

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

668 SCOM122: ALASKA LANDS FILE 1977-78

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SCOMM

#22:1

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

Steering Council For Alaska Lands

REP. STEVE COWPEN
CHAIRMAN
REP. ALVIN OSTERBACK
REP. JOE L. HAYES
SEN. CHANCY CROFT
SEN. MIKE COLLETTA
SEN. JOE GRISINI
WALTER PARKER
COMM. ROBERT LERENKNE
JAMES HOFFMAN
C. C. HAWLEY
DAVE CLINE



1016 WEST 9TH AVENUE, SUITE B
ANCHORAGE, ALASKA 99501
(907) 277-2415/16
[POUCH V. JUNEAU, ALASKA 99811]

MEMORANDUM

TO: All Council Members
FR: Sharon Long *SS.*
DT: December 22, 1977

There are four enclosures in your packet:

Enclosure #1 is the proposed language on access and minerals; we will be polling all members on Tuesday and Wednesday by telephone for your comments. If you have any questions on this language, call Mike Spaan, Birch, Horton, Bittner & Monroe, at 279-9403

Enclosure #2 is copies of the final state language that the council adopted at the November 22 meeting.

Enclosure #3 is Representative Seiberling's amendment on access. (amending committee print #2)

Enclosure #4 is the proposed agenda for the January 10th meeting in Juneau, and a copy of the maximum activity budget for 1978.

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ACCESS FOR TRANSPORTATION
AND UTILITY PURPOSES AMENDMENT

It is the position of the D-2 Steering Council that the access provision of HR-39 is unsatisfactory because it is too restrictive and unresponsive to the needs of the nation and of Alaska. The council proposes that the access system be revised as follows:

1. FORESTS: The access provisions of the national forests would be left as it is with the existing laws controlling.

2. OTHER SYSTEMS: Pursuant to a request (within 120 days from the date of such request) or on its own initiative the Commission will study (using criteria in 2(d)) and may recommend a transportation or utility access route to the Secretary of Interior and the Secretary of Transportation (where applicable under existing law).

a. If an access request of the state, company or individual is denied by the Commission, the right to appeal directly to the Secretary shall be preserved.

b. If the Secretary of Interior or the Secretary of Transportation (where applicable) fails to veto the proposal within 120 days from its receipt, the Commissioner will issue the permits necessary for the proposed access.

c. If no action is taken within 120 days by the Secretary of Interior, a permit for the transportation or utility access would be issued.

d. The Council recommends that Federal aid to Highways Act (§23 U.S.C. 101 eq. seq.) be amended so that the factors taken into consideration by both the Secretary of Interior and the Secretary of Transportation for highway decisions and the factors used for other non-highway transportation decisions are:

- (1) State wide and regional transportation plans.
- (2) A need for access.
- (3) Alternative routes and modes of access.
- (4) Feasibility of including different transportation and/or utility functions of the same corridor.
- (5) Short and long term social, economic, environmental impact.
- (6) Measures that should be instituted to negate any adverse impact.

3. ELECTRIC TRANSMISSION LINES: The council recommends these be excluded on any amendment as they are fairly easily issued now, even in parks and other restrictive systems.

4. LANDOWNER VETO: In the language above, the Secretary of Interior is given the opportunity to say no and the same would apply to a Governor of Alaska on state land.

5. FORCED CO-OPERATION - It is also the council's position to introduce amendments that would necessitate joint planning and Environmental Impact Statement's of different agencies. For instance a request for pipeline through a national park would be reviewed by the Secretary of Transportation as far as access requirements and the Secretary of Interior on the environmental impact. The same 120 day time limit would apply as the review would be made simultaneously.

MINERAL POSITION

I. NATIONAL PARKS AND MONUMENTS

A. There would be no mining in National Parks except on valid existing claims.

B. However, National Parks should not include mineral potential land unless its mineral value is clearly outweighed by scenic or habitat values.

1. Mineral Potential Land - land identified by industry, U.S.G.S. or Bureau of Mines, on basis of present knowledge, as having potential for occurrence of commercially viable metallic or non-metallic deposits or deposits of mineral fuels.

C. National Park Preserves - oil and gas leasing, hard rock mineral exploration and development permitted subject to reasonable regulation which must be promulgated within 180 days from date act takes effect. Areas may be closed if the Secretary makes a specific finding of harm to scenic or habitat values.

II. WILDLIFE REFUGES

A. Open for mining and mineral leasing subject to regulation unless habitat considerations specified by Secretary of Interior warrants a closing.

1. Mineral leasing laws to apply and hard rock exploration and development permitted under system akin to H.R. 5931.

2. Secretary must issue regulations within 180 days from date Act becomes law.

III. NATIONAL FOREST SYSTEM

A. No Change.

IV. JOINT MANAGED AREAS/HOLDING PATTERN LANDS

A. Open for mining under reasonable regulation unless specifically closed by Commission.

B. Requirement and regulations should be similar to those promulgated under 43 U.S.C. 1701, et seq. (BLM Organic Act).

1. Hard rock exploration and development permitted under H.R. 5931 system.

2. Mineral leasing law to apply.

V. IN HOLDINGS

A. Valid existing rights to be protected.

B. Access - mandate for positive approach to guarantee reasonable access.

1. If route allowed is more expensive but also more environmentally sound, the in holder would be

compensated for any excess costs of the route granted over the proposed access of in holder provided the original route was applied for in good faith and was feasible.

C. Clean Air/Clean Water and other environmental restrictions.

1. Secretary would be directed to administer above mentioned laws in a way that would be designed to help development of claims where not inconsistent with sound environmental policy.

D. Purchase of In Holdings.

1. If development of a valid existing claim is stopped either by denial of access (no access would be environmentally acceptable) or other restrictions the buy out for the prospect would be on the basis of net profit to be realized on deposit defined at the time the buy out occurred.

AMENDS ANDRUS PROPOSAL

December 7, 1977

For possible use if preferred
recommendations are not adopted
by the Subcommittee.

Brackets [] indicate deletions
Underlined _____ indicate additions

SEC. ____ (a) Except as otherwise provided by Federal law the State of Alaska is authorized to permit subsistence uses of fish[,] and wildlife[, and plant] resources within designated subsistence management zones by establishing within eighteen months of the enactment of this Act, a program:

(1) Defining "subsistence uses" to include the taking and use of customary or traditional wild foods [and other renewable biological resources] from lands and waters for personal or family consumption; provided that such taking is not accomplished in a wasteful manner. Such uses may also involve the customary trade or barter [among] by qualified subsistence users for personal or family consumption, including customary barter to obtain a nominal cash supplement, and the sale of traditional native handicrafts made out of the non-edible by-products of resources taken for personal or family consumption pursuant to this subsection;

(2) prescribing conditions under which subsistence uses may be permitted, including but not limited to, the establishment of limits on season length, take, and number and type of fish[,] and wildlife[, or plant] species to be utilized; provided, however, that the level of subsistence uses may not be significantly expanded beyond those in existence [prior to December 18th, 1971] on the effective date of this act.

(3) determining, without regard to race or ethnic origins, who is qualified for subsistence uses within subsistence management zones based upon the following factors which shall be weighted by the State to reflect their relative importance: customary and direct dependency upon the use of subsistence resources as the mainstay of one's livelihood; area of domicile; availability of alternative resources; and [cultural needs] the traditional lifestyle of the subsistence user;

(4) creating a system of regional and local [subsistence] advisors to assist in [determining who is qualified for subsistence uses within] carrying out the State's responsibilities under this section, including, to the maximum practicable extent, determining who is qualified for subsistence uses within subsistence management zones; and

(5) giving subsistence uses preference over any other competing consumptive use within subsistence management zones. When actual or [anticipated] projected population declines in a specific subsistence resource would be aggravated by continued subsistence uses or other competing consumptive uses, the State shall first curtail the other consumptive uses, and as a last resort, subsistence uses, to the extent necessary to protect the viability and well-being of the fish[,] and wildlife[, and plant] population affected.

(b) Within eighteen months of the enactment of this Act, t[T]he Secretaries of Interior and Agriculture, after a rule making procedure implemented pursuant to the Administration Procedure Act (5 U.S.C. 551 et seq.), shall designate by regulation subsistence management zones within their respective units added to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems by this Act. Such subsistence management zones shall be designated only within those units where subsistence uses were customarily occurring on or [before] about the effective date of this Act and where continued subsistence uses would be consistent with the purposes for which the area was established and is being managed. The appropriate Secretary, after rule making pursuant to the Administrative Procedure Act, shall [is authorized to] periodically revise the boundaries of subsistence management zones in order to reflect changes in fish[,] and wildlife [or plant populations] migration patterns or [subsistence] the needs of qualified subsistence users.

(c)(1) After consultation with the State of Alaska, [T]he appropriate Secretary may close any subsistence management zone or portion thereof to subsistence uses for reasons of public safety, [fish and wildlife management] protection and management of the lands and habitat which support living resources, administration, or public use and enjoyment of the area; and notwithstanding any other provision of this section, if the appropriate Secretary determines that conditions imposed by the State of Alaska under subsection (a)(2) of this section [are inconsistent with the purposes for which any area was established or] constitute a danger to the population of any species, he may close the area to subsistence uses, subject to the procedure described in the following subsection .

(c)(2) If the Secretary of the Interior determines that the State has failed to comply with the requirements specified in this section, he shall first give the State a reasonable period, but not less than one hundred twenty days, to rectify the alleged deficiency. If the State refuses to make such changes, the Secretary shall initiate a hearing pursuant to the Administrative Procedure Act in order to ascertain the validity of the State's claim. Upon a finding of noncompliance by the State with the requirements specified in this section, the Secretary or the Secretary of Agriculture, as appropriate, may close any affected subsistence management zone or portion thereof to subsistence uses; provided that upon his finding that an emergency exists, the appropriate Secretary may close a subsistence management zone or portion thereof pending a hearing, which shall be convened within one hundred twenty days of the closure.

(d)(1) Except for those subsistence uses authorized in titles ___, ___, and ___, and in this section, [a] all areas of the National Park System in the State of Alaska shall be closed to hunting and trapping, but [may] shall be open to sport fishing in accordance with the applicable laws of the United States and the State of Alaska, provided, however, the Secretary shall permit fishing, trapping, and [non-commercial] sport hunting within areas established by this Act as "national preserves" and "national rivers" in accordance with the applicable laws of the United States and the State of Alaska; provided further, that nothing in this subsection shall be construed as limiting the authority of the State of Alaska to manage and regulate fish and resident wildlife within such preserves and national rivers.

