

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2682

682 SCOMM22: ALASKA LANDS FILE 1977-78

21-101

upon the use of subsistence resources as the mainstay of one's livelihood as of December 18, 1971; area of domicile; availability of alternative resources; and cultural needs;

(4) creating a system of local subsistence advisors to assist in 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 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, wildlife, and plant populations affected.

(b) The Secretaries of Interior and Agriculture shall designate by regulation subsistence management zones within their respective areas added to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems by this Act. Subsistence management zones shall include only those areas where subsistence uses were customarily occurring on December 18, 1971, and where continued subsistence uses would be consistent with the purposes for which the area was established and is being managed.

(c) The appropriate Secretary may close any subsistence management zone or portion thereof to subsistence uses for reasons of public safety, fish and wildlife management, 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.

(d) (1) Except for those subsistence uses authorized in this section all areas of the National Park System in the State of Alaska shall be closed to hunting and trapping, but shall be open to non-commercial 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 hunting within areas established by this Act as "national park preserves" and "national rivers" in accordance with the applicable laws of the United States and the State of Alaska.

(2) The Secretary may designate for all units of the National Park System, the National Wildlife Refuge 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 proscribed for reasons of public safety, administration, protection and management of living resources, preservation of subsistence resources, or public use and enjoyment. Except in emergencies, 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.

(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, 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 wildlife populations impacted by subsistence uses, the number of persons engaged in subsistence uses, the status of subsistence in the native cultures, 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 new 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 law or any other provision of this Act to the contrary, the Secretary may permit the use of snowmachines for subsistence purposes.

21 SEC. 703. (a) All lands designated by this Act as na-
22 tional parks, national monuments, national preserves, na-
23 tional wildlife refuges, national wildlife ranges, and, notwith-
24 standing the provisions of section (9) (a) (iii) of the Wild
25 and Scenic River Act (82 Stat. 907) as amended (16 U.S.C.

48. On page 22, line 21, to line 23, delete the phrase beginning with "national" and ending with "ranges" and insert "units of the National Park System and National Wildlife Refuge System"; and in line 21, delete "(a)".

(Perfecting Amendments)

49. On page 23, line 1, delete "wild and scenic rivers" and add "Wild Rivers, as provided in Section 307 (e) of this Act,"

Perfecting Amendment

MINERALS

In drafting this proposal, we have attempted to draw tightly our proposed boundaries where possible so as to exclude areas of high mineral potential without compromising environmental values. In areas where the decisions were made to include an area of potentially high mineralization, we believe the value of these natural areas to this Nation outweighs the potential development value of their non-renewable resources.

National parks, monuments, and wild rivers established by this legislation will be withdrawn from all mineral exploration, entry, and location, or leasing, subject to valid existing rights. Refuges should also be withdrawn from location and entry for hardrock minerals, but we propose that discretionary oil and gas leasing be permitted in the new refuges where compatible with the purposes for which the lands are established, and following appropriate classification by the Department. In accordance with recent amendments to ANCSA, oil and gas development will take place where the Natives own subsurface rights within the Aniakchak National Preserve.

21^{P-22} SEC. 703. (a) All lands designated by this Act as na-
22 tional parks, national monuments, national preserves, na-
23 tional wildlife refuges, national wildlife ranges, and, notwith-
24 standing the provisions of section (9) (a) (iii) of the Wild
25 and Scenic River Act (32 Stat. 907) as amended (16 U.S.C.

23

1 1274 (2)), wild and scenic rivers are hereby withdrawn,
2 subject to valid existing rights, from all forms of appropri-
3 ation under the mining laws and from operation of the min-
4 eral leasing laws including, in both cases, amendments
5 thereto.

6 (b) Where existing mineral leases, patents, or claims
7 which are legally allocated and maintained within the units
8 established by titles I, II, and III of this Act, predate this
9 Act, the Secretary is authorized to validate existing rights
10 within the framework of existing authority and policy:
11 *Provided*, That, in all cases where such properties or rights
12 are placed for sale, the Secretary shall have first right of
13 refusal for purchases. All claims within these units, which
14 remain in force by reason of being duly recorded under the
15 terms of section 314 of Public Law 94-579, shall nonethe-
16 less lapse unless application for patents made within three
17 years of the date of being recorded under that Act and such
18 application is diligently pursued thereafter.

