

The visitor center is located at 240 Front Street in Nome, Alaska. There are limited federal facilities within the Preserve. Six shelter cabins, and a bunkhouse style cabin at Serpentine Hot Springs.

RECOMMENDED ACTIVITIES / PARK USE:

Camping, hiking, backpacking, exploration, nature observation, photography, and coastal boating are among the many possible activities. Winter offers opportunities for snowmobiling, dog sledding, and some crosscountry skiing.

You can explore remains of the gold rush era and observe evidence of ancient Eskimo life. The preserve and surroundings (including nearby Native villages), offer opportunities to observe and learn about traditional subsistence lifestyles and historic reindeer herding.

Hunting and fishing are permitted under state regulations; Alaska hunting and fishing licences are required.

BASIC VISIT RECOMMENDATIONS:

Visit our visitor center in Nome, Alaska. Enjoy birdwatching. The preserve is home to raptors, waterfowl, and some rare Asiatic species. Fly out to Serpentine Hot Springs and spend a few nights in the bunkhouse while you hike, sightsee, fish, and relax in the hot springs' hot tub.

SPECIAL EVENTS / PROGRAMS:

Contact the visitor center for more information.

VISITOR IMPACTS:

There are no roads that lead into the Preserve, therefore no automobile access to the Preserve. Four-wheelers are prohibited, but snow machines are permitted in the winter months.

ADJACENT VISITOR ATTRACTIONS:

Visit the historical city of Nome.

Visit Northwest Alaska Areas (includes Cape Krusenstern National Monument, Kobuk Valley National Park, and Noatak National Preserve).



View maps of the preserve at the NPS Alaska [Geospatial Data Clearinghouse](#)!

You are visitor **008729** to this site since 05/02/97.

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Bering Land Bridge National Preserve

Beringia - The Case for Protection

● Character of the Country; A Basis for Concern

● A Closer Look at the Problems

● Unknowns

● What Can Be Done?

Character of the Country; A Basis for Concern

All life is tenuous in Beringia. Conditions are harsh here. Ecosystems are simple and therefore easy to disrupt. And though biological productivity is often immense, especially at sea, it tends to be concentrated in a small fraction of the total area - where people often concentrate as well.

For millennia, Beringia was inhabited by people whose small numbers and sophisticated land ethic allowed them to coexist in harmony with this fragile area. This began to change in the 18th century with Russian subjugation of the Aleuts for exploitation of sea otters and fur seals. Rapacious hunting suddenly penetrated into the heart of Beringia during the mid-19th century with the advent of large scale sea mammal slaughters by Americans, which precipitated catastrophic declines in walrus and whales and starvation among coastal peoples dependent upon them. The Nome gold rush brought the first instances of major habitat destruction to Beringia about a century ago.

Until recently, exploitative events came as pulses of activity from outside Beringia. Once each episode had run its course, the human population subsided to near former levels. Jose Stalin changed that in the 1930's by collectivizing local people in Asian Beringia, establishing a substantial non-local population for military purposes, mineral development, and beginning the construction of a modern technological infrastructure. On the American side activity quickened in the last few decades with the establishment of Distant Early Warning (DEW) sites, oil development, and rejuvenation of mineral extraction.

At sea, many nations began to exploit the Bering Sea's huge fisheries several decades ago). Now most stocks of larger fishes and crustaceans are intensely harvested.

Pressures on modern Beringia are not only generated within its boundaries. Because of global circulation patterns, air and water borne pollutants tend to concentrate in the Arctic, with the result that the greenhouse effect, ozone depletion, and pesticide, heavy metal, and radionuclide contamination have disproportionate effects here. And because many Beringian species migrate out of the region, they have problems if unlucky enough to occupy habitats now greatly modified by people.

Management has not kept pace with the increase of human pressure. The break-up of the Soviet Union and pro-development attitudes in the state and federal levels of American government may weaken the fabric of environmental protection at a time when it is badly needed.

There is reason to be concerned for Beringia. The cumulative effects of population growth, widespread pollution, large-scale resource use, political and economic uncertainty and encroachments from the outside world are increasingly at odds with a fragile ecosystem. Yet Beringia remains largely intact. It is

still possible to retain almost all of this superb area's productivity and its key position in the ecology of our planet - if we act now.



A Closer Look at the Problems

Mineral exploration and development are major activities in Beringia. Placer mining for gold, instrumental in early industrialization of the Seward Peninsula and western Chukotka, has altered large areas of once-productive valley-bottom and coastal habitat. The decline of mining in recent years on the American side has been more than offset regionally by the continued expansion of placer mining in Chukotka. Lead, zinc, tungsten and coal mining, with their corresponding acid and metal pollution, occur in scattered localities. Many deposits are in remote areas; development has required long roads, towns and even ports in otherwise pristine country.

Oil and gas exploration and development and the related trans-Alaska pipeline corridor have opened a huge area on Beringia's periphery to industrial entry. Impacts to date are debated, but will increase as more activity is drawn into the area. Expanded oil development is being contemplated, even in several immensely productive marine areas, including Bristol and Anadyr bays and the Beaufort and Chukchi seas, where major impacts to salmon, seabirds, polar bears, walrus, and whales are possible.

Military activity has had a major influence on coastal Beringia as a legacy of the cold war. Development has been especially intense in Chukotka. Impacts are many and serious, including the tangible ones of port and base development, and the less tangible ones of pollution, disruption of local lifeways and wildlife destruction. Military airborne shooting has been rumored to be a major element in the decimation of snow sheep.

Population
Population concentration is a serious impediment to living within the capacity of a harsh environment. In the north, the ability to absorb pollution and concentrated harvest is low; a major principle, long adhered to by local people, is to disperse use. Yet economic imperatives and government policies on both sides of Beringia have favored (sometimes forced) large settlements. The result has been air and water pollution and resource depletion in a number of areas. There is some discussion of reversing this policy on the Russian side.

Industrialization of traditional activities has become an important component in the support of increasing human populations in Beringia, especially on the Asian side. Native sea mammal hunting and reindeer herding have been mechanized and expanded. Foxes are raised on farms and fed whale, seal and walrus meat. Salmon runs are harvested commercially as well as for subsistence. An erosion of traditional conservation practices has resulted in instances of sea mammal depletion, overgrazing by reindeer, predator reduction, tundra degradation by overland vehicles, even water pollution from a tannery. Recently, management has had some success in adjusting methods and harvest levels to diminish these problems.

Major non-traditional fish and wildlife harvests extend and intensify the pressures on the Beringian fauna. Hunting for walrus, whale and fur seal was expanded in the 19th century to include hunting from large vessels. Bowhead whales are still reduced because of hunting in that era. In the last few decades fisheries have been developed on crabs and marine fishes. King crabs and pollock are among the species thought to be reduced at present as a direct result of over-harvesting. Several colonial seabirds, Steller sea lions and fur seals may be secondary victims through disruption of their food base. Sport hunting is expected to expand in Beringia, and will add stress to already reduced brown bear and Chukotka sheep populations. Sport fishing may do likewise on easily over-harvested species like grayling.

Poaching is a rising concern. Recent investigations on the American side have uncovered a substantial trade in walrus ivory. Traffic illicitly acquired body parts of bears for oriental medicines and trophies is thought to be substantial. Gyrfalcons and Peregrine falcons are sometimes poached for the world falconry market.

Habitat loss and over-harvest outside of Beringia are major and growing concerns for migratory birds, like Asian species of geese which are over-hunted in China, and American chum salmon which are intercepted by a major fishery in the Aleutian Islands. Songbirds and shorebirds that winter in the tropics are vulnerable to habitat loss there.

Tourism is relatively new to Beringia, but is expected to increase considerably. Locals have little experience with this activity, and there will probably be significant impacts on wilderness and existing lifestyles, at least until expertise is built up among tour operators, government regulators and local people.

Atmospheric pollution is occasionally severe in the most densely settled localities, especially during winter temperature inversions. However, the major impact comes from outside the region on global air currents which transport pollutants from more southerly latitudes. Hydrocarbons, acidity, heavy metals and radionuclides from nuclear accidents or tests have been found in northern food chains. The greenhouse effect and ozone depletion are predicted to become particularly severe in Beringia.

Weakened environmental management authority in the wake of a dismantled Soviet state has increased the opportunity in Asian Beringia for circumvention of good management practices. The degree to which this is actually happening is not known.



Unknowns

Why are some species of Beringian eiders decreasing? Why are there increased incidents of sick and malnourished marine mammals observed by American Eskimo hunters in the Bering and Chukchi seas? Why do walrus livers now contain elevated levels of mercury and cadmium? In each instance, the causes seem subtle and obscure. These are three particularly obvious examples of our ignorance about the ecology of Beringia. Suspicion is rising that the cumulative impacts of recent human use, with its complex ramifications, are beginning to show in cases like these.



What Can Be Done?

It should be an international goal to conserve and restore the biological diversity in Beringia 1) to sustain the health of ecological systems; 2) to provide for human well being, and 3) because flora and fauna are of intrinsic value.

Fundamental to any strategy to conserve Beringian biodiversity is a clear understanding of the ecological characteristics which make this arctic ecosystem unique. These characteristics include sunlight, ice cover that inhibits energy penetration, extremely cold temperatures, low species diversity, short food chains, and long-lived organisms with high fat levels. All contribute to making Beringia an extremely sensitive and vulnerable ecosystem. As stated in the Arctic Environmental Protection Strategy developed by the eight circumpolar nations in 1991, "this vulnerability of the Arctic to pollution requires that action be taken now, or degradation may become irreversible."

It is also important to recognize that native flora and fauna in Beringia, the ecological communities they inhabit, and indigenous cultures whose continued survival depends on them, evolved until quite recently in the absence of major impact from industrial-agrarian society. Today the most threatened or endangered portions of biological diversity are often those most sensitive to human disturbance. Therefore, major portions of Beringia will need to be reserved for evolutionary processes to continue with minimal human disturbance if these natural communities are to prosper and continue to meet our

needs.

As has been the pattern elsewhere, what we see evolving in Beringia is a patchwork of land ownerships and activities. This mosaic should have both small and large reserves committed to nature protection. But this alone will not save biological diversity. The surrounding landscapes and seascapes will need to be managed under policies and guidelines to meet essential human needs for resource development, to maintain viable local and regional economies, to maintain biological diversity that tolerates some level of human activity, and to provide corridors for genetic and species dispersal through and among core reserves or sanctuaries.

Two particularly serious areas of vulnerability in conserving Beringian flora and fauna are lack of adequate protection to marine ecosystems, and the fact that most Arctic wildlife spend only a brief part of their life cycle in the North.

Despite the fact that marine and coastal waters are by far the most biologically productive of arctic ecosystems, they have received the least amount of permanent protection. Although Alaska is blessed with a diverse system of terrestrial protected areas (parks, wildlife refuges, forests and wilderness areas) that are the envy of the world, it does not have any marine sanctuaries. So if we are to be successful in conserving Beringian biodiversity, we must design strategies for conserving marine living resources. A good place to start would be the Bering Sea, where scientists warn of an ecosystem collapse unless over exploitative commercial fisheries' practices are brought under control.