(2) The Secretary of the Interior or the Secretary of Agriculture,
as appropriate, may designate for all units of the National Park
System, the National Wildlife Refuge System, the National Forest System,
and the Wild and Scenic Rivers System in the State of Alaska areas
where, and periods when, hunting, fishing, trapping or entry may be
limited or prescribed for reasons of public safety, administration,
protection and management of the lands and habitat which support
living resources, [preservation of subsistence resources,] or
public use and enjoyment. Except in an emergency, any regulation
prescribing such restrictions relating to hunting, fishing, trapping
or entry shall be put into effect only after consultation with the
appropriate State agency having jurisdiction over such activities,
and after a hearing pursuant to the Administrative Procedure Act
at which the validity of the restrictions shall be considered.
In the event that restrictions are imposed under the emergency
authority granted herein, a hearing shall be held within one
hundred twenty days of such imposition.

(c) Any person who violates or fails to comply with any regulation issued pursuant to subsections (c) or (d) of this section shall be fined not more than five hundred dollars or imprisoned for not to exceed six months, or both.

(f) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall prepare and submit a report every two years to the President of the Senate and the Speaker of the House of Representatives

on subsistence uses within designated subsistence management zones. The report shall include among other things, the status of fish and wildlife populations impacted by subsistence uses, the number of persons engaged in subsistence uses, the status of subsistence in the native cultures and in the general resident population of Alaska, the scope, nature and effectiveness of the State subsistence program, whether the State is in compliance with the standards set forth in this Act on subsistence use, and whether there is a need for increased Federal funding and/or legislation modifying the existing subsistence use system.

(g) Nothing in this section shall be deemed to modify or repeal the provisions of the Fur Seal Act of 1966 (16 U.S.C. Sections 1151 et seq.); the Endangered Species Act of 1973 (16 U.S.C. Sections 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. Sections 1361 et seq.); or the Migratory Bird Treaty Act (16 U.S.C. Sections 701 et seq.).

(h) Notwithstanding any other provision of this Act or other law, the Secretaries of Interior and Agriculture shall permit the subsistence related use of snowmobiles, motorboats, and other means of transportation traditionally used for subsistence purposes within areas open to subsistence uses, subject only to such reasonable regulations as are necessary to prevent damage to terrain, to protect the values of the public lands, and to fulfill the purposes for which affected conservation system units are established or expanded by this Act. [law or any other provision of this Act to the contrary, the Secretary may permit the winter use of snowmachines for subsistence purposes.]

(i) The Secretaries of Interior and Agriculture shall take steps to ensure that subsistence users shall have access to subsistence management zones, including access by means of rights-of-way or easements across public lands. Such access shall be subject only to such reasonable restrictions as the appropriate Secretary may determine from time to time are necessary to protect the values of the public lands.

(j) Subject to the restrictions specified in this section, the Secretaries of Interior and Agriculture shall consider subsistence uses of plants in designating subsistence management zones, and said Secretaries shall seek to protect such subsistence resources in the development and implementation of management plans affecting particular subsistence management zones.

(k) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy or dispositions of public lands (except valid State and Native land selections and related conveyances) in any subsistence management zone, the Secretaries of Interior and Agriculture shall evaluate the subsistence needs of the persons affected, the availability of nonsubsistence lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the requirement for any taking of lands needed for subsistence uses. To the maximum extent practicable, said Secretaries shall take steps to ameliorate or eliminate adverse impacts resulting from such actions.

(l) Except as otherwise provided by this section and any other Federal law, the State of Alaska is authorized to manage and regulate the taking of fish and wildlife on Federal lands.

(m) If the State refuses to accept regulatory responsibility under this section, the Secretary of the Interior or the Secretary of Agriculture, as appropriate, shall carry out the functions assigned to the State hereunder.

(n) Nothing in this Act shall be construed to grant a property right in fish, wildlife, plants, habitat, lands or waters to any subsistence user.

(o) In order to carry out the provisions of this section, the sum of _____ per annum is hereby authorized to be appropriated to the Secretary of the Interior for transfer to the State of Alaska; provided, however, that said sum is not authorized for any year in which the State has refused to accept regulatory jurisdiction under this section. In the event that the sum authorized in this subsection is not appropriated for a particular fiscal year, the requirements of this section shall no longer apply, and the State may manage and regulate fish and resident wildlife within subsistence management zones in accordance with other applicable Federal and State law.

(p) International waters, territorial waters, navigable waters, private lands, state lands and the resources in such lands and waters are exempt from the provisions of this section.

Move that: The D-2 Steering Council hold that HR-39 as represented in the Committee Print of October 28 and as slated for mark-up by the subcommittee has areas which are not in the best interests of Alaska and that we urge the subcommittee to generally amend the mark-up vehicle by substituting elements which will be closer in philosophy to that developed in §1787 and the Land Use Planning Commission proposal.

Adopted

#3

Seiberling is being
referred as
sent to his committee
print.

Jan

Steve Cooper

MEMO
FROM: HOME AND

FROM: VSH
ATTN: SFAAN
FROM: BROOKS
DATE: DECEMBER 16, 1977

THE FOLLOWING SHOULD BE GIVEN TO COWPER AND COLLETTA AND COPY
TO RON WHEN HE ARRIVES ON TUESDAY.

AMENDMENT TO HR 39

PAGE 146, STRIKE LINES 14, 15, AND 16 IN THEIR ENTIRETY, AND ON
PAGE 147, AFTER LINE 10 ADD NEW SUBSECTIONS AS FOLLOWS:

"(C) IN ANY CASE WHERE STATE-OWNED OR PRIVATELY OWNED LAND
(INCLUDING NATIVE LAND) OR A VALID MINING CLAIM OR OTHER VALID
OCCUPANCY IS SURROUNDED BY PUBLIC LANDS WITHIN ONE OR MORE
CONSERVATION SYSTEMS UNITS, THE STATE OR PRIVATE OWNER OR OCCUPIER
SHALL BE GIVEN SUCH EASEMENTS OR OTHER RIGHTS AS MAY BE NECESSARY
TO ASSURE ADEQUATE ACCESS TO SUCH SURROUNDED LAND OR OCCUPANCY
BY SUCH STATE OR PRIVATE OWNER OR OCCUPIER AND HIS SUCCESSORS IN
INTEREST, UNDER REASONABLE REGULATIONS TO PROTECT THE VALUES OF
THE UNIT OR UNITS."

(d)(2) STEERING COUNCIL FOR ALASKA LANDS

PROPOSED AGENDA

January 10, 1978 Meeting

ITEM	PURPOSE	PAPERS/PRESENTATION
1:30 Convene		
1:40 Askalaska Proposal	Action	Final proposal: Dave Cline and Steve Brown, Director, Public Service, University of Alaska
2:00 Access Amendment	Action	Seiberling telegram language
2:15 Moss, Frink, Franklin	Information	Steve Cowper
2:25 Budget	Action	Steve Cowper

Steering Council For Alaska Lands

REP. STEVE COWPER
CHAIRMAN
REP. ALVIN OSTERBACK
REP. JOE L. HAYES
SEN. CHANCY CROFT
SEN. MIKE COLLETTA
SEN. JOE ORSINI
WALTER PARKER
COMM. ROBERT LERESCHE
JAMES HOFFMAN
C. C. HAWLEY
DAVE CLINE



1018 WEST 9TH AVENUE, SUITE B
ANCHORAGE, ALASKA 99501
(907) 277-2418/18
[POUCH V. JUNEAU, ALASKA 99811]

1978

PROJECTED MAXIMUM ACTIVITY BUDGET

Staff & Operations	85,722.00
Planning & Counseling	12,000.00
Travel/Speakers Bureau	102,500.00
Communications Internal	40,000.00
Legal Representation	150,000.00
Booker Scheduler	20,000.00
Materials Reproduction	11,500.00
Printing	13,000.00
Graphics Design	4,000.00
Radio Production	6,000.00
TV Film Production	25,000.00
Time Purchase Broadcast	155,000.00
Space Purchase	50,000.00
Air Charter	10,000.00
Charter Expenses	19,200.00
Direct Mail	10,000.00
Copywriting	4,000.00
Survey Research	25,000.00
Special Consultants	12,000.00
Evaluations & Reports	12,500.00
Miscellaneous Expenses	12,000.00
Special Projects	
USA News Media Campaign	50,000.00
USA News Feed Operation	75,000.00
 TOTAL	 <u><u>\$904,422.00</u></u>

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Alaska State Legislature

LEGISLATIVE AFFAIRS AGENCY

File
02 *Comm*

July 11, 1977

SUBJECT: D 2 Steering Committee Meeting

The above committee will meet July 15, Friday at 2 p.m. at 528 W. 5th Ave., Anchorage for the purpose of electing a Chairman, selecting staff, and general organizing of this committee.

Members are:

Senator Colletta
Croft
Orsini

Representative Cowper
Hayes
Osterback

Commissioner of Natural Resources Robert LeResche
Land Use Planning - Walt Parker
Chuck Holly

2 positions to be filled by Governor

Chair

STEERING COUNCIL FOR ALASKA LANDS

Steve Cowper, Chairman	Suite D, Nerland Building Fairbanks 99701	O 452-4215 H 479-2077
Dave Cline	Rural Route #3, Box 3075 Juneau 99801	586-1589
Mike Colletta	Post Office Box 3188 Anchorage 99501	O 279-1536 H 344-7453
Chancy Croft	425 "G" Street Room 710 Anchorage 99501	272-3508
C.C. Hawley	Box 78-D, SRA Anchorage 99507	O 344-6114 H 344-3450
Joe Hayes	625 West Fifth Ave. Suite I Anchorage 99501 or 1300 West Seventh Ave. # 306 Anchorage 99501	O 272-8222 H 278-1285
James Hoffman	Post Office Box 526 Bethel	543-2121
Robert LeResche	Pouch M Juneau 99811	O 465-2400 H 586-2076
Joe Orsini	2912 Alder Drive Anchorage 99504	O 279-0543 H 279-5728
Alvin Osterback	Box 71 Sand Point 99661	383-2363
Walt Parker	3724 Campbell Airstrip Road Anchorage	333-5189

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Steering Council For Alaska Lands

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1016 WEST 6TH AVENUE, SUITE B
ANCHORAGE, ALASKA 99501
(907) 277-2415/16
[BOUCH V. JUNEAU, ALASKA 99811]

MEMORANDUM

TO: All Council Members
FROM: Sharon Long
RE: Amendments and Policy Statements
DATE: November 30, 1977

Enclosed are copies of the amendments to (d)(2) legislation and one policy statement which you adopted at our last council meeting.