109
ADMINISTRATION AMENDMENT

50. On page 23, line 5, change the period to a colon and add the following:

Provided, That with respect to areas added by this Act to the National Wildlife Refuge System the Secretary may permit, in his discretion, and consistent with the provisions of the National Wildlife Refuge System Administration Act, oil and gas leasing, including construction and operation of pipelines, under the Mineral Leasing Act of 1920, as amended. Any and all withdrawals and reservations for powersite purposes applicable to the Federal lands and interests therein within the boundaries of any unit of the National Park, Wildlife Refuge, or Wild and Scenic Rivers System referred to in titles I-III of this Act are hereby recinded to the extent of such applicability.

50a. On page 23, lines 6 - 18, delete subsection (b).

110
Comment:

Because of the way in which our units' boundaries have now been drawn, the Administration concurs with the H.R. 39 provision to the extent that new refuges should be withdrawn from new mining claims. However, we believe that carefully controlled oil and gas exploration and closely stipulated development can occur on refuges without unduly impinging on the fish and wildlife objectives and values. Thus, we offer an amendment which would allow the Secretary to utilize his discretion in permitting such oil and gas activities in the future, as required in the National interest.

51. On page 23, line 19, delete "(a)".

Perfecting Amendment

112

52. On page 23, line 21, insert the words "or selected" between "selection" and "by" and delete the word "village".

Perfecting Amendment

53. On page 23, line 23, insert the words "or conveyed to" between "by" and "those".

Perfecting Amendment

1 exceed one thousand acres for administrative and visitor
2 facilities for each area, and no more than seven thousand
3 five hundred acres for archeological sites outside the bound-
4 aries of each of the areas referred to herein.

55. On page 25, line 3, after "archeological" insert "or paleontological".

(Perfecting Amendment)

ANDRUS TESTIMONY

AREAS OF ENVIRONMENTAL CONCERN (AECs)

Further, you will notice that included in many of our d-2 area proposals, we have identified adjacent areas within which resource use and development are critically important to the proper protection, management and interpretation of the natural and wildlife resources within the d-2 area. We urge legislative designation of those areas.

17

These areas are designated "areas of environmental concern" (AEC). We propose that the Department be authorized to enter into voluntary cooperative agreements with the landowners in these areas of concern so that some form of cooperative planning and consultation can be achieved between the d-2 land management agency and the public and private adjacent landowners on matters related to the purposes of the d-2 lands. We are not proposing any regulatory authority in these areas other than that encompassed in existing Federal law,

18

116

such as the Federal Water Pollution Control Act, etc. Rather, the AEC's, would be related to the cooperative planning and management effort to be undertaken by the proposed Advisory Commission.

18

o o o

In all instances cooperative arrangements would be advisory only. We are not proposing that any responsibility of the Secretary of the Interior be delegated to any Board or Commission by agreement or otherwise.

19

**** IT SHOULD BE NOTED THAT SECTION 708(b) OF HR 39, WHICH WE WOULD REDESIGNATE AS SUBSECTION (c) BUT NOT OTHERWISE CHANGE, WOULD REQUIRE THE HEADS OF OTHER FEDERAL AGENCIES TO AFFORD THE SECRETARY A REASONABLE OPPORTUNITY TO COMMENT ON ANY PROPOSED FEDERAL OR FEDERALLY ASSISTED UNDERTAKING WITHIN THESE UNITS PRIOR TO THE APPROVAL OF ANY FEDERAL EXPENDITURE OR THE ISSUANCE OF ANY FEDERAL LICENSE. IN OUR VIEW, THIS IS ONLY A SUPPLEMENTARY AUTHORITY FOR THE SECRETARY IN THESE AREAS. IT WOULD ENTITLE THE SECRETARY TO THE EARLIEST POSSIBLE NOTICE OF ANY SUCH PROPOSED

ACTION. IT WILL NOT BE READ TO IMPLY THAT THE SECRETARY'S
AUTHORITY OVER SUCH PROJECTS IS LIMITED TO COMMENT OR CONSULTATION
AND THAT THEY COULD PROCEED IN THE FACE OF HIS OBJECTIONS.
OBVIOUSLY, THE BASIC REGULATORY AUTHORITIES, AS WELL AS ANY SPECIAL
STATUTORY PROVISIONS, APPLICABLE TO EACH UNIT WILL PREVAIL WITHIN
THAT UNIT, AND ANY PROJECT BY ANOTHER FEDERAL AGENCY WITHIN A UNIT
WILL REQUIRE THE EXPRESS OR IMPLIED APPROVAL OF THE SECRETARY AND
WILL HAVE TO BE CONSISTENT WITH THE PURPOSES OF THAT UNIT, BE IT
NATIONAL PARK, WILDLIFE REFUGE, OR WILD OR SCENIC RIVER.