Problems for Beringia arise from many directions within and outside the area. Given their scope and complexity, they must first be addressed on both governmental and personal levels. Governments can establish marine and terrestrial reserves and determine settlement and resource use policies; they and large businesses often determine where and how it is profitable to work and live. So it is important to urge these agencies toward ecologically appropriate policies. For instance:

- We can support the proposed Beringian Heritage International Park, asking that it include areas the areas of high natural and cultural values that are most in need of protection, and that its management encourage the continuance of sustainable uses by local people.
- We can encourage policies and economies that disperse human use. Example: support Russian governmental consideration of reestablishing some traditional Chukotkan settlements eliminated during the Stalin era.
- We can encourage cooperation between and within governments so that jurisdictional boundaries or political changes do not hinder ecosystem management. Example: US cooperation with Russia to quickly establish a post-Soviet resource management presence. Example: Cooperative agreements with China to protect bean goose winter range.
- We can advocate strong environmental and wildlife management policies that protect Beringian biota and sustainable human lifeways. Example: support ongoing crackdown on walrus ivory poaching. Example: review of marine mammal hunting for fox farm food. Example: review US salmon policy that allows interception of Beringian stocks to the detriment of subsistence and local commercial fisheries. Example: demand that the US become a leader rather than a footdragger in international attempts at agreement on strategies to combat global pollution and over-harvesting of common resources.
- We can oppose major new incursions into presently undeveloped areas or unexploited populations pending a thorough scientific evaluation of impacts, and installation of a monitoring program. This is a major concern as interests from the multinational to local level jockey to exploit Beringian resources during this period of uncertain Russian management. The oil, minerals and tourism industries can be expected to burgeon, and must receive particular attention.

- We must hold the military to high environmental standards. DEW line sites in Alaska and many installations in Chukotka contain hazardous (including radioactive) wastes and ugly ruins that must be removed. A growing concern in controlling disturbance to wilderness and wildlife by military exercises and recreational activities. We must encourage ongoing ecological research and inventory/monitoring programs where current knowledge is insufficient to define problems clearly. A pressing need is to support the excellent research institutes in Russian Beringia that are struggling to stay open in the post-Soviet depression.

While all necessary research, monitoring and inventory of biodiversity should continue, the greater need is to use the scientific facts already available to develop more enlightened national policies and action strategies for conserving Beringian flora and fauna.

The application of tools such as tax incentives, landowner agreements, conservation easements, land exchanges and land acquisition will all prove essential for finding a compatible balance between maintaining and restoring biological diversity and providing for other human needs. Native groups will be critical in protecting biological diversity in all economically viable Beringian landscape of the future.

But as crucial as these steps are, they cannot succeed without an additional focus on the local and personal. Generalized solutions seldom work unless tempered by local understanding. To quote American ecologist Wendell Berry: "The question ... is not how to care for the planet, but how to care for each of the planet's human and natural neighborhoods, each of its millions of small pieces and parcels of land, each one of which is in some exciting and precious way different from all others." It is the local people who know these neighborhoods. They must be strongly represented among the planners of Beringia's future.

Finally, it must be recognized that the fundamental driving force for Beringian problems is the accelerating demand that humanity is placing upon the area. The most important - and most difficult - thing we can do for Beringia is to review our own personal appetite for resources. Only if we each come to live as if the world is finite is there the hope that a millennium from now the songs of the wolf and bowhead whale will still be heard in Beringia.

From:
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 National Audubon Society
 Alaska-Hawaii Regional Office
 308 G. Street, Suite 217
 Anchorage, AK 99501
 Tel: (907) 276-7034
 Fax: (907) 276-5069

Where is the Bering Land Bridge National Preserve?

<u>Access</u>	<u>Activities</u>	<u>Scenery</u>	<u>Facilities</u>
<u>Plants & Animals</u>	<u>Climate & Weather</u>	<u>Precautions & Safety</u>	<u>Preserve Information</u>
<u>Historical & Cultural Significance</u>			

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URL: http://www.nps.gov/bela/html/bering_b.htm

Last Updated: 22 December, 1995

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





Biosphere Reserves: Fact Sheet

Susan R. Fletcher

Senior Analyst in International Environmental Policy
Environment and Natural Resources Policy Division

June 6, 1996

96-517 ENR

"Biosphere Reserve" is a term denoting an area that has been nominated by the locality and the country in which it is located for participation in the worldwide Biosphere Reserve Program under the U.S. Man and the Biosphere Program (MAB), and accepted for such recognition by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Areas are nominated and recognized on the basis of their significance for research and study of representative biological regions of the world. The United States has 47 biosphere reserves, part of a worldwide network of 324 biosphere reserves in 82 countries.

Biosphere Reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or state and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before designation. Areas are listed only at the request of the country in which they are located, and can be removed from the biosphere reserve list at any time by a request from that country.

The Biosphere Reserve System. The Biosphere Reserve network was established in 1968 as one program area of the Man and the Biosphere program of UNESCO, which operates through independent national committees in each of the 114 participating countries. The U.S. MAB program operates under the U.S. National MAB Committee, which coordinates six "directorates" studying various kinds of environmental and biological regions and issues. One of these six directorates is the Biosphere Reserve Directorate. The U.S. MAB Committee is composed of scientists from universities, government agencies, and other members from entities such as private conservation organizations.

The purpose of the Biosphere Reserve program is to promote cooperation and communication among a worldwide network of areas that would include all the major ecosystem types globally, with sites identified as areas where research on ecological concerns -- especially the impacts of human activity on ecological systems -- could be performed. A major goal of the network is to allow comparative work in various countries in similar, or dissimilar, areas to assess how the systems work and how they can be used productively without destroying their essential ecological properties and life-support potential.

The goals and functions of biosphere reserves are to enable research, study, and exchange of information among scientists and policymakers to facilitate these goals:

- conservation of important biological resources;
- development of environmentally sound economic growth;
- support of environmental research, monitoring, education, and training;
- creation of a framework to bring people together around these goals.

Criteria for Biosphere Reserves. In order to facilitate research on ecosystems in various stages of protection as well as development, biosphere reserves meet these criteria: (1) they have a legally protected core area relatively free from outside or human activity-in the United States, usually an already designated park, wilderness or wildlife refuge area; (2) there is a "buffer zone" or zones, surrounding or contiguous to the core area, where human activity is carried out, but generally at low/rural intensity and types of activity that are compatible with conservation objectives; and (3) transitional areas outside the buffer zone where human activity is more intensified, but presumably with some cooperative effort underway in these adjacent communities to achieve sustainable development in which conservation and economic development are jointly pursued according to the values and guidance of the local community.

When a local community, state or national MAB committee begins to pursue recognition of the area as a biosphere reserve, these criteria are usually already being met. It is not expected that steps will have to be taken to create core areas or change activity patterns after recognition. However, local communities are encouraged to develop cooperative mechanisms to maximize opportunities for the research and information focus of the Biosphere Reserve program.

Designation Process for Biosphere Reserves. An area to be considered for recognition as a Biosphere Reserve is nominated locally-always with the support of the local community, and the nomination is considered by the U.S. National Committee. Documentation on the recommended area and how it meets the criteria of the Biosphere Reserve system is assembled by the local proponents and forwarded by the U.S. MAB program to the International Coordinating Council (ICC) of the MAB Programme in Paris, which considers the recommendation and makes a decision, which is conveyed to the U.S. MAB Program.

Policy Implications of Designation/Recognition. There are no legally binding requirements on countries or communities regarding the management of biosphere reserves. Full sovereignty and control over the area continues as it was before recognition. The main effect of recognition is to publicize the inclusion of an area in the Biosphere Reserve Network, thus making it known that research on the area's ecosystem type and impacts of adjacent human development on the area is appropriate as part of an international network of such research. It is expected that research in such areas-conducted mainly by private and/or government scientists -- will be shared through the Biosphere Reserve program in order to maximize benefits of information exchange. Funding for the U.S. Biosphere Reserve program is provided by pooled resources from several participating Federal agencies; totaling some \$225,000 in FY 1996, funding goes almost entirely to U.S. programs and local organizations, with some relatively small amounts supporting research by U.S. scientists in other countries, or assisting developing country scientists to attend MAB meetings.

State: Alaska**Biosphere Reserve: Aleutian Islands Biosphere Reserve**

Administered by: Alaska Maritime National Wildlife Refuge, Aleutian Islands Unit; U.S. Fish and Wildlife Service, Department of the Interior

Role as Biosphere Reserve:

Nearly all the islands in the Aleutian Island chain are part of the national wildlife refuge, a conservation unit in the Bering Sea Ecosystem. These islands exhibit extensive biological diversity closely tied with the surrounding marine environment. The refuge protects these islands for seabirds, marine mammals and other wildlife, Aleut archaeological resources and World War II historic sites. Presently, several Aleut villages are within the Aleutian Island chain, as well as private holdings belonging to The Aleut Corporation. Other stakeholders in the Aleutians include the U.S. Department of Defense, which has military bases in several locations. The U.S. Fish and Wildlife Service currently works closely with these partners in the Aleutians. Information centers are located in Adak and Homer offering distribution of refuge brochures. Naturalists are available on board the state ferry and commercial cruise ships.

Major Issues:

- Seabird populations and productivity.
- Eradication of introduced species, especially arctic foxes, Norway rats, and caribou.
- Aleutian Canada goose restoration.
- Marine mammals, especially Steller's sea lions and sea otters.
- Winter waterfowl populations monitoring.
- Removal of contaminants remaining from military activities.
- Prevention of rat introduction to rat-free islands.

Accomplishments and Benefits:

Several significant resource accomplishments and resource concerns have occurred in the Aleutian Islands region since its designation as a Biosphere Reserve in 1976. The Aleutian Canada Goose, formerly listed as an endangered species, is currently listed as a threatened species, due to restoration of its breeding habitat in the Aleutians as well as protection on its wintering grounds. The refuge continues

to focus on eradication of introduced foxes as the primary means for restoration of goose and seabird populations. Annual seabird monitoring sites have been established in the eastern, central, and western Aleutians to document populations and productivity.

Several issues of concern in recent years are the focus of attention in the Aleutian Islands. As of June 1997, the Aleutian population of Steller's sea lions is being listed as an endangered species. In the central Aleutians, an unexplained decline in sea otter numbers has occurred. Findings of contaminants left over from WW II military activities, and later nuclear test explosions, are necessitating further sampling to determine effects on the tundra environment and wildlife.

To accomplish refuge goals, and to expound on our understanding of the Bering Sea Ecosystem, the U.S. Fish and Wildlife Service has formed partnerships with other organizations resulting in mutual benefits. These include the National Marine Fisheries Service, the University of Alaska Institute of Marine Science, the U.S. Geological Service Biological Resources Division, numerous academic researchers, and other cooperators conducting biological and archaeological research.