The joint commission Access, Minerals, and Wrangell Mountains language which you determined needed refinement will soon follow. Per the council's instructions, a few days after you have received the amendments, Sharon Stoops will contact you by telephone to determine your stand (up, down, changes) on the language.

The items "deferred until a later date" will rear their ugly heads at the next council meeting i.e. the Askalaska proposal; the Moratorium on Land Reclassifications Amendment; and the Wilderness Area amendment.

The next council meeting is scheduled for January 20, 1978, in Juneau.

More anon.

AMENDMENTS TO ALASKA
NATIVE CLAIMS SETTLEMENT ACT

It is suggested that the council propose an amendment which would repeal Section 22(E) of the Alaska Native Claims Settlement Act. Section 22(E) currently provides:

§22(E) If land within the national wildlife refuge system is selected by village corporation pursuant to provisions of this Act.... Secretary shall add to the refuge system other public land in the state to replace land selected by the village corporation.

What the council would be saying here is that it holds the view that enough land will be classified into parks and wildlife refuges on any of the pending (d)(2) bills and that this clause is just now unnecessary.

WILDLIFE MANAGEMENT

Sec. 4304. The taking of fish and game on all lands subject to this Act shall be regulated by the State of Alaska in accordance with applicable State law, including, but not limited to, the regulation of seasons, bag limits, means and methods, the administrative structure for wildlife management and regulations, the determination of resource depletion, and the definition of subsistence use and local residency. Where there is a conflict caused by depletion, the taking of fish and game for subsistence purposes shall be given preference over the taking of fish and game for other purposes. Such preference shall be granted to the local residents of the area affected by a conflict between consumptive uses. Among subsistence uses such preference shall be granted on the basis of economic need. Nothing in this section shall be construed to require that hunting or fishing be permitted where depletion of the resource would dictate a complete prohibition of such activities.

STATE SUBSISTENCE AMENDMENTS

(Subject to minor state changes)

Amends Andrus Proposal

Sec. 701. (a) Except as otherwise provided by Federal law the state of Alaska is authorized to permit subsistence uses of fish[,] and wildlife[, and plant] resources within designated subsistence management zones by establishing within eighteen months of the enactment of this Act, a program:

(1) Defining "subsistence uses" to include the taking and use of customary or traditional wild foods [and other renewable biological resources] from lands and waters for personal or family consumption; provided that such taking is not accomplished in a wasteful manner. Such uses may also involve the customary trade or barter [among] by qualified subsistence users for personal or family consumption, including customary barter to obtain a nominal cash supplement, and the sale of traditional native handicrafts made out of the non-edible by-products of resources taken for personal or family consumption pursuant to this subsection;

(2) prescribing conditions under which subsistence uses may be permitted, including but not limited to, the establishment of limits on season length, take, and number and type of fish[,] and wildlife [, or plant] species to be utilized; provided, however, that the level of subsistence uses may not be significantly expanded beyond those in existence [prior to December 18th, 1971] on the effective date of this act.

(3) determining, without regard to race or ethnic origins, who is qualified for subsistence uses within subsistence management zones based upon the following factors which shall be weighted by the State to reflect their relative importance: customary and direct dependency upon the use of subsistence resources as the mainstay of one's livelihood; area of domicile; availability of alternative resources; and [cultural needs] the traditional lifestyle of the subsistence user;

(4) creating a system of regional and local advisors to assist in [determining who is qualified for subsistence uses within] carrying out the State's responsibilities under this section, including, to the maximum practicable extent, determining who is qualified for subsistence uses within subsistence management zones; and

(5) giving subsistence uses preference over any other competing consumptive use within subsistence management zones. When actual or [anticipated] projected population declines in a specific

subsistence resource would be aggravated by continued subsistence uses or other competing consumptive uses, the State shall first curtail the other consumptive uses, and as a last resort, subsistence uses, to the extent necessary to protect the viability and well-being of the fish[,] and wildlife[, and plant] population affected.

(b) Within eighteen months of the enactment of this Act, t[the Secretaries of Interior and Agriculture, after a rule making procedure implemented pursuant to the Administration Procedure Act (5 U.S.C. 551 et seq.), shall designate by regulation subsistence management zones within their respective units added to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems by this Act. Such subsistence management zones shall be designated only within those units where subsistence uses were customarily occurring on or [before] about the effective date of this Act, and where continued subsistence uses would be consistent with the purposes for which the area was established and is being managed. The appropriate Secretary, after rule making pursuant to the Administrative Procedure Act, shall [if authorized to] periodically revise the boundaries of subsistence management zones in order to reflect changes in fish[,] and wildlife [or plant populations] migration patterns or [subsistence] the needs of qualified subsistence users.

(c) (1) After consultation with the State of Alaska, [t]he appropriate Secretary may close any subsistence management zone or portion thereof to subsistence uses for reasons of public safety, protection and management of the lands and habitat which support living resources, administration, or

and, in this section, (a) all areas of the national park system in the state of Alaska shall be closed to hunting and trapping, but (may) shall be open to sport fishing in accordance with the

$$F_{\text{eff}} = \frac{1}{2} \left(\frac{1}{F_1} + \frac{1}{F_2} \right) \quad (1) \quad (b)$$

days of the storm.

substantive assignment made or portion of it is substantively used; provided that upon his finding that an emergency exists, the appropriate authority may close a substantive meeting at some or portion thereof pending a meeting, which shall be convened within one hundred twenty.

Failed to comply with the requirements specified in this section, he shall first give the state a reasonable period, but not less than one hundred twenty days, to rectify the alleged delinquency. If the state refuses to make such changes, the Secretary shall initiate a hearing pursuant to the administrative procedure act in order to ascertain the validity of the state's claim. Upon a finding of noncompliance by the state with the requirements specified in this section, the Secretary of the Society of Agriculture, as appropriate, may close any affected

(c) (2) If the Secretary of Interior determines that the State has

“The following are the names of the persons who have been elected to the office of the President of the United States for the year 1892:—

public use and enjoyment of the area; and notwithstanding any other provision of this section, if the appropriate Secretary determines that conditions imposed by the State of Alaska under subsection (a) (2) of this section [are inconsistent with the purposes for which any area was established or] constitute a danger to the population of any species, he may close the area to subsistence uses, subject to the procedure described

applicable laws of the United States and the State of Alaska; provided, however, the Secretary shall permit fishing, trapping, and [non-commercial] sport hunting within areas established by this Act as "national preserves" and "national rivers" in accordance with the applicable laws of the United States and the State of Alaska; provided further, that nothing in this section shall be construed as limiting the authority of the State of Alaska to manage and regulate fish and wildlife within such preserves and national rivers.

(2) The Secretary of the Interior or the Secretary of Agriculture, as appropriate, may designate for all units of the National Park System, the National Wildlife Refuge System, the National Forest System, and the Wild and Scenic Rivers System in the State of Alaska areas where, and periods when, hunting, fishing, trapping or entry may be limited or prohibited for purposes of public safety, conservation, protection and management of the lands included in which are, or living resources, preservation of administrative resources, or public health and safety. Any such regulation prescribing such restrictions relating to hunting, fishing, trapping or entry shall be put into effect only after consultation with the appropriate State agency having jurisdiction over such activities, and after a hearing pursuant to the Administrative Procedure Act at which the validity of the restrictions shall be considered. In the event that restrictions are imposed under the emergency authority granted herein, a hearing shall be held within one hundred twenty days of such imposition.

(e) Any person who violates or fails to comply with any regulation issued pursuant to subsections (c) or (d) of this section shall be fined not more than five hundred dollars or imprisoned for not to exceed six months, or both.

(f) The Secretary of Interior, in consultation with the Secretary of Agriculture, shall prepare and submit a report every two years to the President of the Senate and the Speaker of the House of Representatives on subsistence users within designated subsistence management zones. The report shall include among other things, the status of fish and wildlife populations impacted by subsistence uses, the number of persons residing in subsistence zones, the status of subsistence in the native culture and in the general resident population of Alaska, the scope, nature and effectiveness of the State subsistence program, whether the State is in compliance with the standards set forth in this Act on subsistence, and whether there is a need for continued Federal funding or legislation modifying the existing subsistence management system.

(g) Nothing in this section shall be deemed to modify or repeal the provisions of the Fur Seal Act of 1926 (16 U.S.C. Sections 1151 et seq.); the Endangered Species Act of 1973 (16 U.S.C. Sections 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. Sections 1361 et seq.); or the Migratory Bird Treaty Act (16 U.S.C. Sections 701 et seq.).

(h) Notwithstanding any other provision of this Act or other law, the Secretary of Interior and Agriculture shall permit the use of

snowmobiles, motorboats, and other means of transportation traditionally used for subsistence purposes within areas open to subsistence uses, subject only to such reasonable regulations as are necessary to prevent damage to terrain, to protect the values of the public lands, and to fulfill the purposes for which affected conservation system units are established or expanded by this Act. [law or any other provision of this Act to the contrary, the Secretary may permit the winter use of such machines for subsistence purposes.]

(i) The Secretaries of Interior and Agriculture shall take steps to ensure that subsistence users shall have access to subsistence management zones, including access by means of roads across public lands. Such access shall be subject only to such reasonable restrictions as the appropriate Secretary may determine from time to time are necessary to protect the values of the public lands.

(j) Subject to the restrictions specified in this section, the Secretary of Interior and the Secretary of Agriculture shall encourage users of public lands in developing subsistence management zones, and said Secretaries shall seek to protect such wildlife and resources in the development and implementation of management plans affecting particular subsistence management zones.

(k) (Possible addition)

In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition (other than valid State and Native selections) of public lands in any sub-

sistence management zone, the Secretaries of Interior and Agriculture shall evaluate the subsistence needs of the persons affected, the availability of nonsubsistence lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the requirement for any taking of lands needed for subsistence uses. To the maximum extent practicable, said Secretaries shall take steps to allocate or eliminate adverse effects resulting from such actions.

(1) Except as otherwise provided by this section and any other Federal law, the State of Alaska is authorized to manage and regulate the taking of fish and wildlife on Federal lands.

(2) If the State refuses to accept regulatory responsibility under this section, the Secretary of Interior or the Secretary of Agriculture, as appropriate, shall regulate the taking of fish and wildlife on the State landward.

(3) Nothing in this title shall be construed to grant a property right in fish, wildlife, or plants to any individual person.