17 SEC. 708. (a) The Secretary is authorized to identify
18 an area of ecological concern adjacent to any unit estab-
19 lished by this Act. An area of ecological concern is an
20 area of land and waters which contains resources that are a
21 part of the total ecosystem, geological formation, or which
22 reflects a cultural heritage directly related to the areas au-
23 thorized herein as units of the four land conservation sys-
24 tems. Within each area of ecological concern so designated,
25 the Secretary is authorized to cooperate and seek agreements

26

1 with the heads of other Federal agencies and the owners of
2 lands and waters including, without limitation, the State of
3 Alaska or any political subdivision thereof, any Native cor-
4 poration, village, or group having traditional cultural or
5 resource-based affinities for such areas, and, with the con-
6 currence of the Secretary of State, the governments of
7 foreign nations. Such agreements shall have as their purpose
8 the assurance that resources will be used, managed, and
9 developed in such a manner as to be consistent with the
10 preservation of the environmental quality of such areas and
11 management of units established by this Act. The agree-

12 ments may also provide for access by visitors to and across
13 the lands which are the subject of the agreements.

14 (b) The head of any Federal agency, other than
15 agencies that are parties to cooperative agreements pursuant
16 to subsection (a) of this section, having direct or indirect
17 jurisdiction over a proposed Federal or federally assisted
18 undertaking in the lands and waters within, adjacent to, or
19 related to areas added to existing units or established by
20 titles I, II, III, IV, and VI of this Act and the head of
21 any Federal department or interdepartmental agency, other
22 than parties to such agreements, having authority to license
23 any undertaking in such lands and waters shall, prior to the
24 approval of the expenditure of any Federal funds on the
25 undertaking or prior to the issuance of any license, as the

27

1 case may be, afford the Secretary a reasonable opportunity to
2 comment with regard to such undertaking.

56. On page 25, revise lines 17-19 to read:

SEC. 707. (a) Each area encompassed within the boundaries of the maps referred to in section 2 and depicted as 'Area of Environmental Concern' is hereby declared to include an "

56a. On page 25, line 24, after "Within" insert "units established by this Act and within"; and change "ecological" to "environmental".

81

57. On page 26, after line 13, insert the following:

(b) With respect to lands, waters, and interests therein which are subject to a cooperative agreement in accordance with subsection (a), the Secretary may provide technical assistance in planning and resource use, and he may assist, without provision for reimbursement if he determines to do so is in the public interest, the landowner in fire control, trespass control, and law enforcement within the limits of available appropriations.

82

58. On page 26, line 14, change "(b)" to "(c)".

83

121
58. On page 26, line 14, change "(b)" to "(c)".

Perfecting Amendment

[COOPERATIVE PLANNING AND MANAGEMENT]

There is widespread consensus that some sort of cooperative planning and management is needed among Federal, State and private landowners. ANCSA and Alaska Statehood provisions are resulting in divergent landholdings in every area of the State. Decisions on wildlife, transportation, watersheds and various developments of national significance cut across these property boundaries. Several proposals have been advanced by Governor Hammond, Members of the Alaska delegation and the Land Use Planning Commission to formalize a means by which Federal and State cooperation can best be obtained.

To facilitate overall planning and management cooperation in the State, we propose the establishment of a Statewide cooperative planning commission. This commission would serve as the Statewide focus for cooperative planning, doing not only its own work on major issues, but also serving as the catalyst and organization for State/Federal/Native planning,

123

interagency studies and meetings. The Commission would be advisory to land managers and could make such recommendations as land use designations outside of Federal management areas. The Chairman would be appointed by the Secretary with the concurrence of the Governor and would serve on a full-time basis. The Commission would be composed of public members, Native representatives and land managers who represented each of the Federal land management agencies in Alaska and their counterpart State land management agency representatives.

17

o o o o o

In all instances cooperative arrangements would be advisory only. We are not proposing that any responsibility of the Secretary of the Interior be delegated to any Board or Commission by agreement or otherwise.

19

EXPLANATION: HR 39 CONTAINS NO COMPARABLE PROVISION FOR ANY KIND OF STATEWIDE PLANNING COMMISSION, ADVISORY OR OTHERWISE.

124

ADMINISTRATION AMENDMENT, § 59
(ref. Andrus testimony at pp. 16-19)
(NOT ADDRESSED IN HR 39)

59. On page 27, delete lines 3 through 22 and insert the following new section to read as follows:

SEC. 708. (a) There is hereby established the Alaska Cooperative Planning Commission (hereinafter referred to as the "Commission"). The Commission shall consist of the field directors of all Federal bureaus having administrative jurisdiction over Federal lands in Alaska and, to the extent that the State of Alaska shall concur, the heads of all State agencies having administrative jurisdiction over State lands, together with four public members, of whom not less than two shall be representatives of Native corporations. The Secretary shall appoint two of the public members and the Governor of Alaska shall appoint the other two public members.