Designation of the Aleutian Islands as a Biosphere Reserve in no way infringes on nor influences how these public lands are managed by the U.S. Fish and Wildlife Service. Management mandates are determined by statutes and agency policies. In the Aleutian Islands Unit of this refuge, no Man and the Biosphere funds were used to achieve the accomplishments noted above.

Contact:

Laura Greffenius, Unit Manager
or Jeff Williams, AIU Wildlife Biologist,
Aleutian Islands Unit,
Alaska Maritime National Wildlife Refuge,
PSC 486, Box 5251,
Adak, Alaska FPO-AP 96506
Tel. (907) 592-2406,
Fax. (907) 592-3473,
E-mail: R7AIUWR@mail.fws.gov

John Manager, Refuge Manager
or Dan Boone, Deputy Refuge Manager,
Alaska Maritime National Wildlife Refuge,
2355 Kachemak Bay Dr., Suite 101,
Homer, Alaska 99603-8021
Tel. (907) 235-6546,
Fax. (907) 235-7783,
E-mail: R7AMNWR@mail.fws.gov

ALERT!!

American Land Rights Association



THANKS TO YOU!

S 2098, a Companion Bill to HR 901 (The American Land Sovereignty Protection Act) Has Been Introduced in the Senate by Senator Ben Campbell (R-Colorado)

HR 901, *The American Land Sovereignty Protection Act*, and its Senate companion, S 2098, asserts the Constitutional power of Congress over management and use of lands belonging to the United States by requiring the specific approval of Congress before any area within the US is made a World Heritage Site or Biosphere Reserves. These international land reserves are created without the approval of Congress and with virtually no Congressional oversight.

Act Now to Get This Legislation Passed

Write or call both of your Senators and ask them to co-sponsor S 2098

The Capital Switchboard is: 202-224-3121

The address for all Senators is: The Honorable _____
United States Senate
Washington, DC 20515

Talking Points

- The public, state and local governments, are not informed of pending designations and no public process is followed in nominating an area for World Heritage Site or Biosphere Reserve status.
- World Heritage Site and Biosphere Reserve designations give the international community an open invitation to interfere in US domestic policy decisions.
- Although the United Nations has no direct input into management decisions in Biosphere Reserves or World Heritage Sites, the United States does agree to comply with international agreements, some of which may restrict use of private property.
- Federal agencies take international land designations into account when making land-use decisions and formulating long range management plans.
- UN land designations centralize policy-making authority in the Executive Branch bureaucracy and reduce input into Federal land-use decisions by individual citizens.
- By creating these UN land reserves, the US indirectly agrees to terms of international treaties, such as the Convention on Biological Diversity, to which the US is not a party or

which the US Senate has refused to ratify.

For More Information Contact:

American Land Rights Association

Tel: 360-687-3087

FAX: 360-687-2973

Send mail to alra@pacifier.com with questions or comments about this web site.

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Last modified: November 02, 1998

PROPERTY RIGHTS FOUNDATION BACKGROUND BRIEF *cc: Officers, Directors, Mining District*

DANGERS OF DESIGNATIONS

REGIONAL, FEDERAL, STATE AND INTERNATIONAL, LAND-USE INTRUSIONS
National/American Heritage Areas, UN Biosphere Reserves and UN World Heritage Sites

Myths

The Designation of National American Heritage Areas is merely honorary and has no regulatory power.

The designation of UN Biosphere Reserves is for research and education only.

The designation of UN World Heritage Sites does not bring foreign influence over land in the United States.

The designations are to promote tourism.

According to United Nations testimony before Congress, local officials are always consulted before Biosphere Reserves are proposed.

Reality

Congressional bills and federal laws for **National or American Heritage Areas** require a contract between the state government regional entity and the U.S. Secretary of Interior to manage the land-use of the region for preservation. This means federal control of zoning, either directly, by the terms of the "management compact," or indirectly, by the use of funds dispensed by preservation agencies to influence zoning under a seductive porkbarrel system. The iron-clad zoning is enforced locally, with home-rule seemingly preserved, but private property owners' rights diminished and locally generated land-use patterns foreclosed.

The preponderance of research (published in specialized journals) about **Biosphere Reserves** is about "restoring" rural areas so that human influence on nature is eliminated. The "international significance" of the designated region is trumpeted by the national environmental groups to lobby for government land acquisition and more "environmental" restrictions on land-use.

Exactly what people feared happened near Yellowstone National Park, which is a **World Heritage Site**. When environmentalists acting in conjunction with the Clinton Administration persuaded UNESCO to declare the park a "World Heritage Site in Danger," United Nations officials came to the U.S. from Paris to complain about a gold & copper mine that was planned outside the park, but inside an area the environmentalists call "Greater Yellowstone." President Clinton himself then stopped the environmental impact review required under the National Environmental Protection Act (NEPA) from being completed and disapproved the mine based on the UN World Heritage Committee's recommendation.

If the stated purpose of tourism succeeds for the **National Heritage Areas**, of which over 200 are proposed (encompassing much of the West, the entire 2,500-mile Mississippi River and adjacent counties, and most of the land east of the Mississippi), the United States will theoretically become one vast "heritage" tourism complex, to the detriment of productive, less "beautiful" industries, agriculture and forestry. In addition, for **Biosphere Reserves** and **World Heritage Sites** to be successful, areas must be off-limits to hunting, and many roads used by hunters and tourists closed. Tourism is one of the first sectors to suffer from recessions and depressions. Much tourism is both weather-dependent and seasonal, and tourism jobs are predominately low-paid. The only things that are "sustainable" are the views that new restrictions protect. Flexibility to respond economically is lost. Most communities cannot afford to focus a large part of their resources on their past heritage. Communities with sagging economies become run-down and uninviting. Preservation zoning and lack of jobs force ordinary people to move away, whereby wealthier people may move in and gentrify the area without generating a productive local economy.

When state and local elected officials in New York learned from property rights activists about the secret proposal to designate the Catskill Mountains Biosphere Reserve, they were angry, and the application ultimately had to be withdrawn from the U.S. Department of State. **Biosphere Reserve** applications are usually done secretly, and local people and their elected representatives excluded from information.

Over...

Dangers of Designations continued

Myths

UN Biosphere Reserves and World Heritage Sites are approved only after public hearings and Congressional vote.

The Biosphere Reserve and World Heritage Site programs have potentially little impact on government or private property.

UN Biosphere Reserves and World Heritage Site designations present no threat to American sovereignty.

Reality

The U.S. Congress failed to pass the legislation (H.R. 2379) to establish the Biosphere Reserve system when it was proposed in 1983. The World Heritage Convention was ratified by the U.S. Senate in 1979. Working in conjunction with the National Park Service, the Department of State does not consult Congress before designating individual Biosphere Reserves or World Heritage Sites. Neither of these agencies, nor Congress, holds public hearings and no Congressional vote takes place before the UN sites are designated.

There are 17 Biosphere Reserves and 20 World Heritage Sites in the United States. The designations involve not only government, but private property. The largest Biosphere Reserve in the U.S. is the 10-million acre, secretly designated Champlain-Adirondack Biosphere Reserve. Private landowners were not notified and their permission was not granted for the designation, but environmental groups quickly publicized it among their members, who thereupon lobbied for stricter environmental regulations of the private land in the region. Official goals for "core" and "buffer" regions of Biosphere Reserves and for World Heritage Sites are not consistent with the continued population of the regions.

"I think it perfectly understandable that people are concerned that when you set up a program, when you give it a designation, where you as international authorities recognize it, the implication is that down the road when there are conflicts, somebody's going to be leaned on, and the authority for this, at least the moral authority for this, will be an invocation of some very dubious international authority." — **Dr. Jeremy Rabkin**, Associate Professor, Cornell University, from testimony before the U.S. House of Representatives, Committee on Resources Sept. 12, 1996, on the American Land Sovereignty Protection Act.

AVAILABLE FROM

THE PROPERTY RIGHTS FOUNDATION OF AMERICA:

National Heritage Areas
(Positions on Property, Jan-Apr 1996) \$3.00 p./pd.

The National Park Service, No. 2 - UNESCO Biosphere Reserves
(Positions on Property, Jan-Mar 1995, 12pp) .. \$3.00 p./pd.

The American Heritage Areas
Background Brief, July 1995, 2 pp free

Building & Zoning Codes
(Positions on Property May-Dec. 1996, 32pp) .. \$6.00 p./pd.

Single copies priced as listed. Please enquire for multiple copies.

For up to 10 additional copies of *Dangers of Designations* at no charge, and additional information contact:
The Property Rights Foundation of America, Inc.
P.O. Box 75, Stony Creek, NY 12578 (518) 696-9748

The Property Rights Foundation of America, Inc. is a national, New York-based not-profit organization dedicated to the right to own and use private property guaranteed in the United States Constitution.

The Foundation publishes *Positions on Property* (\$25.⁰⁰ yearly), a quarterly journal of information, analysis and ideas on private property rights, and the *New York Property Rights Clearinghouse* (\$25.⁰⁰ yearly), a quarterly newsletter of current information on property rights across New York and the Northeast.

American Land Rights Association

Biosphere Reserves-World Heritage Programs Threaten You

Since the mid 1980's, ALRA has been warning its members about UNESCO's (United Nations Environmental, Scientific and Cultural Organization) Biosphere Reserve and World Heritage programs, now 25 years old.

To date, 20 World Heritage sites and 47 Biosphere Reserves have been designated in the US. Despite the fact that almost 43 million acres have been designated as Biosphere Reserves in the US, the Interior Department operates this program without any legislative direction and no authorization from Congress.

The 1995 designations of Glacier National Park in Montana and the Carlsbad Caverns in New Mexico as World Heritage Areas, preceded by the 1989 designation of the Greater Yellowstone Ecosystem as a Biosphere Reserve, were made with no public or Congressional input.

Federal agencies and non-governmental organizations, such as the Sierra Club, the Greater Yellowstone Coalition, the National Parks and Conservation Association are using these designations to support their efforts to get rid of inholders, buy up private land, limit mining (they stopped the New World Mine in Montana and hundreds of new jobs by calling in the United Nations), oil and gas, tourism, grazing, logging, farming, and development. Example, ALRA helped lead the fight to defeat the 1990 Greater Yellowstone Vision Document.

The Interior Department and the National Park Service, which actually runs the programs, say they get their authority from treaties. In the case of World Heritage Sites, it is the Convention on World Heritage and was ratified by the Senate in 1972. As we said before, there is no treaty and no authorizing legislative authority for Biosphere Reserves.

A treaty can override acts of Congress. This means that despite legislation that is made with public input and many compromises, the Park Service feels it may ignore that legislation and any guarantees of property rights included in it by relying on the authority in a treaty which was completed with no public input.

By definition, Biosphere Reserves are to have a legally constituted core protected area of sufficient size and minimal human activity plus a buffer zone around the core where non-compatible uses are limited. In the case of the New World Mine, the UN recommended a 50 mile buffer zone after their inspection.