(4) In order to carry out the provisions of this section, the sum of \$1,000,000 per annum is hereby authorized to be appropriated to the Secretary of the Interior for transfer to the State of Alaska; provided, however, that said sum is not authorized for any year in which the State has refused to accept regulatory jurisdiction under this section. In the event that the sum authorized in this section is not appropriated

for a particular fiscal year, the requirements of this section shall no longer apply, and the State may manage and regulate fish and resident wildlife within subsistence management zones in accordance with other applicable Federal and State law.

(p) International waters, territorial waters, navigable waters, private lands, state lands and the resources therein are exempt from the subsistence provisions of this act.

CONGRESSIONAL REVIEW AMENDMENT

As presently constituted, HR 39 over-emphasizes the use of Congress as a final arbiter in Alaska land use decisions and under-emphasizes the administrative process. Clearly, it is sometimes appropriate to have Congress oversee major federal administrative actions. It is not, however, appropriate for Congress to review and approve each and every land use decision covering federal lands in Alaska.

The Steering Council therefore adopts the policy that congressional review of Alaska land decisions made via the administrative process as described in the D2 Act and the Administrative Procedures Act, be excluded or at least limited to "major" administrative decisions and that "major" be defined in a restricted manner.

STEERING COUNCIL POLICY POSITION
SUBJECT USGS AND BUREAU OF MINES MINERAL
POTENTIAL MAPS AND DATA

The U.S. Geological Survey is scheduled to release its most current Alaska mineral potential maps -- known as its "Level II" survey -- in January. The United States Bureau of Mines has recently completed its information - gathering and drafting of its most current mineral potential data covering Alaska.

It is imperative that the Alaska Lands Subcommittee of the House Interior Committee have before it this most current data before making decisions on acreage withdrawals and mineral exploration, extraction, and access. Therefore, the Steering Council implores the Subcommittee to consider the USGS Level II maps before making decisions in mark-up regarding withdrawals, minerals, and access. Furthermore, the Steering Council requests that the Subcommittee take all steps necessary to acquire and consider Alaska mineral potential data currently in the possession of the U.S. Bureau of Mines before marking-up the D2 proposals before it.

The Steering Council believes the decision effecting exploration and extraction of critical and strategic Alaskan minerals are of great national importance. Any conclusive actions taken without the benefit of current and readily available data must be considered hasty, ill-conceived and not in the best interest of our nation.

DRAFT 11/23/77

Sec. _____. State of Alaska Land Selections and Conveyances. (a) In furtherance and confirmation of the State of Alaska's entitlement to certain federal lands in Alaska for community development and expansion purposes, Section 6(a) of the Act of July 7, 1958, 72 Stat. 339, hereinafter referred to as the Alaska Statehood Act, is amended in part by addition of the following provisions:

(1). The State is hereby provided a ten-year extension of the time limit originally specified in the Act, that is, until January 3, 1994 within which to fulfill its land entitlement under this subsection in its entirety.

(2). Lands selected pursuant to this subsection as suitable, in the judgment of the State, for the purposes specified herein shall be subject to administrative approval which does not in any manner qualify or restrict the congressional grants to the State.

(b) In furtherance and confirmation of the State of Alaska's entitlement to certain federal public lands in Alaska, Section 6(b) of the Alaska Statehood Act is amended in part by addition of the following provisions:

(1). The State is hereby provided a ten-year extension of the time limit originally specified in the

Act, that is, until January 3, 1994 within which to fulfill its land entitlement under this subsection in its entirety.

(2). The proviso regarding Presidential approval of land selections heretofore or hereafter made north and west of that line described in Section 10 of the Alaska Statehood Act is hereby repealed.

(c) The State of Alaska is hereby granted and shall be entitled to select on or before January 3, 1994 from surveyed or unsurveyed federal lands which are vacant, unappropriated and unreserved at the time of their selection, those school indemnity lands reserved to the Territory of Alaska under Section 1 of the Act of March 4, 1915, as amended by the Act of March 5, 1952 and the Act of August 27, 1958, 72 Stat. 928. Patent to the State of Alaska of indemnity land selections granted by this subsection is authorized pursuant to the provisions of 43 USC Sec. 852.

(d) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby ratified and confirmed, subject only to valid existing rights and to land conveyances made pursuant to lawful selections filed by Native village corporations on or before December 18, 1971 pursuant to Sections 12(a) or 12(b) of the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971).

(e) All valid State of Alaska land selections made pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights, conveyances made pursuant

to lawful selections filed by Native village corporations on or before December 18, 1971 pursuant to Sections 12(a) or 12(b) of the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971), and tentative approval and patent pursuant to Section 6(g) of the Alaska Statehood Act. Accordingly, equitable title to such lands is deemed to have vested in the State.

(1). Within _____ years after the date of passage of this Act, the Secretary shall issue tentative approvals to the State as required by section 6(g) of the Alaska Statehood Act.

(2). If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall patent any of such lands to the State on that basis within _____ years after the date of passage of this Act.

(f) The State, at its option, shall be permitted to file selection applications for lands which are not, on the date of their selection, vacant, unappropriated, unreserved lands within the meaning of section 6 of the Alaska Statehood Act. Each such selection application shall become an effective selection upon the date such lands subsequently become vacant, unappropriated, and unreserved. Selections by the State made prior to the adoption of this Act shall be treated in the same manner, subject to the provisions of the Alaska Native Claims Settlement

Act, 85 Stat. 688 (1971).

(g) The State of Alaska may select lands exceeding by twenty-five per cent in total area the amount of State entitlement which remains unpatented under each grant or confirmation of lands contained in the Alaska Statehood Act or other law. The State shall list such selections in desired priority order of conveyance, in blocks no larger than one township in size; Provided, however, that the State may alter such priorities prior to receipt of tentative approval. Such excess selections shall become void upon fulfillment of each grant unless transferred by the State to any remaining unfulfilled grant, if the lands are otherwise eligible for conveyance under such remaining entitlement.

(1). The State of Alaska may, by written notification to the Secretary, relinquish any previously-filed selections of land prior to receipt by the State of tentative approval.

(2). The State, by agreement with the Secretary, may relinquish any land selection to which it has received tentative approval.

(3). Section 6(g) of the Alaska Statehood Act is amended in part by addition of the following provision: All selections made by the State after January 1, 1977 shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands in-

volved, and each tract selected shall contain at least one thousand two hundred and eighty acres unless isolated from other tracts open to selection or, in the case of selections under subsection (a) of this section, one hundred and sixty acres.

(4). Land selection applications heretofore or hereafter filed by the State which select all available lands within the exterior boundary descriptions set forth in the selection applications shall select all lands, including lands selected by but not conveyed to Native corporations under the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971), which are otherwise available at the time of selection but which did not pass to the State pursuant to section 6(m) of the Alaska Statehood Act, or which later became available prior to fulfillment of the land grants made by the Alaska Statehood Act or other law.

(h) The United States hereby recognizes as valid State of Alaska land selections the identification of the following described Federal lands:

DESCRIPTION

(i) Lands identified in subsection (h) shall be tentatively approved to the State, subject to valid existing rights.

Accordingly, equitable title to such lands is deemed to have vested in the State.

(1). Within _____ years after the date of passage of this Act, the Secretary shall issue tentative approvals to the State as required by section 6(g) of the Alaska Statehood Act.

(2). If the State elects to receive patent to any of the lands which are identified in this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall patent any of such lands to the State on that basis within _____ years after the date of passage of this Act.

(3). The Secretary of the Interior shall determine, within two years after the date of passage of this Act, the smallest practicable tract enclosing land actually used in connection with the administration of any Federal installation occupying lands within those areas identified in subsection (h) of this section. All of such identified lands, except the smallest practicable tract as specified herein, shall be tentatively approved and patented to the State pursuant to this subsection.

AMENDMENT

An amendment to HR 39 (Committee Print #1, 10/17/77) to establish a Yukon-Porcupine National Forest:

Page 40:

ADD a new section 401 (renumber subsequent sections accordingly), to read:

YUKON-PORCUPINE NATIONAL FOREST

Sec. 401. (a) The following area is hereby established as a unit of the National Forest System and shall, subject to valid existing rights, be administered by the Secretary of Agriculture pursuant to the provisions of law governing the administration of such units and under the provisions of this Act: Yukon-Porcupine National Forest, of approximately ten million three hundred thousand acres of public lands, as generally depicted on a map entitled "Yukon-Porcupine National Forest," dated , 1977, which shall be managed to maintain multiple values and for the following purposes: to provide opportunity for commercial harvest of timber; to provide opportunity for agricultural enterprise, including but not limited to cultivation and grazing; to assure continued viability of subsistence resources for continued subsistence uses; and to protect and perpetuate internationally significant waterfowl and other migratory bird resources that utilize the lands and waters of the Yukon Flats.

DELETE: pp. 33,34 -- Sec. 301(10)

pp. 65,66 -- Sec. 602(17)

"ACCESS" IN HOLDINGS AMENDMENT

Every proposal protects prior existing rights although certain requirements are placed on the holders of those claims in order to keep them. The Council's position is that reasonable access must be guaranteed. Without access there is no protection of prior existing rights.

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
· AS A UNIT IN THE ORIGINAL DOCUMENT. ·

Steering Council For Alaska Lands

REP. STEVE COWPER
CHAIRMAN
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SEN. MIKE COLLETTA
SEN. JOE ORSINI
WALTER PARKER
COMM. ROBERT LERESCHE
JAMES HOFFMAN
C. C. HAWLEY
DAVE CLINE



1016 WEST 6TH AVENUE, SUITE B
ANCHORAGE, ALASKA 99501
(907) 277-2415/16
[POUCH V, JUNEAU, ALASKA 99811]

MEMORANDUM

TO: ALL COUNCIL MEMBERS

FR: STEVE COWPER

DT: NOVEMBER 8, 1977

ATTACHED ARE THE TITLE-BY-TITLE CHANGES TO THE SEIBERLING COMMITTEE PRINT WHICH YOU RECEIVED LAST MONTH. AT OUR NEXT MEETING, NOVEMBER 22, WE WILL TAKE UP AMENDMENTS TO CURRENT (d) (2) LEGISLATION WHICH MUST BE IN TO BOTH CONGRESSMEN SEIBERLING AND MEEDS THE WEEK OF NOVEMBER 20. MARK-UP IS SCHEDULED TO BEGIN THE LAST WEEK IN NOVEMBER.

I AM ALSO ENCLOSING FOR YOUR INFORMATION A STATUS MEMO ON (d) (2) LEGISLATION.