In addition to the foregoing members, there is hereby established the position of Chairman of the Commission, who shall be appointed by the Secretary, and who shall serve at his pleasure. In the event the State of Alaska shall have designated the heads of State agencies as members of the Commission, the Secretary may appoint the Chairman only with the concurrence of the Governor of Alaska. The Chairman shall be compensated by the Secretary at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code. The Secretary shall, not less than once

125

each year, publish a list of the membership of the Commission in the Federal Register.

(b) The function of the Commission shall be to conduct studies and advise the Secretary, other Federal agencies, the State of Alaska, and Native corporations with respect to ongoing, planned, and proposed land and resource uses in Alaska, including transportation planning, land use designation, fish and wildlife management, tourism, agricultural development, coastal zone management, and such other matters as may be submitted for advice by the members.

(c) Federal members of the Commission shall receive no compensation for service on the Commission as such. Public members shall receive compensation at not to exceed \$100 per day and shall be entitled to reimbursement for expenses reasonably incurred by them in carrying out their responsibilities. The agencies represented by Federal members shall contribute such funds, staff, and property to the Commission as are necessary to enable it to carry out its functions. As an express condition of State membership on the Commission, members from the Government of the State shall contribute such funds, staff, and property to the Commission as are appropriate, but not less than 50 percentum of the annual expenses of the Commission. The Commission shall meet at the call of

126
the Chairman, but not less than once each calendar year.

A report of each meeting, together with any recommendations as may be appropriate, shall be submitted to the Secretary, the Governor of Alaska, and the head of each Native regional corporation. Commission meetings shall be open to the public.

(d) The Commission shall adopt such internal rules of procedure and organization as it deems necessary. The Commission and its operations shall be subject to the provisions of the Federal Advisory Committee Act.

(e) The Commission may, with the concurrence of the members having administrative jurisdiction over the lands and waters and fish and wildlife resources therein, recommend cooperative planning and management zones, consisting of areas of the State of Alaska in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members. Federal members of the Commission are hereby authorized and encouraged to enter into cooperative agreements with other Federal members and with State and Native members providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(f) The Commission shall have no classification authority and will have only an advisory role with respect to cooperative planning and management zones.

ADMINISTRATION AMENDMENT (page 88)

61. Add the following as new sections 710, 711, 712, and 713 respectively.

SEC. 710. Planning. Except as otherwise provided, within five years from the effective date of this section, the Secretary shall formulate (and he may from time to time revise) a detailed resource management and use plan for each unit of the systems established in titles I and II of this Act and associated and related areas of environmental concern. Where units of the National Wildlife Refuge System and the National Park System share important biological and physical characteristics which control the natural occurrence and the management of fish and wildlife and their habitat, and scenic, historical, and archeological resources within each unit, a single plan shall be developed for the management and use of such resources. Each plan shall identify management practices, which the Secretary shall adopt and implement, that will accomplish the specific purposes of the areas set forth in titles I and II.

The Secretary shall formulate each plan and any revision thereof only after holding one or more public hearings in the vicinity of the affected unit or units, and only after consultation with the appropriate agencies of the State of Alaska.

ANDRUS TESTIMONY AND H.R. 39 - NOT ADDRESSED

ADMINISTRATION AMENDMENT (page 89)

SEC. 711. Authority to construct capital improvements on non-Federal lands. Notwithstanding any other provision of law, the Secretary is authorized to construct, operate, and maintain, with funds appropriated for the purposes of this Act, such permanent and temporary buildings and facilities as he deems appropriate to provide visitor services and for administrative purposes, on lands within and outside the boundaries of the units established by this Act, without regard as to whether title to the underlying land is in the United States: Provided, That in the case of buildings and facilities constructed on non-Federal land, the owner shall have entered into a cooperative agreement with the Secretary, the terms of which shall assure the continued use of such buildings and facilities for the purposes of this section.

ANDRUS TESTIMONY (pages 31-33).

EXPRESS AUTHORITY TO EFFECT LAND EXCHANGES

Section 704(b) of H.R. 39 would revoke land selections by the State within areas added to the national land conservation systems, and it directs the Secretary to make available to the State other public lands of approximately equal acreage.

In general, the State has selected lands based on their known potential for mineral development, other commodity use, or for population growth. An equal-acreage formula would not therefore assure the State that its original purpose in selecting lands could be fulfilled.