Congressman Don Young (R-AK) introduced the American Lands Sovereignty Protection Act late in 1996 and expects to reintroduce it in January. This bill would require Congressional oversight of federal agency actions involving World Heritage Sites and Biosphere Reserves. Any "buffer zones" would have to be approved by Congress. The Young bill would preserve the sovereignty of the US over its own lands as well as state sovereignty and private property rights on surrounding non-federal lands before designations are made.

**Readers should call their Congressmen at
(202) 225-3121**

**to urge them to co-sponsor the American Land Sovereignty Protection Act when Rep.
Young reintroduces it in January.**

For More Information Contact:

American Land Rights Association

Tel: 360-687-3087

FAX: 360-687-2973



Send mail to alra@pacifier.com with questions or comments about this web site.

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Liberty Matters News Service

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Earth First! Raids Congressman's Office

Last month, more than 60 Eco-terrorists from Earth First! stormed the district office of Rep. Frank Rigg (R-CA) in Eureka. The EF group, which is trying to lock up 60,000 acres of privately owned forest, was led by an environmentalist wearing a ski mask and carrying a walkie-talkie. While Rigg's staff called police, the protesters trashed and vandalized the office "throwing bark and sawdust six inches deep on office equipment, desks and floor." They then wheeled in and dropped a gigantic tree stump, that according to a staffer, sounded like a bomb going off. Four women wore metal sleeves and chained themselves to the stump. After several attempts by the Police to remove the protestors, law enforcement eventually used pepper spray to force the protestors to unchain themselves. Last Thursday, the protestors went back to the Congressman's office and staged a media event in which they charged the police with brutality, handed out awards to themselves for protesting, and "demonized" the Congressman. *Faxback Doc. 212*

Climate Change Takes Heat

Two weeks of intense negotiations among delegates from 150 nations ended with little progress toward a final agreement on how to reduce greenhouse gases that allegedly cause global warming. The Clinton administration is pushing for an agreement so he can have a signing ceremony of the Climate Change Protocol in Kyoto, Japan in December. Despite 18 hour work days, delegates could not agree on targets for greenhouse gas emissions reductions, a timeframe for reductions, which countries should be bound and how monitoring will be enforced. To prove just how split the scientific community is on this issue, a four-part series in the Washington Post stated that: "Another decade of research is likely needed to solve some of global warming's most perplexing riddles." Believe it or not, one of the suggested "techno-fixes" for global warming is "launching vast sheets of foil into orbit" to cool regions of Earth. In a related story, Undersecretary of State Tim Wirth outraged GOP leaders last week by telling them privately that they should "keep their mouths shut and not criticize" the Clinton administration's global warming stance heading into next month's climate change conference in Kyoto. The White House defended the statement by saying it was meant to ensure the US speaks with "one voice" in Japan..... *So much for free speech!*

Western Wilderness Invades the East

The House Resources Committee approved by voice vote HR 1567 introduced by Rep. Jim Hansen (R-UT) that would study "massive areas" of federal, state and private lands east of the Texas Panhandle "that might be suitable for wilderness protection." However, Jim Saxton (R-NJ), convinced the committee that the bill's sponsor had gone too far by including private lands in the wilderness study and got private and state lands exempted from the study. That struck a chord with many Westerners, including Committee Chairman Don Young (R-AK) who said: "You've (Eastern legislators) run over us, stepped on us, spit on us and kicked us." Since the Wilderness Act was passed in 1964, four million acres have been designated in the East, whereas 100 million acres have been designated in the West... *do unto others... Faxback Doc. 213*

"Strike for Liberty" Gain's Momentum

The American Policy Center is leading the nationwide "Strike for Liberty" scheduled for December 5, 1997 to protest President Clinton's signing of the Climate Change Protocol, which would mandate rolling back energy use within the United States to 15% less than 1990 levels. The Center is coordinating truckers, farmers, service clubs, family groups and other organizations along with the national conservative media to rally in protest of Clinton's actions. Already, major events are being organized in 14 states, thousands of truckers are preparing to stop on the side of the road for one hour, and farmers are planning to drive equipment into key cities. To find out how you can help, contact the Center at (703) 925-0881 or at their website www.americanpolicy.org. You can also get a list of specific activities and locations order *Faxback Doc. 211 & 211a*

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For further information contact us on the internet:

<http://www.libertymatters.org>

E-Mail libertym@libertymatters.org



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 275-7997 Telephone: (907) 276-0347

February 23, 1998

Honorable Craig Thomas
Chairman
Subcommittee on Parks, Historical Preservation and Recreation
354 Senate Office Building
Washington, DC 20510

RE: H.R. 901, the American Land Sovereignty Protection Act

Dear Senator Thomas,

Thank you for the opportunity to comment on House Resolution 901 which would require Congressional approval of all international designations that involve any lands or waters owned by the United States. The Alaska Miners Association supports H.R. 901 and urges its passage at the earliest possible date.

H.R. 901 is possibly the single most important land management issue now before the U.S. Congress. This Act is needed to protect and help insure the sovereignty of our country. This Act is also needed to reduce the opportunity for foreign governments and foreign companies to dictate and adversely impact the policies and economy of the United States. It is crucial that the U.S. Congress and only the U.S. Congress be allowed to offer any area of land or water of the United States or any of its territories as part of an international designation that could, or may, in any way affect the use or management of that area.

History Shows -
World Heritage Sites and Biosphere Reserves have been used in the past and are now being used by environmental groups to harass and stop projects. This occurred at the New World Mine located in Montana just outside Yellowstone National Park. Yellowstone has been designated as both a World Heritage Site and a Biosphere Reserve. The New World Mine was on private property about three miles outside the park and on a watershed that drained away from the park. The Department of Interior invited the United Nations World Heritage Committee to visit the Park with the pre-determined goal of getting the Committee to oppose the mine and thereby add international pressure to block development of the mine. After the visit and without any scientific basis or evaluation of the facts, the Committee predictively came out against the New World Mine.

In the Kamchatka area of the Russian Far East, immediately after designation of the "Volcanoes of Kamchatka World Heritage Site", environmental groups issued a press release attacking OPIC (Overseas Private Investment Corporation) support for a mine project near the newly designated site. This project and the surrounding area had been extensively explored for more than a dozen years and was strongly supported by the local communities. The people of the Russian Far East are desperate for jobs and a means to support their families. But because of the international World Heritage Site designation, outside groups were given a tool to harass the project and add outside international pressure to block development that would be a tremendous benefit to the area.

It has been argued that World Heritage Sites and Biosphere Reserves are only "symbolic" and that such designations do not have any impact on a nation's sovereignty over its lands and waters. We submit that for the New World Mine and the residents of Kamchatka such designations are far more than just "symbolic".

Where World Heritage Sites or Biosphere Reserves are established there exists an undefined "buffer" around the designated area that is also subject to outside influence. In both the New World Mine and the Kamchatka instances, the projects were several miles outside the boundaries of the respective World Heritage Sites. This means that not only is the designated Site subject to outside influence, but that private and government lands and waters around the Sites are also susceptible to harassment.

This "buffer" aspect is of extreme importance in Alaska. Specifically, about 165 million acres of Alaska (an area equal to the combined acreage of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, and Illinois) is already in federally designated parks, preserves, monuments, refuges, and wild & scenic rivers which are often given the general name of Conservation System Units or CSUs. If any of these CSUs are given international designations, the adjacent State-owned or Native-owned lands would be in jeopardy. How wide is the buffer? Is it three miles as occurred at the New World Mine? Or is it 10 miles or 20 miles? We have calculated that each one-mile width of buffer around the federal CSUs in Alaska would cover another 8 million acres of mainly State or Native owned lands.

The "buffer" affect constitutes a danger to privately owned Native lands in Alaska which total about 45 million acres. Most of these lands were selected because they have the highest mineral potential and therefore the greatest opportunity to create jobs and economic development opportunities for the Native people. The opportunities presented by these lands are essential for the Native people, many of whom live in remote villages that are plagued with chronic unemployment. State and federal programs to create jobs and improve the lives and self-worth of the Native people have utterly failed. It is therefore essential that debate and an act of Congress be required before any international designation is allowed that could in any way be used to harass or block the Native people from normal use and enjoyment and developing their resources.

The impacts of Biosphere Reserves would be even worse than those of World Heritage Sites. The reason is that boundaries of Biosphere Reserves are not defined. They do not have specific clearly established boundaries but rather are made up of a core area where no development can occur and surrounding intermediate "buffer" areas where minimal development can occur. Neither the Congress nor a private citizen can predict what can or cannot be done in the non-core areas or on lands adjacent to a Biosphere Reserve. All of the problems and uncertainties of World Heritage Sites continue and some new dangers are added.

We have focused on World Heritage Sites and Biosphere Reserves. However, are there any other international designations that we do not know about? Are there any other designations that could in any way be construed to result in some measure of compromise of sovereignty? H.R. 901 would require Congressional approval of all international designations.

We believe that international designations could be used to disrupt and hurt U.S. business and industry. If international pressure can be exerted on development in the U.S. through World Heritage Sites or Biosphere Reserves, it is a small step for our international competitors to fund environmental groups to harass and block projects in the U.S.

One example of the danger posed by an international designation involves Native owned private lands in Northwest Alaska. The Red Dog Mine is one of the greatest success stories for the Native people of Alaska. In 1985 the U.S. Congress passed a Act that provided a right of way for the NANA Regional Corporation (a Native corporation) to build a road from its Red Dog Mine across Cape Krusenstern National Monument to the only feasible port site in the area. This mine is now the largest private employer in Northwest Alaska and provides high-quality, skilled, year-around jobs to more than 450 people, 54% of which are Native shareholders. This single mine now produces more than 8% of the world's zinc concentrate.

However, if back in 1985 Cape Krusenstern had been a World Heritage Site, or if the off-shore area had been a Biosphere Reserve, the outcome may have been very different. Environmental groups fought against the road right of way and would have used international pressure to block it if international designations had been in place. Also, it is likely that international competitors would have done everything possible, including funding groups like Greenpeace, in an attempt to block the right of way needed for the mine. World Heritage Sites and Biosphere Reserves expose any area, and especially Alaska, to this type of economic harassment from foreign competitors.

Furthermore, if an international designation is in place, nothing would keep foreign governments from using such designations and the same tactics to advance their political agendas at the expense of the U.S. interests.

Another aspect that must be addressed is the ability of the international community to change the definitions, management regime or use requirements for World Heritage Sites or Biosphere Reserves. If such changes occur, the U.S. could find itself bound to some new requirements and added limitations.

One final point must be raised. All governments have the propensity to grow and continually reach for more power and control. When this occurs in the United States, we the people can elect representatives that will curb this expansion of government without the need for a revolution. There is no such mechanism in place to change the direction of the United Nations. Also, under the U.S. Constitution the Congress has the authority and responsibility for such lands issues and any international designation without Congressional approval is an usurpation of that authority.

For all of the reasons and situations discussed above, it is essential that only the U.S. Congress have the power to allow a World Heritage Site, Biosphere Reserve or any other international designation over our lands or waters.