TITLE BY TITLE LISTING OF CHANGES IN SUBCOMMITTEE

PRINT DATED OCTOBER 28, 1977

NOTE: All page numbers refer to Committee Print of October 17, 1977

TITLE I -

<u>Page</u>	<u>Line</u>	<u>Changes</u>
9	2	after "United States" inserts "after the date of enactment of this Act"
	4	strikes "as of the effective date" and inserts "after date of enactment" in lieu thereof
	13	strikes "designated" and inserts in lieu thereof "validly selected"
10	5	after "term" inserts "fish and"
	9-11	stricken entirely; and succeeding definitions are renumbered accordingly
	14	after "trap" inserts "net"
	15	after "trap" inserts "net"
11	22	after "corporation" inserts "or any Native group (as defined in section 3(d) of the Alaska Native Claims Settlement Act)"

TITLE II -- National Park System

Page	Line	Changes
13	6	Strike "lands" and insert "units"
13	8	strike "by Alaska residents"
15	7 & 8	insert "opportunity" after the word "containing"
15	9 & 10	insert "opportunity" after the word "containing"
15	23	strike "wildlife and" and add after the word "fish" "and wildlife"
20	14	strike "may" and insert in lieu thereof "shall"
22	17	insert "approximately" between "containing" and "three"
23	1	insert after the work "quantity" "to assure continued viability of subsistence resources;"
23	20	after the word "glaciation;" insert "to assure continued viability of subsistence resources;"
24	9	after the word "populations;" insert "to assure continued viability of subsistence resources; and"
24	16	strike "areas" and insert "units" in lieu thereof
24	17	strike "areas" and insert "units" in lieu thereof
24	20 & 21	strike "by Alaska residents"
25	2	strike "as" and insert "to the extent" in lieu thereof
25	3	after the word "with" insert "the Alaska Native Claims Settlement Act or"
25	3	delete the word "enlarged" and insert "expanded" in lieu thereof
25	8	after the word "valid" insert "Native".
25	8	after the word "selections" insert "or nominations"
25	13	after the word "Act" insert "and Title VIII of the Act,"
25	18	after the word "exercised" insert the word "only"

Note: All page numbers refer to the
Committee Print dated October 17, 1977

TITLE III -- National Wildlife Refuge System

Page	Line	Changes
26	8	strikes the word "lands" and inserts in lieu thereof "units"
26	10	strikes the words "Marine Resources" and inserts in lieu thereof the word "Maritime"
26	11	inserts after the word "containing" the phrase "the approximately two million nine hundred and eighty thousand acres of the existing refuges specified in this paragraph and an addition thereto of"
26	12	inserts after the word "of" the word "other"
26	25	strikes the word "further",
26	25	strikes the words "Marine Resources" and inserts "Maritime" in lieu thereof.
27	1	after the word "the" inserts "public lands of the"
27	2	deletes "together with all other public lands"
27	11	strikes "King Island,"
27	12	inserts after "Besboro Island, "and"
27	13	after the word "island" strikes "and the Punuk Islands;"
29	16	deletes the word "such" and inserts in lieu thereof "so"
34	21	inserts after the word "education" the words "research activities"
37	1	after the word "quantity;" inserts "to assure continued viability of subsistence resources for subsistence uses;"
37	14	after the word "excluding" inserts "Katmai National Park and"
39	1	deletes "nor" and inserts in lieu thereof "and the Secretary"
39	2	strikes "the Secretary" and inserts in lieu thereof "not"
39	7	strikes "intention" and inserts in lieu thereof "intent of the Congress"
39	7	strikes "Public" and inserts in lieu thereof "Federal"
39	9	strikes "exchange" and inserts in lieu thereof "exchanging under the provisions of section 1201(e)"

TITLE III -- National Wildlife Refuge System

Page	Line	Changes
39	10	deletes "other" and deletes "designated by this Act"
39	11	strikes "under the provisions of section 1201(e)"
39	13	strikes "the foregoing express intention" and inserts in lieu thereof "such intent of the Congress,"
39	23	after the word "range" insert the word "purposes"
39	23	strikes the word "designated" and inserts in lieu thereof "established"
39	25	strikes the word "as" and inserts in lieu thereof "to the extent that"
40	1	inserts after the word "with" the following "the Alaska Native Claims Settlement Act, this Act, or" and strikes "may be"
40	4	strikes "by Alaska residents,"
40	6	strikes "section" and insert "Act" in lieu thereof
40	8	after the word "the" inserts "appropriate conservation system"

TITLE IV -- National Forest System

Page	Line	Changes
40	11	after the word "both" insert the word "the"
40	16	strikes the words "six hundred" and inserts in lieu thereof "eighty hundred and fifty"
42	14	strikes the word "said" and inserts in lieu thereof "such"
43	22	strikes "be put into", and inserts in lieu thereof "take"
43	23	add after the word "agency" the words "or agencies"
43	24	strikes "entering into" and inserts "contracting" in lieu thereof
43	25	strikes "agreements concerning" and inserts "for" in lieu thereof

Note: All page numbers refer to
Committee Print dated October 17, 1977.

TITLE V - NATIONAL WILD AND SCENIC RIVER SYSTEM

<u>Page</u>	<u>Line</u>	<u>Changes</u>
47	21	after the words "estate of " strikes the word "the" and inserts in lieu thereof "such public"; after the word "lands" inserts "as they may validly select".
48	18	after the word "river" inserts the word "area".
50	12	strikes the word "of" and all that follows in that sentence and inserts in lieu thereof, "this paragraph becomes effective, except to the extent any such selection or right may hereafter be relinquished, and"
	14	after "(B)" inserts the words "such of"; after the word "of" inserts "public lands of"; after the word "Killik" inserts "shall"
53	2	at the end of the line insert "(26), (27),"
	6	after "3(b)" insert ", 3(c), "
	15	after the word "extending" inserts "not less than"
	21,22	strikes the words "The preceeding sentence shall not apply to" and inserts in lieu thereof "After establishment of the boundaries of a river, such withdrawal shall apply only to"
	22	after the words "which are" strikes the word "not"
54	18	after the word "that" inserts the words "he determines"
	20	after "6 (a)" inserts "of such Act"

TITLE VI -- Designation of Wilderness Areas and Wilderness
Study Areas Within Units or Additions to Units of the
National Park, National Wildlife Refuge and National Forest Systems

Page	Line	Changes
55	8	Strike "Findings"
55	21	Strike "Purposes"
55	21	Inserts "or under" after the word "by"
56	8	inserts "and subsistence resources" after the word "habitats"
56	13	strikes "where otherwise authorized"
56	20	strikes "(78 Stat. 890)"
58	4 & 5	strikes "three million three hundred and ninety" and inserts in lieu thereof "two million eight hundred and sixty"
58	10 & 11	strikes "eight hundred and forty" and inserts in lieu thereof "six hundred and thirty"
60	7	strikes "in order"
60	8	strikes "and" after the word "area"
60	22	strikes "Marine Resources" and inserts in lieu thereof "Maritime"
61	1	strikes "Marine Resources" and inserts in lieu thereof "Maritime"
62	17	strikes "four hundred and forty" and inserts "two hundred and ninety" in lieu thereof
64	17	strikes "seven hundred thousand" and inserts in lieu thereof "three hundred and thirty thousand"
64	21	strikes "and"
65	7	strikes "(78 Stat. 890)"
65	8 & 9	strikes "(78 Stat. 892, 893)"
65	24	inserts "with respect to" after the word "and"
66	10	Strikes "(78 Stat. 890)"
66	15	inserts "and other public lands in" before the word "Alaska"
67	16	inserts "of minerals" before the word "has"
67	24	strikes "and five"

- | | | |
|-------|-------|--|
| 69 | 4-7 | strikes all from "except" to "lands" and inserts " . In addition, lands" |
| | 11-18 | strikes all after "593" and inserts "may only be acquired with the consent of the Angoon Community Association." |
| | 22 | strikes "Area" |
| 70 | 15-16 | strikes "and Kootznoowoo, Incorporated" [the stockholders of Kootznoowoo, Inc. are also stockholders of SEAlaska Corporation; the correction prevents possible confusion of duplication] |
| 71 | 10 | after "sites" inserts "referred to in sub-paragraph (C)" |
| | 14-20 | strikes all of sentence beginning with "Artifacts" [avoids confusion with the Antiquities Act]. |
| 72 | 1-21 | strikes all after "elects" |
| 72,73 | 22-14 | strikes all of paragraph "(F)" and inserts new paragraph: "(F) The Secretary shall prepare a management plan for the Admiralty Island Wilderness within five years after the date of enactment of this Act and in accordance with the provisions of section (1208)." [The original bill HR5605 provided for two studies of Admiralty; this would streamline them and put them in a format similar to the management plans contained in Section (1208)] |
| 73 | 15-24 | strikes all of paragraph "(G)" [Antiquities Act provides for penalties for destroying historic sites] |
| 73-75 | 25-14 | strikes all of paragraph "(H)" |
| 75 | 15 | strikes "(J)" and inserts "(G)" |
| 76 | 21 | after "section" inserts "and"; strikes "which"; after "lands" inserts "so identified" |
| 77 | 10 | strikes "(K)" and inserts "(H)" |
| | 16 | strikes "(J)" and inserts "(G)" |
| | 20 | strikes "(L)" and inserts "(I)" |
| 78 | 2 | strikes "wilderness area" and inserts "Admiralty Island Wilderness" |
| | 4 | strikes all of paragraph "(M)" [avoids duplication with section (803)] |
| | 11 | strikes "(N)" and inserts "(J)" |
| 79 | 8 | strikes "(O)" and inserts "(L)"; strikes "all" and inserts "certain" |

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81	2	inserts after the word "comprise" the word "approximately"
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84	5	strikes "by Alaska residents"
84	25	inserts "and" after the word "activities"
85	6	strikes "will" and inserts in lieu thereof "shall"
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86	20	strikes "of 1964"
86	20	inserts the word "any" after the the word "or"
87	12 & 13	strikes the word "established" and inserts in lieu thereof "designated"
88	1 - 22	Deletes all of Section 608
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TITLE VII - SUBSISTENCE

<u>Page</u>	<u>Line</u>	<u>Changes</u>
90	16	before "subsistence" inserts "opportunity for a"
	20	after "and" adds "advise concerning the" before "management"
91	25	strikes "production" and inserts in lieu thereof "making"
94	22	inserts a new subsection (b)(1) [outlining a required element of the State program] and renumbers accordingly. The new subsection reads:
		(1) A State management regime which has as its central element the maintenance of the optimum sustainable population of the fish and wildlife species utilized by subsistence users.
95	14, 15	strikes "employment utilization by subsistence users" and inserts "use" in lieu thereof
	16	inserts "of transportation" after "means"; strikes "employed" and inserts "used for subsistence purposes" in lieu thereof
	17, 18	strikes "(including designations of routes, seasons of operations, and areas of operations)"
96	10	after "years" adds "by those residents of the local zone who are" [specifies that Village Corp. stockholders must be local residents to take part in electing the initial local boards]
99	4	strikes "Endangered"
	7	strikes "endangered" and substitutes "declining" in lieu thereof
	14	after "rulings and" inserts "final"
100	6	strikes "which" inserts "those" in lieu thereof
	7	before "are subsistence users" adds "who"; strikes "which" each time it appears and inserts "those who" and "each" respectively
	13	after "board" adds "the Secretary, and the Governor"
	16	after "user" adds a new sentence: "A person shall not be registered in more than one local zone and may carry out subsistence uses only in the regional zone corresponding to such local zone."
101	1	changes the comma to semicolon; strikes "which" and inserts "the Council" in lieu thereof; after "shall" inserts "then"

Note: All page numbers refer to the
Committee Print dated October 17, 1977.