We have drawn our recommended boundaries for the most part to exclude State-selected lands which have high development potential. Our boundaries do, however, include some areas of State-selected lands, some of which have been tentatively approved for conveyance to the State.

Mr. Chairman, we do not support the revocation provisions of H.R. 39. Within the boundaries of the proposed d-2 acres, the Department should be given express authority to acquire lands, waters, and interests therein by donation, purchase, or exchange. This authority should provide, however, that property owned by the State of Alaska or any political subdivision thereof may be acquired only upon the consent of the State. In this same regard, this express acquisition authority in the Secretary should provide that property conveyed under ANCSA to any Native corporation may be acquired only with the consent of the owner.

H.R. 39 (PAGE 24)

3 (b) Land selections by the State of Alaska which are
4 within the areas added to existing units or established by
5 titles I, II, III, and IV of this Act are hereby revoked:
6 *Provided*, That the Secretary shall make available to the
7 State other public lands of approximately equal acreage for
8 those State identified lands designated as units of the four
9 land conservation systems by this Act: *Provided further*,
10 That such other public lands shall not be taken from lands
11 within the boundaries of areas described in titles I, II, III,
12 and IV of this Act.

SEC. 712. State land exchanges. In the exercise of his authority to acquire lands, waters, and interests therein for the purposes of this Act, the Secretary may utilize the provisions of subsection 22(f) of the Alaska Native Claims Settlement Act, as amended. Property acquired within the boundaries of the areas added to the four conservation systems by this Act shall become part of the area within which it is located, and subject to the laws and regulations applicable to such area.

130
AUTHORITY TO HIRE LOCAL RESIDENTS

ANDRUS TESTIMONY AND H.R. 39 - NOT ADDRESSED

ADMINISTRATION AMENDMENT (PAGE 89)

SEC. 713. Authority to hire local residents. The Secretary shall give full consideration to employing qualified persons whom, by reason of their having lived, worked, or studied in or near the units of the national conservation systems established by this Act, the Secretary determines have special knowledge or expertise concerning the resources of such units and the management thereof, in accordance with applicable Civil Service Commission laws and regulations.

134
ACCESS TO NAVIGATIONAL AIDS

ANDRUS TESTIMONY AND H.R. 39 - NOT ADDRESSED

ADMINISTRATION AMENDMENT (page 90)

SEC. 714. Within areas added to the National Park, Wildlife Refuge, National Forest, and Wild and Scenic Rivers Systems by this Act, access to, and operation and maintenance of, air and water navigation aids and related facilities shall be permitted in accordance with the laws and regulations applicable to the National Park, Wildlife Refuge, National Forest, and Wild and Scenic Rivers Systems, as appropriate. Access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provisions of this Act. Nothing in the Wilderness Act shall be deemed to prohibit such access, operation, and maintenance within wilderness areas designated by this Act.

135
MINERAL MANAGEMENT ZONES

ANDRUS TESTIMONY (pages 24 to 28)

Mineral Study and Extraction

All units of the National Park System in the United States are closed to mineral entry and location under the Mining Law of 1872. In those areas of the National Park System where valid mining claims existed prior to closure, activities on those claims would be strictly regulated under the terms of the Mining in the Parks Act, P.L. 94-429, 16 U.S.C. 1901 et seq., which would apply to valid claims within areas added in Alaska.

Within the proposed Wrangell-St. Elias National Preserve, we have recognized two areas containing potentially significant mineral resources. The possible importance of these two areas is such that further mineral study and controlled mineral extraction should be considered. Accordingly, this legislation identifies the land containing the mineral zones and authorizes the Secretary to conduct mineral studies and mineral extraction under a permit system, with environmental constraints.

We propose that the Department be authorized to make in-house exploration studies by the Geological Survey, or to issue study and exploration permits to private concerns, to undertake the necessary studies to determine the nature of the minerals in these zones, and the feasibility of extraction of the minerals in a manner consistent with the purposes for which the preserve was established.

Extraction Permits

After reviewing the information obtained as a result of this study and exploration in the mineral management zones of the Wrangell preserve, we would determine whether minerals could be extracted in a manner consistent with the purposes for which the preserve was established and whether reclamation were possible. If we found these criteria satisfied, we would have the discretionary authority to issue a mineral extraction permit. The permit would contain necessary stipulations and conditions to insure the protection of the environmental integrity of the area.

An extraction permit would be issued in one of two ways. If a private concern applied for and was granted a study permit and exploration permit, and as a result of such activities submitted a report and proposal to the Department that satisfied the statutory criteria, we would issue an extraction permit to that private concern, if a permit were issued at all.