Sincerely,



Steven C. Borell, P.E.
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles



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H.R. 901 is possibly the single most important land management issue now before the U.S. Congress. This Act is needed to protect and help insure the sovereignty of our country. This Act is also needed to reduce the opportunity for foreign governments and foreign companies to dictate and adversely impact the policies and economy of the United States. It is crucial that the U.S. Congress and only the U.S. Congress be allowed to offer any area of land or water of the United States or any of its territories as part of an international designation that could, or may, in any way affect the use or management of that area.

World Heritage Sites and Biosphere Reserves have been used in the past and are now being used by environmental groups to harass and stop projects. This occurred at the New World Mine located in Montana just outside Yellowstone National Park. Yellowstone has been designated as both a World Heritage Site and a Biosphere Reserve. The New World Mine was on private property about three miles outside the park and on a watershed that drained away from the park. The Department of Interior invited the United Nations World Heritage Committee to visit the Park with the pre-determined goal of getting the Committee to oppose the mine and thereby add international pressure to block development of the mine. After the visit and without any scientific basis or evaluation of the facts, the Committee predictively came out against the New World Mine.

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It has been argued that World Heritage Sites and Biosphere Reserves are only "symbolic" and that such designations do not have any impact on a nation's sovereignty over its lands and waters. We submit that for the New World Mine and the residents of Kamchatka such designations are far more than just "symbolic".

Where World Heritage Sites or Biosphere Reserves are established there exists an undefined "buffer" around the designated area that is also subject to outside influence. In both the New World Mine and the Kamchatka instances, the projects were several miles outside the boundaries of the respective World Heritage Sites. This means that not only is the designated Site subject to outside influence, but that private and government lands and waters around the Sites are also susceptible to harassment.

This "buffer" aspect is of extreme importance in Alaska. Specifically, about 165 million acres of Alaska (an area equal to the combined acreage of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, and Illinois) is already in federally designated parks, preserves, monuments, refuges, and wild & scenic rivers which are often given the general name of Conservation System Units or CSUs. If any of these CSUs are given international designations, the adjacent State-owned or Native-owned lands would be in jeopardy. How wide is the buffer? Is it three miles as occurred at the New World Mine? Or is it 10 miles or 20 miles? We have calculated that each one-mile width of buffer around the federal CSUs in Alaska would cover another 8 million acres of mainly State or Native owned lands.

The "buffer" affect constitutes a danger to privately owned Native lands in Alaska which total about 45 million acres. Most of these lands were selected because they have the highest mineral potential and therefore the greatest opportunity to create jobs and economic development opportunities for the Native people. The opportunities presented by these lands are essential for the Native people, many of whom live in remote villages that are plagued with chronic unemployment. State and federal programs to create jobs and improve the lives and self-worth of the Native people have utterly failed. It is therefore essential that debate and an act of Congress be required before any international designation is allowed that could in any way be used to harass or block the Native people from normal use and enjoyment and developing their resources.

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One example of the danger posed by an international designation involves Native owned private lands in Northwest Alaska. The Red Dog Mine is one of the greatest success stories for the Native people of Alaska. In 1985 the U.S. Congress passed a Act that provided a right of way for the NANA Regional Corporation (a Native corporation) to build a road from its Red Dog Mine across Cape Krusenstern National Monument to the only feasible port site in the area. This mine is now the largest private employer in Northwest Alaska and provides high-quality, skilled, year-around jobs to more than 450 people, 54% of which are Native shareholders. This single mine now produces more than 8% of the world's zinc concentrate.

However, if back in 1985 Cape Krusenstern had been a World Heritage Site, or if the off-shore area had been a Biosphere Reserve, the outcome may have been very different. Environmental groups fought against the road right of way and would have used international pressure to block it if international designations had been in place. Also, it is likely that international competitors would have done everything possible, including funding groups like Greenpeace, in an attempt to block the right of way needed for the mine. World Heritage Sites and Biosphere Reserves expose any area, and especially Alaska, to this type of economic harassment from foreign competitors.

Furthermore, if an international designation is in place, nothing would keep foreign governments from using such designations and the same tactics to advance their political agendas at the expense of the U.S. interests.

Another aspect that must be addressed is the ability of the international community to change the definitions, management regime or use requirements for World Heritage Sites or Biosphere Reserves. If such changes occur, the U.S. could find itself bound to some new requirements and added limitations.

One final point must be raised. All governments have the propensity to grow and continually reach for more power and control. When this occurs in the United States, we the people can elect representatives that will curb this expansion of government without the need for a revolution. There is no such mechanism in place to change the direction of the United Nations. Also, under the U.S. Constitution the Congress has the authority and responsibility for such lands issues and any international designation without Congressional approval is an usurpation of that authority.

For all of the reasons and situations discussed above, it is essential that only the U.S. Congress have the power to allow a World Heritage Site, Biosphere Reserve or any other international designation over our lands or waters.

Sincerely,



Steven C. Borell, P.E.
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles

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for two years. As a joint expedition of the Navy and the noted *New York Herald* publisher James Gordon Bennett, the *Jeannette* had left San Francisco in July 1879 under the command of Lt. George Washington DeLong and passed through the Bering Strait in search of Wrangell's Land and the northwest passage. Unfortunately, several miles east of Wrangell the ship became trapped in the ice on September 6 and began drifting to the northwest. For nearly two years the crew endured unrelenting hardships as the ship traversed about five hundred miles. Finally, on June 12, 1881, it was crushed in the ice and sank about eight hundred miles from the North Pole. In this vicinity the crew discovered and claimed for the United States the islands they named Bennett, Jeannette, and Henrietta. (Jeannette was named for Bennett's sister, and Henrietta for his mother, and the three are known collectively as the DeLong Islands.)

"Latitude 77-8 Longitude E 153-25: We break camp and start southward over the ice tomorrow evening, hoping with God's grace to reach the New Siberian Islands, and from there to make our way by boats to the coast of Siberia," read DeLong's log of June 17, 1881. Persevering through severe cold, shifting icebergs, darkness, storms, and shortage of food, the crew eventually became separated into two parties. One group reached the Lena River delta in Siberia and was rescued. DeLong's group also reached land, but it ran out of food and all hands perished of starvation or exposure. Congress subsequently issued special medals to the crew, and a poignant statue of a cross draped in icicles stands at the Naval Academy in Annapolis to commemorate this stunning feat.¹⁰

The newly acquired territories were promptly listed in various U.S. government publications, and the Board of Geographic Names made appropriate topographical designations.¹¹ Although Hooper wanted to call his island "New Columbia," it remained Wrangell Island. Clark River was named after Ezra W. Clark, chief of the U.S. Revenue Marine Service, and Berry Peak and Rodgers Harbor on Wrangell commemorated the U.S. Navy survey party. Herald Island (about fifty miles to the east of Wrangell) was later claimed by the United States after the British abandoned it in the late nineteenth century. But not surprisingly, the settlement of such remote and frozen lands proved to be arduous and sporadic. Wrangell Island served as the setting of a 1910 Hollywood movie, numerous polar bear and whale hunts sponsored by wealthy sportsmen, and expeditions from the Field Museum in Chicago and Carnegie Museum in Pittsburgh. In 1921 Vilhjalmur Stefansson, an American with Canadian backing, acquired rights on the island and established a small settlement.¹² In 1923 the

well-established Lomen Brothers firm in Nome, Alaska, acquired Wrangell from Stefansson and founded a wildlife hunting and reindeer herding business.¹³

Russia, in the meantime, had become interested in extending its Arctic empire in reaction against its earlier retreat from North America (an expansionist ambition most recently reflected in Vladimir Zhirinovskiy's demand that Alaska be retroceded to Russia). In 1902 the tsarist regime took the occasion of a dispute over various whaling and sealing claims to assert that its sovereignty extended deep into the Arctic Ocean.¹⁴ At that time the United States rejected the pretense. In 1916 the tsarist government, then in its death throes during World War I, presented a diplomatic memorandum to the State Department claiming that Wrangell, Herald, Bennett, Jeannette, and Henrietta were now part of the Russian empire because they "form an extension northward of the continental tableland of Siberia."¹⁵ In essence, anything in the thousand miles between mainland Russia and the North Pole was being declared under Russian domain (known as the "sector theory"). This assertion, too, was summarily rejected by the United States.

The Bolsheviks' revolution and victory in the Russian civil war only whetted the Russian appetite in the Arctic. On August 20, 1924, the Soviet gunboat *Red October* landed at Wrangell Island, seized the Lomen settlement, forcibly hauled down the American flag, and removed the Lomen party to Siberia. The Americans were eventually repatriated (two died in the process). The State Department issued a passport for the group, which included an Eskimo baby who was born on Wrangell and had become an American national by virtue of being born on American soil.

No significant diplomatic follow-up was made by the State Department for this occupation of Wrangell. An obvious problem was that the United States did not recognize the Bolshevik government and had no diplomatic relations with it. This Arctic territory dispute thus remained on the back burner through the Depression, World War II, and Cold War. The Lomens tried for years to have the U.S. government take action over the family's lost real estate, but to no avail. For their confiscated furs, skins, equipment, and so forth, the Lomens were awarded compensation by the Department of Justice's Foreign Claims Settlement Commission in 1959.¹⁶

A Bizarre About-Face

In 1965, to dispel the misimpression that many mapmakers created when they drew the 1867 convention line onto world maps and labeled the

¹³ David B. Nolan and Mark J. Seklenberg, "The Right of American Sovereignty over Wrangell Island," *Alaska-Ox* (University of Saskatchewan) 29, 1981, pp. 6-7.

¹⁴ Herbert H.D. Pierce, *Foreign Relations of the United States*, app. 1 (Washington, D.C.: Department of State, 1903), pp. 18, 107.

¹⁵ Russian diplomatic note of Nov. 13, 1916, Department of State, file no. 861.014/2, rec. gr. 59.

¹⁶ Foreign Claims Settlement Commission of the United States Claim no. SOV-40944, Decision no. SOV-3115, June 29, 1959, Washington, D.C.

¹⁰ Leonard F. Guttridge, *Icebound* (Annapolis, Md.: Naval Institute Press, 1986), p. 182.

¹¹ Department of the Interior, U.S. Geological Survey Bulletin no. 169, *Altitudes in Alaska* (1900); Bulletin no. 187, *Geographic Dictionary of Alaska* (1902); Bulletin no. 274, *A Dictionary of Altitudes in the United States* (1906); Bulletin no. 299, *Geographic Dictionary of Alaska* (1906); and Bulletin no. 817, *Boundaries, Areas, Geographic Centers and Altitudes of the United States* (1930) (Washington, D.C.: GPO). Also, U.S. Geological Survey Professional Survey Paper 567, *Dictionary of Alaska Place Names* (Washington, D.C.: GPO, 1967, rev. 1971, 1975, and 1977).