<u>Page</u>	<u>Line</u>	<u>Changes</u>
101	21	after "regional board" inserts ", the Secretary, and the Governor"
	25	after "boards" inserts "review the activities of"
102	11	after "wildlife" inserts "on public lands under this title"
103	1	after "after" inserts "notification pursuant to subsection (a) of this section, and after"
104	6	after "lands" inserts "(including those within a conservation system unit)"
	14	after "the" inserts "continued viability of the"
	15	after "unit" inserts "or any portion thereof"
105	9	strikes "qualified" and inserts in lieu thereof "registered"
107	10	after "necessary to" inserts "prevent abuse, waste, or damage to terrain, to"
	18	strikes "that" and inserts in lieu thereof "taking and use"

TITLE VIII - IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT
AND ALASKA STATEHOOD ACT

<u>Page</u>	<u>Line</u>	<u>Changes</u>
109	4	strikes "to" and inserts in lieu thereof "of"; strikes "corporations" and inserts in lieu thereof "townships"
	5	after "rights" inserts "and to rights arising under the second sentence of section 14(g) of the Alaska Native Claims Settlement Act"; strike "there is"
	6-11	strikes lines 6, 7, 8, 9, 10, and 11 in their entirety and inserts in lieu thereof the following:
		(1) there is hereby conveyed and vested in each Village Corporation for a village which has been determined to be eligible for land pursuant to the Alaska Native Claims Settlement Act all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn for that village pursuant to section 11(a)(1) or section 16(a) of such Act in which any part of any such village is located; and
		(2) there is hereby conveyed to and vested in the appropriate Regional Corporation all of the right, title, and interest of the United States in the subsurface estate to which each Regional Corporation is entitled under the Alaska Native Claims Settlement Act by reason of the vesting of title under paragraph (1).
109	13	strikes "Village" and inserts in lieu thereof "Native"
	14	strikes "qualified under this section" and inserts in lieu thereof "referred to in subsection (a) interim conveyances or"
	15	strikes "patent" and inserts in lieu thereof "interim conveyances or"
	22,23	strikes entirely
110	1,2	strike entirely and inserts in lieu thereof the following:
		(c) Title to lands specified in this section shall be deemed to have passed on the date of enactment of this Act, notwithstanding any delay in the issuance of any interim conveyance or patent.
	6	after "Act" inserts "and to each Native group (as defined in section 3(d) of such Act) qualified to receive land under such Act"
	15	after "issue" inserts "interim conveyances or"

<u>Page</u>	<u>Line</u>	<u>Changes</u>
110	18	after "which" inserts "interim conveyances or"
111	6	strikes "this title" and inserts in lieu thereof "section 801(a)"
112	18	after "issuance of" inserts "an interim conveyance or"
	22	after "Sec. 805 (a)" inserts "Subject to Native Selection rights under the Alaska Native Claims Settlement Act and to valid existing rights"
113	4	after "Act" inserts "except to the extent that any such lands have been validly selected by a Native Corporation entitled to make such a selection"
113	5	after (b) inserts "Subject to Native selection rights under the Alaska Native Claims Settlement Act and to valid existing rights,"
	14	strikes "patents" and inserts in lieu thereof "documents of title"
114	2	after "shall" inserts "then be deemed public lands and shall"
	8	strikes "withdrawn" and inserts in lieu thereof "selected"
115	11	after "Corporation" inserts "or Corporations"
	14	after "Corporation" inserts "or Corporations"
	15	strikes "patent" and inserts in lieu thereof "document"
	16	after "Corporation" inserts "or Corporations"
116	5	strikes "patent" and inserts "document" in lieu thereof

TITLE IX - ACCESS TO CONSERVATION SYSTEMS UNITS
FOR STRATEGIC AND CRITICAL MINERALS

NOTE: Title IX was redrafted to take into account the ideas and suggestions expressed by Members and attorneys in the Solicitor's Office, as well as the informal views expressed by representatives of the Assistant Secretary for Energy and Minerals, the U.S. Geological Survey and Bureau of Mines.

Changes include the following:

<u>Page</u>	<u>Line</u>	<u>Changes</u>
114	Sec. 903	Clarifying the intent that the Wilderness Act was not to be construed as preventing the Secretary from carrying out U.S.G.S. and Bureau of Mines mineral assessments on National Park or Wildlife Refuge Wilderness;
112		Striking references to "Subtitles", renumbering sections and moving "Purposes" and "Definitions" sections to the beginning of the title;
115	7	Clarifying the intent that recognition of valid existing rights includes not only <u>mining claims</u> but also <u>mineral leasing rights</u> ;
115	23	Clarifying the intent that the requirements for the recording of mining claims in the Mining in the Parks Act and the BLM Organic Act are to control on applicable lands; and
116	6-10	requiring the Secretary to issue regulations which will make clear all recording requirements in these three Acts mentioned here;
117	24	Adding the Bering Land Bridge Preserve to those areas subject to the process. (2.430 million acres). As mentioned in the briefing, this preserve had been inadvertently omitted from the first print;
119	Sec. 906 (a)(2)	Adding a section which would require the Secretary to receive and consider an application from any person to explore for, extract and develop a particular strategic and critical mineral from a conservation system unit in Alaska;
	25	The Secretary would have 90 days to either recommend approval and send the application to the President or disapprove it;
121	14-18	The President would have 9 months to either recommend to the Congress approval of the application or disapprove it himself;

Note: All page numbers refer to the
Committee Print dated October 28, 1977

<u>Page</u>	<u>Line</u>	<u>Changes</u>
120	Subsection 902(a)(3)	Changing the Presidential findings to make them more "workable"
120	14	The word "serious" was substituted for the word "acute" used in Print #1;
120	17	The words "domestic productive capacity" were substituted for the words "existing sources of supply" used in the Print #1;
120	18	The word "current" was added to describe "conservation or recycling methods";
120	18	The word "reliable" was deleted from the phrase "reliable foreign sources";
120	20	The words "known practical" were added to describe "alternative materials or processes";
20	22	The word "reserve" was substituted for the word "area" in Print #1;
120	3	The words "technically and economically" were added to describe "feasible alternatives";
		<u>Eliminating</u> the requirement to withdraw lands and set them aside for possible transfer to a conservation system affected by a lease under the title;
131	Sec. 909	Requiring that a threshold figure of 1,000,000 acres be affected under titles IX and X before the transfer of equivalent lands to those lands affected comes into effect, then only the acreage in excess of the 1,000,000 acres would be so transferred;
129	2-3	Changing the time the Secretary has to issue regulations, once an area is opened to exploration, etc. from 90 days to 120 days;
130	4-25	Recognizing that the company conducting exploration
131	1-3	could sell its rights to a lease to another company which would carry out the any extraction or development;
		Deleting the provision authorizing the President to cancel or suspend leases under certain circumstances.

TITLE X - TRANSPORTATION SYSTEM AND UTILITY TRANSMISSION SYSTEM

RIGHTS-OF-WAY ACROSS CONSERVATION SYSTEM UNITS

Note: Changes to this title involved substantive changes to: clarify the intent that the section was not to apply to small transportation and utility systems which did not significantly affect adversely a conservation system; express the intent that Congress may want to waive the requirement of payment of fair market value of a right of way; and to allow the transfer of Federal Lands provisions to become operable only after a total of 1,000,000 acres of land had been affected by leases or rights of way under titles IX and X.

<u>Page</u>	<u>Line</u>	<u>Changes</u>
136	16	after the words "rights of way for" inserts the word "major"
	20-22	strikes the words "Except in the case of ... conservation system unit, any" and inserts in lieu thereof the word "No"
	24	strikes the word "only" and inserts in lieu thereof the word "except"
	25	insert as follows: unless such system is - (A) a transportation or utility transmission system established primarily for purposes of a conservation system unit (as determined by the Secretary under applicable provisions of law), or (B) a minor transportation or utility transmission system which the Secretary determines would not result in a significant adverse effect on the conservation system unit and would be compatible with the purposes for which the unit was established.
140	6	strikes the word "through" and inserts in lieu thereof the words "across public"
	15	after the word "established" inserts the words "and contains the provisions necessary to minimize harm to the area. Unless Congress otherwise directs,"
	22	after "Sec. 1005" inserts the words "After the cumulative total of 1,000,000 acres has been reached as provided in title IX,"
	24	strikes the word "unit"

TITLE XI - COORDINATION

Page	Line	Changes
141	11	strikes "Alaska field directors of the " and inserts in lieu thereof "head of the Alaska offices of each of the following Federal agencies"
142	3	strikes "Alaska field directors" and inserts "heads of the Alaska offices of the Federal agencies"
144	1	after "each" inserts "calender" and after year strike "after the establishment of the Council" and inserts "following the calender in which the Council is established,"
	18	after "management" inserts "preservation of cultural and historical resources"
145	5	strikes "other such" and strikes "members and" - substitutes "agencies"; after "State" inserts "and local agencies,"
146	6	after "and" inserts "with"; strikes "members appointed under such subsection" and inserts "Corporations"