It should be recognized, however, that an exploration or study permit would grant no extraction rights and no automatic right to an extraction permit. If, on the other hand, we made a decision to issue extraction permits on the basis of a U.S. Geological Survey study, we would issue permits on a competitive basis.

The only minerals available for extraction under this approach are hardrock minerals (those locatable under the Mining Law of 1872). Minerals covered under the Mineral Leasing Act (e.g., oil and gas), and the Materials Act (e.g., sand and gravel), are not included.

138

MINERAL MANAGEMENT ZONES (Cont.)

R. 39 (pages 22 and 23)

21 SEC. 703. (a) All lands designated by this Act as na-
22 tional parks, national monuments, national preserves, na-
23 tional wildlife refuges, national wildlife ranges, and, notwith-
24 standing the provisions of section (9) (a) (iii) of the Wild
25 and Scenic River Act (32 Stat. 907) as amended (16 U.S.C.
1 1274(2)), wild and scenic rivers are hereby withdrawn,
2 subject to valid existing rights, from all forms of appropri-
3 ation under the mining laws and from operation of the min-
4 eral leasing laws including, in both cases, amendments
5 thereto.

ADMINISTRATION AMENDMENTS (pages 91-93)

62. Add a new Title VIII as follows:

TITLE VIII-MINERAL MANAGEMENT ZONES

SEC. 801. (a) Within the areas identified as Mineral Manage-
ment Zones on the map referred to in section 2 designating the
boundary of the Wrangell-St. Elias National Preserve, the Secretary
is authorized to study, or to grant permits for study of these
zones to determine the mineral potential of the areas and to
determine whether further mineral exploration and extraction activities
may be conducted in the zones in a manner consistent with the purposes
for the which the area was established. Such studies may be conducted

139

MINERAL MANAGEMENT ZONES (Cont.)

only by means that do not substantially alter surface features of the zones.

(b) If, based upon the information obtained by any study authorized under subsection (a) of this section, the Secretary determines that there is a possibility that surface-disturbing exploration for and extraction of minerals within the zones may be conducted in a manner consistent with the purposes for which the area was established and that any surface disturbed by such activities may be substantially restored to its original condition, he is authorized to issue permits for such exploration and extraction.

(c)(1) If the Secretary determines, based on the information obtained as a result of study permit, that exploration and extraction permits may be granted in accordance with subsection (b) of this section, the study permittee shall be given the right of first refusal to receive the exploration and extraction permit. If the exploration and study permittee refuses the offer, the Secretary may offer the lands for lease on the basis of competitive bidding.

(2) If, as a result of information obtained by any means other than a study permit, the Secretary determines that mineral exploration and extraction should be permitted in accordance with subsection (b) of this section, the Secretary may issue mineral exploration and extraction permits on the basis of competitive bidding.

(d) For the purposes of this section, the term minerals shall include only those minerals that were subject to disposition under the Mining Law of 1872 on January 1, 1977.

MINERAL MANAGEMENT ZONES (CONT.)

140

(e) The Secretary is authorized to issue regulations to implement this section, which regulations shall include provisions for:

- 1) The duration, assignment, and renewal of any permit;
- 2) the establishment of a fee and royalty schedule for issuance and maintenance of permits;
- 3) the terms by which a permit under subsections (b) and (c) of this section may be issued;
- 4) stipulations to ensure that all activities undertaken under any permits shall be consistent with the purposes for which the area was established; and
- 5) for removal of associated minerals.

(f) Notwithstanding the provisions of section 5 U.S.C. 552(b)(4) and (b)(9) of the Freedom of Information Act, any information made available to the Secretary by an applicant or permittee under this section shall be available to the public.

1140

IDITAROD NATIONAL HISTORIC TRAIL

ANDRUS TESTIMONY AND H.R. 39 ÷ not addressed

Administration Amendment (page 94)

63. Add a new Title IX, as follows:

TITLE IX-MISCELLANEOUS PROVISIONS

SEC. 901. Iditarod National Historic Trail. (a) Section 5(a) of the National Trails System Act (82 Stat. 919; U.S.C. 1241) is amended by inserting the following new paragraph at the end of said section:

() The Iditarod National Historic Trail, including the main route (approximately 1,100 miles) and branch segments (approximately 930 miles), extending from Seward to Nome, Alaska, following the route depicted on the maps, identified as "Seward-Nome Trail" in the Department of the Interior Iditarod Trail study report dated _____, 1977: Provided, (i) That while this Act will commemorate the entire route of the Iditarod Trail by designation as the Iditarod National Historic Trail, only those segments which are within the exterior boundaries of federally administered areas and