¹² William R. Hunt, *Stef* (Vancouver, Canada: University of British Columbia Press, 1986), p. 196.

ocean on one side as "U.S." and the other "USSR" as if the line were an actual boundary, the Geographer of the State Department issued a detailed study. It stated, "Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used."¹⁷ In 1973 the Digest of International Law plainly declared, "The United States has not relinquished its claim to Wrangell Island."¹⁸ Then, sometime in the mid-1970s, the State Department's stance radically changed. It subsequently has sought to abandon to the Soviets/Russians all of Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic, and Copper Island (with Sea Lion Rock and Sea Otter Rock) at the end of the Aleutians, along with the adjoining seabeds. It has never even sought a peace treaty to deal with the Soviet military invasion of Wrangell.

Following the 1976 passage of the Fishery Conservation and Management Act, the State Department made a preemptive concession to the Soviets over setting the maritime boundary between Alaska and Siberia. Without so much as public hearings or consultation with Congress, the State Department delivered a diplomatic note from the U.S. embassy in Moscow on January 24, 1977, stating, "... the U.S. Government, in enforcing its fishery jurisdiction, intends to respect the line set forth in the Convention signed at Washington March 30, 1867."¹⁹ The instructions from the secretary of state for delivery of the note stated, "Note speaks for itself, and accordingly, we do not wish to comment or solicit a reaction from Soviets orally at this time."²⁰

The 1867 convention line had never been a boundary before, and nowhere did it approximate an equidistant formulation. The five islands in the Arctic would be on the Soviet side. Moreover, the State Department ignored the 167 degrees east meridian segment and put Copper Island (with Sea Lion Rock and Sea Otter Rock) on the Soviet side.

The Soviet diplomats were taken aback by this generous offer. They eagerly accepted it with the proviso that no maritime boundary would be created by the 1867 line where it was farther than two hundred nautical miles from either coastline.²¹ In a confidential telegram from the American embassy in Moscow describing the presentation of the January 24 note to the nonplussed Soviet official, it was reported, "He did ask, as a personal aside, whether it was not customary to negotiate or at least discuss such matters before giving notice about enforcement provisions."²²

¹⁷ The Geographer, U.S. Department of State, "U.S.-Russia Convention Line of 1867," *International Boundary Study* no. 14 (Revised), Oct. 1, 1965, 3.

¹⁸ Green Haywood Hackworth, *Digest of International Law*, vol. 1 (New York: Garland Publishing, Inc., 1973), 464.

¹⁹ U.S. Embassy (Moscow) note 99 of Jan. 24, 1977.

²⁰ U.S. Department of State telegram 013984 from secretary of state to American embassy, Moscow, DTG 211915ZJAN77, 1.

²¹ USSR Ministry of Foreign Affairs note no. 11/dusa of Feb. 24, 1977.

²² American embassy, Moscow, telegram 01163 to secretary of state, DTG 251544ZJAN77, 1.

"Alaska" only came into being years later as U.S. Army, Navy, Revenue Marine, Treasury Department, and other federal officers took over the few Russian settlements and fanned out to make vast discoveries and assert U.S. sovereignty. Included in these postcession discoveries were five specific islands in the Arctic Ocean. They were not part of the 1867 purchase, and the Russians could not have ceded them to the United States since they had never owned them. This should not be surprising given the fact that the Arctic Ocean is frozen over for about nine months of the year, and during the summer the ice breaks up a little on the southern rim to allow only very limited navigation.

The closest of the five islands to the Russian mainland is Wrangell Island, eighty miles north of Siberia at 71 degrees north, 180 degrees east and west. In 1881 American sailors were the first to set foot on Wrangell and take possession for the United States. Captain Calvin Leighton Hooper of the U.S. Revenue Marine (later to become the Coast Guard) on patrol aboard his steamer *Thomas Corwin* directed the landing party coming ashore on Wrangell at the mouth of the Clark River on August 12, 1881. In his report

**The Russians
could not cede
what they did
not own.**

to Congress Hooper stated that after the ship had maneuvered through ever-threatening ice floes, "We immediately landed and, raising the American flag, took possession in the name of the United States."²³

The famed explorer John Muir, who was aboard the *Corwin* and in the landing party, wrote, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land, and took formal possession of it in the name of the United States."²⁴ Muir's illustrations show the raising of the American flag and other shore activities.

A few weeks later the USS *John Rodgers* under the command of Navy Lt. Robert M. Berry, arrived to complete an extensive survey. The island turned out to measure about eighty miles east and west and forty miles north and south, and covered nearly twenty-eight hundred square miles, or more than Rhode Island and Delaware combined. Up until this time it was not known if "Wrangell's Land" was an island or an extensive peninsula of a larger land farther north. It had been named by an American whaling captain Thomas Long in 1867 when he spotted it from the south on his bark *Nile*. He named it in honor of a Russian official, Baron Ferdinand Petrovich von Wrangell, who had conducted Arctic forays but never sighted nor landed on the island himself.

The *Corwin* and *Rodgers* were patrolling the area in the summer of 1881 partly in search of the U.S. Navy steamer *Jeannette* which had been lost

²³ Calvin Leighton Hooper, *Report of the Cruise of the U.S. Revenue Steamer Thomas Corwin in the Arctic Ocean, 1881*, Senate Executive Document 204, 48th Cong., 1st sess., 1884, 66.

²⁴ John Muir, *The Cruise of the Corwin* (Boston, Mass.: Houghton Mifflin, 1917), p. 169. This is a better version of the book than the Sierra Club's 1993 reprint. The reprint fails to include Muir's own illustrations (including the ones showing the landing on Wrangell Island). It fails to include the title page illustration of the Muir aster (*Erigeron Muirii*), the flower named after Muir which he discovered on his cruise aboard the *Corwin*. It consistently misspells Wrangell as "Wrangel." Its new introduction also undercuts Muir's account by questioning, without any substantiation, the fact that the *Corwin* was the first landing on Wrangell.

agreements that otherwise would require a treaty (such as setting a boundary with another country). Its original 1977 agreement with the Soviet Union obviously was never intended to be a treaty. By signing the executive agreement on June 1, 1990 (which would have the U.S. government abide by the terms of the maritime boundary agreement in treaty form regardless of whether it was ever ratified and put into force), the State Department has claimed the power to ignore entirely the treaty process and treat the main maritime boundary agreement in treaty form as the side act.

A Long and Chilling History

Before presenting more legal and policy issues, it would be useful to recount the historical record of Alaska's geography so that the magnitude of what is at stake can be appreciated.

First, "Alaska" was not bought from Russia in 1867, as we all "learned" in school. Rather, the term "Alaska" does not even appear in the treaty of cession (Convention of March 30, 1867), signed by Secretary of State William H. Seward and tsarist ambassador Eduard de Stoeckel.⁷ What the United States did acquire in this treaty were various Russian coastal and island settlements toward the southern end of modern day Alaska: settlements known collectively as "Russian America." The Russians had not settled or claimed much inland, nor had they even settled or claimed territory around the Bering Strait or the Arctic Ocean littoral. Modern day Alaska, after all, is more than twice the size of Texas, and the five hundred or so Russian officials and pioneers could hardly claim to have effectively occupied more than a fraction of the "great land," as the Aleuts called it.

In describing what was being ceded to the United States in Article I of the treaty a couple of geographic lines were created. One line starts in the Bering Straits midway between Big and Little Diomed Islands and "proceeds north, without limitation, into the same Frozen (Arctic) ocean"; and from the same midway point it extends southwesterly to a midpoint between St. Lawrence Island and Cape Choukotski and thence to a midpoint between Copper Island and Attu Island. This line is sometimes referred to as the "1867 convention line." The other line in the treaty is a north-south meridian at 167 degrees east (the treaty calls it 193 degrees west) which extends between Copper Island and Bering Island in the Kommandorski Islands, "so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian" (i.e. Copper Island and the rest).

⁷ U.S. Statutes at Large 15: 539.

This U.S.-Soviet executive agreement unraveled later in 1977 when it was discovered that the U.S. and Soviet diplomats were using different geographical coordinates to depict the 1867 line. The 1867 treaty did not have any specific coordinates, since the line existed out in the middle of the ocean for the sole purpose of partially describing what was being transferred to the United States. For the segment that runs diagonally for over one thousand miles from the Bering Strait to a point in the mid-Aleutians, the United States was using a line that was the shortest between two points on a globe (i.e. the arc of a great circle). The Soviets used a straight line on a Mercator flat map (i.e. a rhumb line). The Soviet version lies considerably eastward from the U.S. version and gives the Soviets about fifty thousand square miles more seabeds.

Unaware of this interchange, the authoritative William Butler, dean of the Faculty of Laws at University College in London, wrote in 1978, "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chuckchi Sea and northward remains to be negotiated."²³

An uneasy impasse continued until 1981 at which time the two sides started negotiations. These were concealed from public view by the State Department. The negotiations took on additional significance when on March 10, 1983, President Ronald Reagan proclaimed U.S. exclusive economic zones in general, with specific boundaries to be negotiated with nearby countries. Thus the maritime boundary between the United States and the Soviet Union would establish more than fishery conservation zones.

The maritime boundary issue came to public light in 1984, resulting in a heated reaction in Alaska, Congress, and the press to the effect that Washington was engaged in a vast giveaway. The public disclosure surfaced in March when the Department of the Interior was about to conduct an oil tract lease sale in the Navarin Basin of the Bering Sea. It had to admit that it was not quite sure where the western boundary of the Navarin Basin would be finally fixed (because of the dispute with the Soviets), hence, oil companies that bid on those western tracts might not eventually receive the leases. The announcement in the Federal Register stated, "The United States depicts the 1867 Convention line as the maritime boundary . . ."²⁴

Sharp disapproval of the State Department's actions echoed in Congress, in state legislatures, and in public groups. Initiatives in the Senate were led by the ranking member of the Foreign Relations Committee Jesse Helms (R-N.C.), who introduced a series of resolutions with extensive commentaries in the *Congressional Record*.²⁵ In the House, Congressmen Mark Siljander (R-Mich.),

²³ William E. Butler, *International Straits of the World*, vol. 1, *Northeast Arctic Passage* (Alphen aan den Rijn, Netherlands: Sijthoff & Nordhoff, 1978).

²⁴ Federal Register (Mar. 16, 1984): 10056-68.

²⁵ S.R. 279, 99th Cong., 1st sess., *Congressional Record*, 131, no. 176 (Dec. 18, 1985): S18002-21; S.R. 20, 101st Cong., 1st sess., *Congressional Record*, 135, no. 6 (Jan. 25, 1989): S779-87; and Amend. 387 to the Department of State Authorization Bill, 101st Cong., 1st sess., *Congressional Record*, 135, no. 99 (July 20, 1989): 28438-47.

William Dannemeyer (R-Calif.), and Dan Burton (R-Ind.) introduced bills in the 99th, 100th, and 101st Congresses respectively.²⁶ In addition to questioning the giveaway nature of the proposed maritime boundary, the measures reiterated that the agreement would need to be in the form of a treaty and thus subject to congressional and public scrutiny.