TITLE XII - ADMINISTRATIVE PROVISIONS

Page	Line	Changes
148	10	after line 10 inserts the following: “(e) The Secretary shall give prompt and careful consideration to any offer made by the owners of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.” [This is standard language from recent Acts but was inadvertently omitted in the Subcommittee draft]
148	11	strikes “(e)” and inserts “(f)”
	21	strikes “340” and inserts “342”
149	3	strikes “(f)” and inserts “(g)”
	8-12	strikes “In” through “out” and inserts “The Secretary shall take such actions within or outside the boundaries of conservation system units as may be necessary, including acquiring or providing easements or other interests in lands in accordance with the provisions of Section (1201), to carry out any or more of ” [clarifies original intent of the section, and avoids duplication with section (803)]
150	6-9	strikes all of subsection “(b)” [subsection unnecessary, as the section does not provide for reserving easements]
	10	strikes “(e)” and inserts “(b)”
	15	strikes “by Alaska residents”
151	11	strikes “the” and inserts “and containing”; after “resources” strikes “of”
152	14	strikes “and”
	15	after “representatives” inserts “, and other persons”
153	5	strikes “and”; after representatives inserts “, and other persons”
154	15	after “donation” inserts “exchange”; strikes “other”
	16	before “condemnation” strikes “than” and inserts “except”
155	4	after “entered” inserts “with the Secretary”; strikes “with”
	5	strikes “the Secretary”
	12	after “in” inserts “adequately”

Page	Line	Changes
155	14-15	strikes "by or under the provisions of this Act"
	16	after "area" strikes period and inserts "if such service or services are consistent with the purposes for which such unit is established or expanded" [clarifies intent that services such as hunting guides would be allowed to continue where hunting itself is allowed to continue]
	19	strikes "entering into agreement concerning" and inserts "in contracting for"
157	17	strikes "whichever time is earlier"
	18	strikes "appropriate committees" and inserts Committee on Interior and Insular Affairs"
	19	after "and" inserts "the Committee on Energy and Natural Resources of the"
158	16-18	paranetical material to line 20 after "activities"
160	3	after "and" inserts "also"
161	20	strikes "appropriate"
	21	after "Senate" inserts "referred to in subsection (a);"
162	14	after "of" inserts "fish and "
	15	after "authorized" inserts "under Title VII of "
	21	after "by" inserts "or under"
163	15,18	before the word "Offices" inserts "appropriate"

TITLE XIII - MISCELLANEOUS

Page	Line	Changes
167	10	after "units," inserts "reasonable"
	18	after "Act," inserts "reasonable"
169	19	after "which is" inserts "the centerline of "
171	13	strikes "two" and inserts in lieu thereof "three"

TITLE BY TITLE LISTING OF CHANGES IN SUBCOMMITTEE

PRINT DATED OCTOBER 28, 1977

NOTE: All page numbers refer to Committee Print of October 17, 1977

TITLE I -

<u>Page</u>	<u>Line</u>	<u>Changes</u>
9	2	after "United States" inserts "after the date of enactment of this Act"
	4	strikes "as of the effective date" and inserts "after date of enactment" in lieu thereof
	13	strikes "designated" and inserts in lieu thereof "validly selected"
10	5	after "term" inserts "fish and"
	9-11	stricken entirely; and succeeding definitions are renumbered accordingly
	14	after "trap" inserts "net"
	15	after "trap" inserts "net"
11	22	after "corporation" inserts "or any Native group (as defined in section 3(d) of the Alaska Native Claims Settlement Act)"

TITLE XI -- National Park System

Page	Line	Changes
13	6	Strike "lands" and insert "units"
13	8	strike "by Alaska residents"
15	7 & 8	insert "opportunity" after the word "containing"
15	9 & 10	insert "opportunity" after the word "containing"
15	23	strike "wildlife and" and add after the word "fish" "and wildlife"
20	14	strike "may" and insert in lieu thereof "shall"
22	17	insert "approximately" between "containing" and "three"
23	1	insert after the work "quantity" "to assure continued viability of subsistence resources;"
23	20	after the word "glaciation;" insert "to assure continued viability of subsistence resources;"
24	9	after the word "populations;" insert "to assure continued viability of subsistence resources; and"
24	16	strike "areas" and insert "units" in lieu thereof
24	17	strike "areas" and insert "units" in lieu thereof
24	20 & 21	strike "by Alaska residents"
25	2	strike "as" and insert "to the extent" in lieu thereof
25	3	after the word "with" insert "the Alaska Native Claims Settlement Act or"
25	3	delete the word "enlarged" and insert "expanded" in lieu thereof
25	8	after the word "valid" insert "Native"
25	8	after the word "selections" insert "or nominations"
25	13	after the word "Act" insert "and Title VIII of the Act,"
25	18	after the word "exercised" insert the word "only"

Note: All page numbers refer to the
Committee Print dated October 17, 1977

TITLE III -- National Wildlife Refuge System

Page	Line	Changes
26	8	strikes the word "lands" and inserts in lieu thereof "units"
26	10	strikes the words "Marine Resources" and inserts in lieu thereof the word "Maritime"
26	11	inserts after the word "containing" the phrase "the approximately two million nine hundred and eighty thousand acres of the existing refuges specified in this paragraph and an addition thereto of"
26	12	inserts after the word "of" the word "other"
26	25	strikes the word "further",
26	25	strikes the words "Marine Resources" and inserts "Maritime" in lieu thereof.
27	1	after the word "the" inserts "public lands of the"
27	2	deletes "together with all other public lands"
27	11	strikes "King Island,"
27	12	inserts after "Besboro Island, "and"
27	13	after the word "island" strikes "and the Puduk Islands;"
29	16	deletes the word "such" and inserts in lieu thereof "so"
34	21	inserts after the word "education" the words "research activities"
37	1	after the word "quantity;" inserts "to assure continued viability of subsistence resources for subsistence uses;"
37	14	after the word "excluding" inserts "Katmai National Park and"
39	1	deletes "nor" and inserts in lieu thereof "and the Secretary"
39	2	strikes "the Secretary" and inserts in lieu thereof "not"
39	7	strikes "intention" and inserts in lieu thereof "intent of the Congress"
39	7	strikes "Public" and inserts in lieu thereof "Federal"
39	9	strikes "exchange" and inserts in lieu thereof "exchanging under the provisions of section 1201(e)"

TITLE III -- National Wildlife Refuge System

Page	Line	Changes
39	10	deletes "other" and deletes "designated by this Act"
39	11	strikes "under the provisions of section 1201(e)"
39	13	strikes "the foregoing express intention" and inserts in lieu thereof "such intent of the Congress,"
39	23	after the word "range" insert the word "purposes"
39	23	strikes the word "designated" and inserts in lieu thereof "established"
39	25	strikes the word "as" and inserts in lieu thereof "to the extent that"
40	1	inserts after the word "with" the following "the Alaska Native Claims Settlement Act, this Act, or" and strikes "may be"
40	4	strikes "by Alaska residents,"
40	6	strikes "section" and insert "Act" in lieu thereof
40	8	after the word "the" inserts "appropriate conservation system"

TITLE IV -- National Forest System

Page	Line	Changes
40	11	after the word "both" insert the word "the"
40	16	strikes the words "six hundred" and inserts in lieu thereof "eighty hundred and fifty"
42	14	strikes the word "said" and inserts in lieu thereof "such"
43	22	strikes "be put into", and inserts in lieu thereof "take"
43	23	add after the word "agency" the words "or agencies"
43	24	strikes "entering into" and inserts "contracting" in lieu thereof
43	25	strikes "agreements concerning" and inserts "for" in lieu thereof

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TITLE V - NATIONAL WILD AND SCENIC RIVER SYSTEM

<u>Page</u>	<u>Line</u>	<u>Changes</u>
47	21	after the words "estate of " strikes the word "the" and inserts in lieu thereof "such public"; after the word "lands" inserts "as they may validly select".
48	18	after the word "river" inserts the word "area".
50	12	strikes the word "of" and all that follows in that sentence and inserts in lieu thereof, "this paragraph becomes effective, except to the extent any such selection or right may hereafter be relinquished, and"
	14	after "(B)" inserts the words "such of"; after the word "of" inserts "public lands of"; after the word "Killik" inserts "shall"
53	2	at the end of the line insert "(26), (27),"
	6	after "3(b)" insert ", 3(c), "
	15	after the word "extending" inserts "not less than"
	21,22	strikes the words "The preceeding sentence shall not apply to" and inserts in lieu thereof "After establishment of the boundaries of a river, such withdrawal shall apply only to"
	22	after the words "which are" strikes the word "not"
54	18	after the word "that" inserts the words "he determines"
	20	after "6 (a)" inserts "of such Act"

**TITLE VI -- Designation of Wilderness Areas and Wilderness
Study Areas Within Units or Additions to Units of the
National Park, National Wildlife Refuge and National Forest Systems**

Page	Line	Changes
55	8	Strike "Findings"
55	21	Strike "Purposes"
55	21	Inserts "or under" after the word "by"
56	8	inserts "and subsistence resources" after the word "habitats"
56	13	strikes "where otherwise authorized"
56	20	strikes "(78 Stat. 890)"
58	4 & 5	strikes "three million three hundred and ninety" and inserts in lieu thereof "two million eight hundred and sixty"
58	10 & 11	strikes "eight hundred and forty" and inserts in lieu thereof "six hundred and thirty"
60	7	strikes "in order"
60	8	strikes "and" after the word "area"
60	22	strikes "Marine Resources" and inserts in lieu thereof "Maritime"
61	1	strikes "Marine Resources" and inserts in lieu thereof "Maritime"
62	17	strikes "four hundred and forty" and inserts "two hundred and ninety" in lieu thereof
64	17	strikes "seven hundred thousand" and inserts in lieu thereof "three hundred and thirty thousand"
64	21	strikes "and"
65	7	strikes "(78 Stat. 890)"
65	8 & 9	strikes "(78 Stat. 892, 893)"
65	24	inserts "with respect to" after the word "and"
66	10	Strikes "(78 Stat. 890)"
66	15	inserts "and other public lands in" before the word "Alaska"
67	16	inserts "of minerals" before the word "has"
67	24	strikes "and five"