94

142

IDITAROD NATIONAL HISTORIC TRAIL (cont.)

which meet the national historic trail criteria established in this Act, are established initially as components of the Iditarod National Historic Trail, and (ii) that the Secretary of the Interior may designate lands outside of the exterior boundaries of federally administered areas as segments of the Iditarod National Historic Trail upon application from State or local government agencies or private interests involved if such segments meet the national historic trails criteria established in this Act and such criteria supplementary thereto as the Secretary may prescribe, and are administered by such agencies or interests without expense to the United States, and (iii) that notwithstanding the provisions of section 7(c) of the National Trails System Act, the use of motorized vehicles on segments of the Iditarod National Historic Trail will be permitted in accordance with regulations prescribed by the appropriate Secretary.

929

(b) The responsibility for coordination of Iditarod National Historic Trail matters shall rest with the Secretary in consultation with the heads of other Federal and State agencies where lands administered by them are involved. Such responsibilities shall include:

- (1) Selecting the specific trail route, as provided for in section 7(a) of the National Trails System Act, within three years after the date of enactment of this section;
- (2) Developing a plan and guidelines for the acquisition, development, management and maintenance of the trail with the advice and assistance of other Federal, State, and local agencies and organizations; such plan and guidelines to include provisions for the acquisition, retention, or dedication of significant historic sites and for a right-of-way or easement along most or all of the route to protect historic values and segments for potential future recreational trail development and to ensure continued public travel along the various trail segments.

144

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

ANDRUS TESTIMONY AND H.R. 39 -- not addressed

ADMINISTRATION AMENDMENT (pages 96 and 97)

SEC. 902. Klondike Gold Rush National Historical Park. The Act approved June 30, 1976 (90 Stat. 717), providing for the establishment of the Klondike Gold Rush National Historical Park, is amended by revising the second sentence of subsection (b)(1) of the first section to read as follows:

Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation or exchange.

Provided, That notwithstanding the provisions of subsection 6(1) of the Act of July 7, 1958 (72 Stat. 339, 342), the State may include the minerals in any such transaction.

SEC. 903. The provisions of sections 2 and 8 of P.L. 94-429, 16 U.S.C. 1902, 1908, are hereby extended to all units of the National Wildlife Refuge System established by this Act. For the purposes of this section, the term "National Wildlife Refuge System" shall be substituted for the term "National Park System" and the Act of October 15, 1966, as amended (16 U.S.C. 668dd. et. seq.), for the Act of August 25, 1916, as amended (16 U.S.C. 1). wherever those terms appear in sections 2 and 8 of P.L. 94-429,

93

145

COOPERATIVE INFORMATION CENTER

ANDRUS TESTIMONY AND H.R. 39 --- not addressed

ADMINISTRATION AMENDMENT (page 97)

SEC. 904. Cooperative Information Center. The Secretary is authorized, in consultation with other Federal agencies, to investigate and plan for an information and education center for visitors to Alaska on not to exceed one thousand acres of Federal land, at a site adjacent to the Alcan Highway. For the purposes of this investigation, the Secretary shall seek participation in the program planning, and/or operation of the center from appropriate agencies of the State of Alaska and representatives of Native groups in Alaska, and he is authorized to accept contributions of funds, personnel, and planning and program assistance from such State agencies, other Federal agencies, and Native representatives.

196

60. Delete section 710, and redesignate section 711 as a new title X, reading as follows:

TITLE X-APPROPRIATIONS

SEC. 1001. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Perfecting Amendment

With respect to section 710, the bureaus presently have Area Offices in Alaska which are carrying out the responsibilities of their respective agencies We see no necessity to change their status at this time.