The Alaska legislature was understandably upset. Urging the State Department to resist the Soviet demands was the subject of a resolution by State Representative Roger Jenkins, which passed both houses unanimously and was signed by Governor Bill Sheffield in April 1986.²⁷ After repeated rebuffs from the State Department, the legislature passed a resolution by State Senator Rich Uehling and signed by Governor Steve Cowper in May 1988 complaining that it was being improperly excluded from the negotiations.²⁸ The State Department contends that it briefed the governor's staff on various occasions during the negotiations. However, since none of the governor's staff held federal security clearances, they would not have been granted access to any of the substantive parts of the negotiations considered classified information.

Alaska's congressional delegation was split on this issue. Representative Don Young cosponsored the Burton bill in 1989. Senator Ted Stevens, however, appeared before the Alaska legislature in March 1986 and declared, "Alaskans don't belong in that fight."²⁹ Senator Frank Murkowski (R-Alaska) promised to introduce a bill in December 1985 to require the State Department to give a full report on this matter, but never fulfilled his promise.³⁰ Both senators testified in favor of the maritime boundary agreement at the Senate Foreign Relations Committee hearing on June 13, 1991.

The state of California agreed with Alaska, recognizing that if the State Department could ignore one state in negotiating over its boundaries and territory, it could abuse all states. The California legislature passed a resolution in September 1987 authored by Assemblywoman Marian La Follette to support Alaska's rights to be represented in the negotiations and give consent to relevant terms.³¹

Numerous nationwide and local groups passed resolutions questioning the impending giveaway, including the American Legion, Veterans of Foreign Wars, Daughters of the American Revolution, and Young Americans for Freedom. Editorials and news articles appeared in several publications including the *Wall Street Journal*, *Christian Science Monitor*, *Forbes*, *Chicago Tribune*, and *Detroit Free Press*, while State Department Watch, a public advocacy group, sponsored

If one state is excluded from boundary negotiations, then all states stand to be ignored.

islands on the Russian side, and thus apparently disposes of them by abandonment or by inverse condemnation. Disposals of U.S. territory and property are subject to the power of Congress (Article IV, Section 3), but the State Department has never approached the House of Representatives or Senate to approve its disposal plan.

3. In the federal system of government, the state and federal governments have coequal powers when a state's boundary and/or territory is involved. The proposed maritime boundary line impinges on Alaskan land and sea resources (under the Submerged Lands Act of 1953). Nevertheless, the State Department has refused repeatedly to allow representatives of the state of Alaska to participate in the negotiations, and has denied that the terms of the maritime boundary that impact on Alaska be subject to approval by the state of Alaska. This refusal contradicts a long-standing policy, dating from 1846 when Secretary of State Daniel Webster negotiated the boundary between Maine and New Brunswick with Great Britain. Webster required that commissioners from both Maine and Massachusetts (Massachusetts having some residual interests in Maine) participate in the negotiations, and that the states also consent to the terms of the final Webster-Ashburton Treaty.⁶

4. A novelty of the maritime boundary agreement creates a "western special area" on the U.S. side in the Bering Sea and gives the Russians the power "to exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law in the absence of [this agreement]." The power of a foreign government to exercise sovereignty and jurisdiction on American soil is highly unusual, such as in the case of embassy grounds. The agreement also gives the United States similar sovereign powers over three "eastern special areas" on the Russian side.

5. Finally, the State Department apparently arrogates to itself the power to conclude binding executive

²⁶ H.R. 3766, 99th Cong., 1st sess., introduced by Siljander on Nov. 14, 1985; H.R. 341, 100th Cong., 1st sess., by Dannemeyer on Jan. 6, 1987; and H.R. 2383, 101st Cong., 1st sess., by Burton on May 17, 1989.

²⁷ Alaska House Joint Resolution 53, 14th Legislature, Juneau.

²⁸ Alaska Senate Joint Resolution 12, 15th Legislature, Juneau.

²⁹ "Oil deposits shift Cold War to drab, icy Arctic islands," *Miami Herald*, Mar. 23, 1986.

³⁰ Senator Murkowski, letter to the editor, *Wall Street Journal*, Dec. 2, 1985.

³¹ California Assembly, Joint Resolution 37, Sacramento, adopted Sept. 10, 1987.

⁶ Hunter Miller, *Treaties and Other International Acts of the United States*, vol. 4 (Washington, D.C.: U.S. Department of State, 1934), pp. 383-93.

hence it has not entered into force. The executive agreement, by contrast, appears to have been implemented by both sides.

The form of the agreement has considerable importance. The U.S. Constitution makes a treaty the supreme law of the land that can override any state law. An executive agreement, on the other hand, is not superior to any state law, and can be as easily amended or abrogated as entered into with the foreign government.

In February 1997 the Russian Duma (the lower house of the Russian legislature) resoundingly voted to denounce the executive agreement and demanded even more seabeds with their fishing rights yielding annually 150,000 tons of fish harvests worth over \$300 million. According to one news report:

State Department sources, speaking on the condition that they not be quoted by name, said the Clinton administration is working furiously to rescue the agreement. But they acknowledged that the dispute poses a serious difficulty that can be resolved only through concessions to the Russians. "Opposition to the treaty has emerged on the Russian side," a State Department source said. "It reflects the view of Russian fishing interests that the agreement disadvantaged them and that they lost opportunities to fish in the Bering Sea."¹

In May 1997 the State Department had to scrub a planned signing ceremony in Petropavlovsk on Kamchatka due to the failure of both sides to arrive at a new agreement that would transfer fishing rights to the Russians. Considerable opposition was voiced by U.S. fishing groups and others toward any further giveaways. Russian criticism continued in September with a front page story in the newspaper *Izvestia* and vocal complaints by foreign ministry officials and Duma leaders.²

The apparent ability of the State Department to exercise its will unilaterally with little input from the public has raised considerable question as to the processes involved. With respect to the treaty form of the maritime boundary agreement, the State Department has evidently and willfully ignored no less than five constitutional requirements for treaties.

1. Negotiations intended to produce a treaty are supposed to be revealed promptly to the U. S. Senate so that it can effectively exercise its "advice" power under the "advice and consent" clause (Article II, Section 2). The State Department never provided any such notification or request for input to the Senate for the original 1977 agreement, the series of negotiations in the 1980s, or the current round.

2. Because of the way the proposed boundary line has been drawn, it places eight American/Alaskan

a letter-writing campaign that resulted in some fifty thousand protests being delivered to the State Department.

Nevertheless, the unyielding State Department produced its agreement in 1990 without any formal input from the Senate, the state of Alaska, or the public. The line it created for the boundary was based on the 1867 line with significant zigs and zags added approximately halfway between the "arc of a great circle" and the "rhumb line" depictions. Almost no equidistant lines were used. Two hundred mile arcs were drawn with the assumption that the Soviet Union owned Copper Island in the south and Herald Island in the north. The line ran north-south through the reef that extends from the western shore of Little Diomed Island (U.S.) in the Bering Strait. It also created the novel concept of the eastern and western "special zones" by which the Soviet Union and United States were to exercise sovereign rights and jurisdiction on the other's seabeds. The two hundred mile arcs from the U.S. coast baselines were questionable, inasmuch as the U.S. Coast and Geodetic Survey has never compiled a survey of the coast baseline in the vicinity of the Bering Strait or Little Diomed Island.

A further problem of the constructive cession of the eight islands presented itself. This would amount to a substantial removal of property from the state of Alaska and any private owners of the islands, who ought then to receive just compensation from the federal government. (State Department Watch has attempted to assist the heirs of the Lomen Brothers, who had given up hope decades ago, with two of the group's directors taking on parts of the ownership of Wrangell Island.)

As previously mentioned, the executive agreement that was signed at the same time on June 1, 1990, was shielded from the public and Congress. It was not announced at the time of signing. It was not mentioned in the president's transmittal of the treaty agreement to the Senate.³ It was not mentioned in the State Department's testimony at the Senate Foreign Relations Committee hearing on the treaty in June 1991.⁴ It did not come up in the committee report, nor in the Senate floor debate in September.⁵

Prior to the Senate vote, state legislatures of Alaska and California again expressed strong disapproval and urged rejection. A letter signed by a majority of members of the Alaska legislature stated:

We firmly believe United States interests and Alaskan interests are at stake and in jeopardy in the proposed treaty No Alaskan official has ever been invited to participate in the treaty negotiations, in spite of abiding Alaskan interests in fisheries, petroleum, and other potential continental shelf resources and the consideration of

¹ "Russians Won't Back Sea Boundary," *Fairbanks Daily News-Miner*, Mar. 9, 1997.

² *Izvestia* (Moscow), Sept. 1, 1997; "Russians Set To Go on Offensive in U.S. Fish Dispute," *Journal of Commerce* (New York), Sept. 4, 1997.

³ Senate Treaty Document 101-22, 101st Cong., 2nd sess., Sept. 26, 1990.

⁴ Senate Committee on Foreign Relations hearing transcript on U.S.-Soviet Maritime Boundary Agreement, S. Hrg. 102-90, 102nd Cong., 1st sess., June 13, 1991.

⁵ Senate Executive Report 102-13, *Foreign Relations Committee Report on the Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary*, July 31, 1991; *Congressional Record*, 102nd Cong., 1st sess., 1991, 137, no. 127: S13009-10 and S13036-40.

navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice.³⁴

The California legislature joined in with unanimous passage of a resolution authored by State Senator Don Rogers renewing its support for the state of Alaska and asking the president to withdraw the proposed treaty.³⁵ Senator Pete Wilson (R-Calif.) in September 1990 entered into the *Congressional Record* a commemoration of the congressional medals to the DeLong crew on the 100th anniversary of the awards.³⁷

The State Department testified at the Senate hearing on June 13, "The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those (five Arctic) islands."³⁸ But Helms was not impressed with the State Department's ultimate intentions, stating, "Since I doubt that the State Department will make use of the opportunity to press U.S. claims to the five islands—even though the right to do so is preserved—I intend to vote against the treaty."³⁹ Nevertheless, the treaty passed the Senate on September 16, 1991, in the wave of post-Cold War euphoria.

What Is To Be Done?

Six years later, the State Department has still failed to assert anything regarding the islands. The Alaska legislature has spoken again by the passage in the House of Representatives in 1997 of a resolution, introduced by Representatives Al Vezey and Joe Ryan, reiterating the position that Alaska's exclusion from the process is unconstitutional, that the executive agreement is considered null and void, and that the State Department ought to reveal what it has done to implement the executive agreement over the past six years.⁴⁰

Just exactly what is at stake economically with the seabeds under consideration? Alaska is the biggest fishing state in the nation, with billions of dollars in catches yearly. Conflicts over fishing rights have been rife for decades not only with the Russians, but with Japanese, Korean, and other fishing fleets. The Duma's objection to the agreement appears primarily motivated by desire for even more Russian fishing beds.

Oil is an even more significant prize. The north slope of Alaska is the largest oil field in the United States. This field faces and extends out into the Arctic Ocean, which is so shallow that the continental shelf (two hundred meter depth) extends out hundreds of miles, beyond both Wrangell and Herald Islands.

of the negotiators, the dates and places of the rounds, and the substance of the talks remain classified information.¹

Billions of dollars of petroleum, fishery, and other resource potential are at stake in hundreds of thousands of square miles of seabeds under consideration. Strategic American/Alaskan land outposts in the Arctic and Aleutians (along with their seabeds) are in danger of being permanently abandoned to the Russians without any quid pro quo whatsoever.