- | | | |
|-------|-------|--|
| 69 | 4-7 | strikes all from "except" to "lands" and inserts " . In addition, lands" |
| | 11-18 | strikes all after "593" and inserts "may only be acquired with the consent of the Angoon Community Association." |
| | 22 | strikes "Area" |
| 70 | 15-16 | strikes "and Kootznoowoo, Incorporated" [the stockholders of Kootznoowoo, Inc. are also stockholders of SEAlaska Corporation; the correction prevents possible confusion of duplication] |
| 71 | 10 | after "sites" inserts "referred to in sub-paragraph (C)" |
| | 14-20 | strikes all of sentence beginning with "Artifacts" [avoids confusion with the Antiquities Act] |
| 72 | 1-21 | strikes all after "elects" |
| 72,73 | 22-14 | strikes all of paragraph "(F)" and inserts new paragraph "(F)
The Secretary shall prepare a management plan for the Admiralty Island Wilderness within five years after the date of enactment of this Act and in accordance with the provisions of section (1208)." [The original bill HR5605 provided for two studies of Admiralty; this would streamline them and put them in a format similar to the management plans contained in Section (1208)] |
| 73 | 15-24 | strikes all of paragraph "(G)" [Antiquities Act provides for penalties for destroying historic sites] |
| 73-75 | 25-14 | strikes all of paragraph "(H)" |
| 75 | 15 | strikes "(J)" and inserts "(G)" |
| 76 | 21 | after "section" inserts "and"; strikes "which"; after "lands" inserts "so identified" |
| 77 | 10 | strikes "(K)" and inserts "(H)" |
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| | 20 | strikes "(L)" and inserts "(I)" |
| 78 | 2 | strikes "wilderness area" and inserts "Admiralty Island Wilderness" |
| | 4 | strikes all of paragraph "(M)" [avoids duplication with section (803)] |
| | 11 | strikes "(N)" and inserts "(J)" |
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TITLE VII - SUBSISTENCE

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		(1) A State management regime which has as its central element the maintenance of the optimum sustainable population of the fish and wildlife species utilized by subsistence users.
95	14, 15	strikes "employment utilization by subsistence users" and inserts "use" in lieu thereof
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96	10	after "years" adds "by those residents of the local zone who are" [specifies that Village Corp. stockholders must be local residents to take part in electing the initial local boards]
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	7	strikes "endangered" and substitutes "declining" in lieu thereof
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	7	before "are subsistence users" adds "who"; strikes "which" each time it appears and inserts "those who" and "each" respectively
	13	after "board" adds "the Secretary, and the Governor"
	16	after "user" adds a new sentence: "A person shall not be registered in more than one local zone and may carry out subsistence uses only in the regional zone corresponding to such local zone."
101	1	changes the comma to semicolon; strikes "which" and inserts "the Council" in lieu thereof; after "shall" inserts "then"

Note: All page numbers refer to the
Committee Print dated October 17, 1977.

<u>Page</u>	<u>Line</u>	<u>Changes</u>
101	21	after "regional board" inserts ", the Secretary, and the Governor"
	25	after "boards" inserts "review the activities of"
102	11	after "wildlife" inserts "on public lands under this title"
103	1	after "after" inserts "notification pursuant to subsection (2) of this section, and after"
104	6	after "lands" inserts "(including those within a conservation system unit)"
	14	after "the" inserts "continued viability of the"
	15	after "unit" inserts "or any portion thereof"
105	9	strikes "qualified" and inserts in lieu thereof "registered"
107	10	after "necessary to" inserts "prevent abuse, waste, or damage to terrain, to"
	18	strikes "that" and inserts in lieu thereof "taking and use"

TITLE VIII - IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT
AND ALASKA STATEHOOD ACT

<u>Page</u>	<u>Line</u>	<u>Changes</u>
109	4	strikes "to" and inserts in lieu thereof "of"; strikes "corporations" and inserts in lieu thereof "townships"
	5	after "rights" inserts "and to rights arising under the second sentence of section 14(g) of the Alaska Native Claims Settlement Act"; strike "there is"
	6-11	strikes lines 6, 7, 8, 9, 10, and 11 in their entirety and inserts in lieu thereof the following: (1) there is hereby conveyed and vested in each Village Corporation for a village which has been determined to be eligible for land pursuant to the Alaska Native Claims Settlement Act all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn for that village pursuant to section 11(a)(1) or section 16(a) of such Act in which any part of any such village is located; and (2) there is hereby conveyed to and vested in the appropriate Regional Corporation all of the right, title, and interest of the United States in the subsurface estate to which each Regional Corporation is entitled under the Alaska Native Claims Settlement Act by reason of the vesting of title under paragraph (1).
109	13	strikes "Village" and inserts in lieu thereof "Native"
	14	strikes "qualified under this section" and inserts in lieu thereof "referred to in subsection (a) interim conveyances or"
	15	strikes "patent" and inserts in lieu thereof "interim conveyances or"
	22,23	strikes entirely
110	1,2	strike entirely and inserts in lieu thereof the following: (c) Title to lands specified in this section shall be deemed to have passed on the date of enactment of this Act, notwithstanding any delay in the issuance of any interim conveyance or patent.
	6	after "Act" inserts "and to each Native group (as defined in section 3(d) of such Act) qualified to receive land under such Act"
	15	after "issue" inserts "interim conveyances or"

<u>Page</u>	<u>Line</u>	<u>Changes</u>
110	18	after "which" inserts "interim conveyances or"
111	6	strikes "this title" and inserts in lieu thereof "section 801(a)"
112	18	after "issuance of" inserts "an interim conveyance or"
	22	after "Sec. 805 (a)" inserts "Subject to Native Selection rights under the Alaska Native Claims Settlement Act and to valid existing rights"
113	4	after "Act" inserts "except to the extent that any such lands have been validly selected by a Native Corporation entitled to make such a selection"
113	5	after (b) inserts "Subject to Native selection rights under the Alaska Native Claims Settlement Act and to valid existing rights,"
	14	strikes "patents" and inserts in lieu thereof "documents of title"
114	2	after "shall" inserts "then be deemed public lands and shall"
	8	strikes "withdrawn" and inserts in lieu thereof "selected"
115	11	after "Corporation" inserts "or Corporations"
	14	after "Corporation" inserts "or Corporations"
	15	strikes "patent" and inserts in lieu thereof "document"
	16	after "Corporation" inserts "or Corporations"
116	5	strikes "patent" and inserts "document" in lieu thereof

TITLE IX - ACCESS TO CONSERVATION SYSTEMS UNITS
FOR STRATEGIC AND CRITICAL MINERALS

NOTE: Title IX was redrafted to take into account the ideas and suggestions expressed by Members and attorneys in the Solicitor's Office, as well as the informal views expressed by representatives of the Assistant Secretary for Energy and Minerals, the U.S. Geological Survey and Bureau of Mines.

Changes include the following:

<u>Page</u>	<u>Line</u>	<u>Changes</u>
114	Sec. 903	Clarifying the intent that the Wilderness Act was not to be construed as preventing the Secretary from carrying out U.S.G.S. and Bureau of Mines mineral assessments on National Park or Wildlife Refuge Wilderness;
112		Striking references to "Subtitles", renumbering sections and moving "Purposes" and "Definitions" sections to the beginning of the title;
115	7	Clarifying the intent that recognition of valid existing rights includes not only <u>mining claims</u> but also <u>mineral leasing rights</u> ;
115	23	Clarifying the intent that the requirements for the recording of mining claims in the Mining in the Parks Act and the BLM Organic Act are to control on applicable lands; and
116	6-10	requiring the Secretary to issue regulations which will make clear all recording requirements in these three Acts mentioned here;
117	24	Adding the Bering Land Bridge Preserve to those areas subject to the process. (2.430 million acres). As mentioned in the briefing, this preserve had been inadvertently omitted from the first print;
119	Sec. 906 (a)(2)	Adding a section which would require the Secretary to receive and consider an application from any person to explore for, extract and develop a particular strategic and critical mineral from a conservation system unit in Alaska;
	25	The Secretary would have 90 days to either recommend approval and send the application to the President or disapprove it;
121	14-18	The President would have 9 months to either recommend to the Congress approval of the application or disapprove it himself;

Note: All page numbers refer to the
Committee Print dated October 28, 1977

<u>Page</u>	<u>Line</u>	<u>Changes</u>
120	Subsection 902(a) (3)	Changing the Presidential findings to make them more "workable"
120	14	The word "serious" was substituted for the word "acute" used in Print #1;
120	17	The words "domestic productive capacity" were substituted for the words "existing sources of supply" used in the Print #1;
120	18	The word "current" was added to describe "conservation or recycling methods";
120	18	The word "reliable" was deleted from the phrase "reliable foreign sources";
120	20	The words "known practical" were added to describe "alternative materials or processes";
120	22	The word "reserve" was substituted for the word "area" in Print #1;
120	3	The words "technically and economically" were added to describe "feasible alternatives";
		<u>Eliminating</u> the requirement to withdraw lands and set them aside for possible transfer to a conservation system affected by a lease under the title;
131	Sec. 909	Requiring that a threshold figure of 1,000,000 acres be affected under titles IX and X before the transfer of equivalent lands to those lands affected comes into effect, then only the acreage in excess of the 1,000,000 acres would be so transferred;
129	2-3	Changing the time the Secretary has to issue regulations, once an area is opened to exploration, etc. from 90 days to 120 days;
130	4-25	Recognizing that the company conducting exploration
131	1-3	could sell its rights to a lease to another company which would carry out the any extraction or development;
		Deleting the provision authorizing the President to cancel or suspend leases under certain circumstances.

TITLE X - TRANSPORTATION SYSTEM AND UTILITY TRANSMISSION SYSTEM

RIGHTS-OF-WAY ACROSS CONSERVATION SYSTEM UNITS

Note: Changes to this title involved substantive changes to: clarify the intent that the section was not to apply to small transportation and utility systems which did not significantly affect adversely a conservation system; express the intent that Congress may want to waive the requirement of payment of fair market value of a right of way; and to allow the transfer of Federal Lands provisions to become operable only after a total of 1,000,000 acres of land had been affected by leases or rights of way under titles IX and X.

<u>Page</u>	<u>Line</u>	<u>Changes</u>
136	16	after the words "rights of way for" inserts the word "major"
	20-22	strikes the words "Except in the case of ... conservation system unit, any" and inserts in lieu thereof the word "No"
	24	strikes the word "only" and inserts in lieu thereof the word "except"
	25	insert as follows: unless such system is - (A) a transportation or utility transmission system established primarily for purposes of a conservation system unit (as determined by the Secretary under applicable provisions of law), or (B) a minor transportation or utility transmission system which the Secretary determines would not result in a significant adverse effect on the conservation system unit and would be compatible with the purposes for which the unit was established.
140	6	strikes the word "through" and inserts in lieu thereof the words "across public"
	15	after the word "established" inserts the words "and contains the provisions necessary to minimize harm to the area. Unless Congress otherwise directs,"
	22	after "Sec. 1005" inserts the words "After the cumulative total of 1,000,000 acres has been reached as provided in title IX,"
	24	strikes the word "unit"