Before discussing the current situation further, it would be helpful to give some legal perspective. Prior to 1976 countries did not divide up seabeds between themselves farther than their territorial seas of three or twelve miles from their coastlines. With the development of sea mining techniques and open sea fishing disputes, the international concepts of exclusive economic zones, fishery conservation zones, continental shelves (two hundred meter depth), and so on came into being with two hundred nautical miles from coastal baselines adopted. Generally countries adopt some form of equidistant line. These zones don't necessarily include all the seabeds between two landmasses and an open nonzone sea area can be completely surrounded by EEZs. In the Bering Sea a well-known open area called the "doughnut hole" is surrounded by the U.S. and Russian zones, and is subject to fishing by other countries.

The Fishery Conservation and Management Act of 1976 set the scene for negotiations with the Soviet Union by the outgoing Ford administration. The State Department, without any negotiations, then entered into a secret executive agreement with the Soviet Union in 1977 over a maritime boundary. The agreement fell apart later that year when the actual geographic coordinates of the proposed line became disputed (the Soviets wanted the line much farther toward the east and closer to Alaska). In 1981 a series of at least eight rounds of negotiations began. It resulted in the signing of a maritime boundary agreement in treaty form by Secretary of State James A. Baker III and Soviet foreign minister Eduard Shevardnadze on June 1, 1990, in Washington, D. C.² The two also signed an executive agreement that "pending the entry into force of that [maritime boundary] Agreement, the two Governments agree to abide by the terms of that Agreement as of June 15, 1990."³ No public announcement of this executive agreement was made by the State Department at the time of its signing in 1990. The U.S. Senate consented to the treaty in September 1991, and President George Bush carried out ratification for the U.S. side in December. The Soviet/Russian side, however, has let six years go by without ratifying the treaty,

¹ Some State Department representatives at the July 1984 negotiations in Moscow were legal advisor Davis Robinson, attorneys Elizabeth Verville and Scott Hajos, and staff members Harry Marshall, Richard T. Scully, and Robert W. Smith.

² Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed on June 1, 1990, at Washington, D.C., *International Legal Materials*, vol. 29, American Society of International Law, (1990), 941.

³ Untitled agreement signed June 1, 1990, at Washington, D.C., relating to the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, Department of State, *United States Treaties and other International Acts Series* 11451.

³⁴ Letter dated May 17, 1991, from 36 members of the Alaska Legislature (headed by Rep. Ramona Barnes) to Sen. Joseph Biden Jr. (D-Del.), chair, Subcommittee on European Affairs, Senate Committee on Foreign Relations.

³⁵ California Senate, Joint Resolution 20, Sacramento, adopted Sept. 3, 1991.

³⁶ *Congressional Record*, 101st Cong., 2nd sess., 1990, 136, no. 117: 513524.

³⁷ Senate Committee hearing transcript, U.S.-Soviet Maritime Boundary, 12.

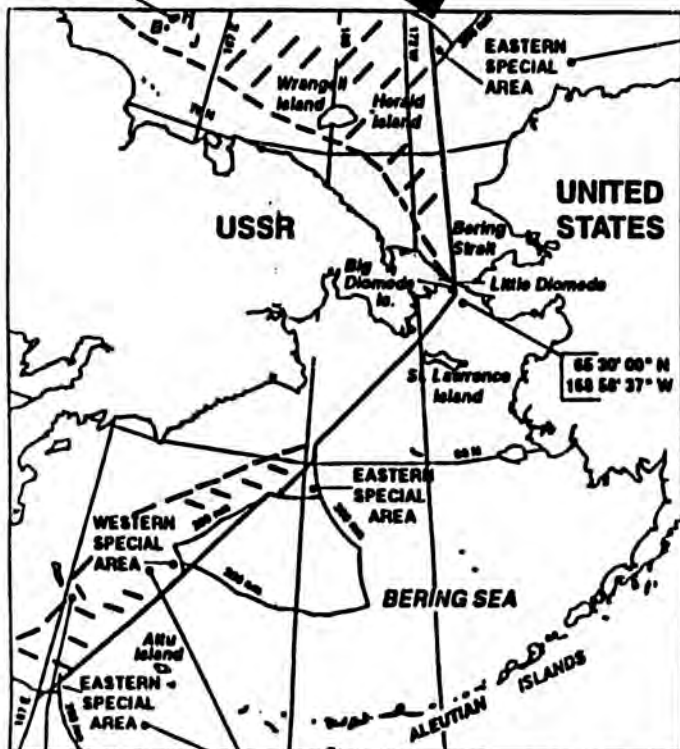
³⁸ *Congressional Record*, 102nd Cong., 1st sess., 1991, 137, no. 127: 513037.

³⁹ Alaska House Joint Resolution 22, 20th Legislature, 1st sess., Juneau, 1997.

Map: Maritime Boundary Giveaway

UNITED STATES-USSR MARITIME BOUNDARY *

The DeLong Islands of Henrietta, Bennett, and Jeanette.



Copper Island, Sea Otter, and Sea Lion Rocks.

These Western and Eastern Special Areas are based on Russian sovereignty on Copper Island.

EIGHT U.S. ISLANDS AND SURROUNDING SEABEDS BEING GIVEN TO RUSSIANS.

This Eastern Special Area is based on Russian sovereignty on Herald Island.

The maritime boundary cuts off part of the western reef of Little Diomedes Island.

The Russians get "sovereign rights and jurisdiction" over the United States Western Special Area.

* Maritime boundary as adopted by executive agreement of June 1, 1990, but not yet ratified by treaty.

Map Source: U.S. Department of State (with authors' notes added).

Oil reserves are generally measured in the billions of barrels valued around twenty dollars per barrel depending on production requirements. Oil companies make their own proprietary surveys. In the Department of the Interior's Chukchi Sea oil and gas lease sale in 1990, for tracts in the Arctic Ocean bordering on the 1867 line, the low estimate was 430 million barrels and the high estimate was 3.5 billion barrels.⁴¹ As for estimates in the vicinity of Wrangell Island, the Russians are not talking. However, it is known that both ARCO and Halliburton have conducted petroleum surveys for the Russians on and around Wrangell.

Why then—and here we come to a key player in our mystery—has not one U.S. oil company, over the two decades of 1977–97, expressed any opposition to the concessionary treaty? Until someone says otherwise, we can only conclude that U.S. oil executives believe that the Russians will be easier and cheaper to deal with for exploration and development of the oil reserves than the American and Alaskan governments. They may also be looking at other vast oil deals in southern and European Russia, and hope to curry favor with the relevant officials in Moscow. And in the absence of other powerful lobbies seeking to influence U.S. policy, secretaries of state may be expected to accede to the oil industry's wishes.

One industry group that did want to retain the Arctic islands for the United States was based in Rhode Island and Connecticut: the submarine shipbuilding industry which was facing severe post-Cold War cutbacks. These firms had designed wide-bodied submarines (similar to ballistic missile ones) that could be used as undersea tankers for use under the Arctic ice pack year-round.

In conclusion, whatever its private motives, the State Department cannot now conclude a new maritime boundary agreement with the Russians, or a companion agreement to turn over American fishing rights to the Russians, without confronting the following "unpleasant" realities:

1. Helms is now the chairman of the Senate Foreign Relations Committee and has the power to hold up any treaty under the rules of the Senate.
2. The effect of a new maritime boundary agreement will be called into question, given that the State Department has asserted its own unilateral authority to adopt a maritime boundary without a treaty. A thorough explanation of its actions to implement the executive agreement since 1990 will need to be forthcoming.
3. The abandonment of the eight islands would amount to a confiscation by the federal government

⁴¹ Minerals Management Service, Dept. of the Interior, *Final Environmental Impact Statement*, vol. 1, Chukchi Sea Oil & Gas Lease Sale 126, xvi.

of property owned by individual Americans and the state of Alaska who would then be entitled to just compensation.

4. Alaska is not the only part of America's coast for which the EEZ has not been fully asserted by the State Department. For any American island, the two hundred nautical mile EEZ circle around it contains at least 125,000 square miles of potential seabed resources. Among the American islands where the State Department has neglected to assert the EEZ are the Caribbean island of Navassa (situated among Haiti, Jamaica, and Cuba) and the Pacific islands of Washington, Fanning, Baker, Stewart, and Kingman Reef.

5. The State Department's seeming haste to conclude a maritime boundary with our erstwhile adversary Russia is in stark contrast to its treatment of our friends in Canada. The State Department has not yet arrived at a maritime boundary agreement with Canada for either the Arctic end or the southern end of Alaska.

6. The posture of the United States as the victor in the Cold War with the Soviet Union is being undermined. The United States should be in a better bargaining position in 1997 than it was in 1990. And yet, even as Germans, Poles, Hungarians, Ukrainians, and others have succeeded in removing the Russian troops from their soil, America itself



U.S.-Russian Maritime Boundary Giveaway

by Carl L. Olson, Mark J. Seidenberg, and Robert W. Selle

Admiral James D. Watkins, the Chief of Naval Operations (CNO), disappeared from Washington for several days in May 1985. When he literally "resurfaced" Watkins, a veteran submariner, was aboard the USS *Trepang* (SSN 674) about 250 miles from the North Pole. He was visiting an Arctic Ocean hydroacoustic research site at 86 degrees north, and the CNO's presence there underscored the strategic naval importance of this Arctic interface between the United States and the Soviet Union. Data developed there was proving vital for the cat-and-mouse games that U.S. attack submarines played and continue to play with Russian attack and ballistic missile submarines hiding under the ice cap. Exact sonar readings are crucial for the tricky acoustic behavior for near freezing temperatures in the confined environs bounded by the ice floes above and the shallow Arctic Ocean bottom below.

The *Trepang's* crew was ignorant of the negotiations then shuttling between Washington and Moscow over where precisely to fix the maritime boundary between the two countries in the Arctic Ocean and Bering Sea. The talks had already lasted four years and another five would pass before their conclusion.

But no headline screaming "Americans and Soviets Meet in Historic Talks on Maritime Boundary between Alaska and Siberia" ever appeared in print, and no television news program ever displayed smiling ambassadors congratulating each other at an auspicious locale such as Geneva. Instead, the superpowers, without publicity, exchanged diplomatic notes in 1977, and conducted at least eight face-to-face negotiating sessions from 1981 to 1990, their purpose being to divide up the fishery conservation zones and exclusive economic zones (EEZ) in the Bering Sea and Arctic Ocean where the coasts of the two countries came within four hundred nautical miles of each other. And the reason the public never heard anything is that the Department of State saw fit to conduct these historic negotiations in secrecy. To this date the names

Carl L. Olson, Mark J. Seidenberg, and Robert W. Selle are chairman, vice-chairman, and senior advisor, respectively, of State Department Watch, a nonpartisan foreign policy watchdog group in Washington, D. C.

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