SCOMM

#22:15

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

DEPARTMENT OF THE INTERIOR

ALASKA D-2 PROPOSALS

September 1, 1977

A. HISTORY OF POSITION ON D-2 LEGISLATION

Under the authority of Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 (ANCSA), the Secretary was required to withdraw from appropriation up to 80 million acres of Federal land in Alaska for study as possible additions to the "Four Systems" of National Parks, Wildlife Refuges, Forests, and Rivers. In implementing ANCSA, the National Park Service, Fish and Wildlife Service, and Bureau of Outdoor Recreation undertook intensive studies in Alaska during 1972 and 1973. These efforts, combined with a 40- to 70-year history of earlier NPS/FWS studies, were the basis of the Alaska Planning Group (APG) recommendations on the d-2 lands. These recommendations, which called for the addition of 45 million acres to the National Park System, 49 million acres to the National Wildlife Refuge System and designation of 28 wild and scenic rivers, were submitted to the Department by the APG. On December 18, 1973, Secretary Morton recommended a package to the Congress for 83.47 million acres as additions to the Four Systems; this included 32 million acres each for addition to the National Park System and the Refuge System, and designation of 20 wild and scenic rivers, with the remaining 19 million acres to be National Forests. Since 1973 our knowledge of Alaska has steadily increased. Land ownership patterns are better known as the Natives have now selected most of their lands and the State has identified much of the land it wishes to receive under the Statehood Act. In addition, several follow-up studies and scientific investigations into aspects of the d-2 issues and resources have been completed. Reconsideration of the 1973 Morton proposals is now recommended.

B. PENDING LEGISLATION

Many bills are pending before the Congress which address the d-2 issue.

H.R. 39

Both the House Interior and Merchant Marine Committees have indicated they intend to use H.R. 39 as the principle vehicle for consideration of the Alaska lands issue. This bill has received more public testimony than any other since the civil rights legislation of 1964.

Specifically, H.R. 39 would add about 64.1 million acres in 13 units to the National Park System, 46.4 million acres in 15 units to the National Wildlife Refuge System, and 4.1 million acres in 23 rivers to the National System of Wild and Scenic Rivers, and authorizes adding 1.6 million acres to existing forests in Alaska; would establish instant wilderness in all existing and proposed units of the National Park,

Wildlife Refuge, and Wild and Scenic Rivers Systems in Alaska, to be managed in accordance with the terms of the Wilderness Act of 1964; and would establish 5 million acres of wilderness within the existing Chugach and Tongass National Forests in Alaska.

H.R. 39 would also make the National Park Service the manager of all recommended wild and scenic rivers, and make the Fish and Wildlife Service the interim manager of the National Petroleum Reserve - Alaska. H.R. 39 would permit the continuation of customary, consistent, and traditional use of subsistence resources subject to the well-being of the basic resources; provide for preference for subsistence uses over all competing consumptive uses within the "subsistence management zones" which the Secretary may designate; and direct the Secretary to establish "regulatory subsistence boards" whose members consist of subsistence users.

The bill would revoke all State land selections within the boundaries of the park, refuge, and river areas it would establish, and would also add to these areas all lands withdrawn for Native Village selection if the Native rights to these withdrawn lands are relinquished. Subject to valid existing rights, the bill would close lands added to National Park, Wildlife Refuge, and Wild and Scenic River Systems to all forms of mineral appropriation and leasing.

Sport hunting would be prohibited in National Parks and Monuments, although it would be permitted in National Preserves. H.R. 39 would also authorize the Secretary to identify Areas of Ecological Concern, and Cooperative Planning and Management Zones, which are lands outside Four System boundaries that relate to the resources or uses of the proposed Four Systems areas.

H.R. 1652 and H.R. 2082

Two additional legislative proposals are currently receiving consideration in the House of Representatives' Committee on Merchant Marine and Fisheries: H.R. 1652 (Dingell) and H.R. 2082 (Leggett, et. al.). Hearings have been conducted in Washington and Alaska on these proposals and the jointly referred H.R. 6564 (Morton) proposal. Testimony has also been allowed by the Subcommittee on H.R. 39. Both H.R. 1652 and H.R. 2082 confine recommendations on Alaska lands to the National Wildlife Refuge System, adding 67.9 and 76.3 million acres respectively. Both proposals would place these refuge lands under the provisions of the Refuge Administration Act (16 U.S.C. 668 dd, as amended) but offer no special provisions for the subsistence lifestyle. As H.R. 1652 was first introduced in February 1972 only 2 months after ANCSA passed, there is no recognition of specific State or Native selections beyond a general statement that would revoke State selections in the refuges and allow the State to select elsewhere.

Land Use Planning Commission

In addition to the proposals of H.R. 39, H.R. 6564, H.R. 2082, and H.R. 1652, the Joint Federal-State Land Use Planning Commission for Alaska (LUPC) is developing recommendations on the d-2 lands issue, although no bill embodying these recommendations has been introduced in Congress. The current LUPC recommendations are summarized in an attachment.

S. 1787

Senator Ted Stevens (AK) has introduced S. 1787, which would establish fewer, smaller units of the Park and Refuge System, would create larger, multiple-use areas to be managed by the NPS or the FWS, and would give a measure of authority to the State over the management of Federal lands.

C. DEFINITIONS OF MANAGEMENT CATEGORIES

NATIONAL PARK

National parks are large areas of special scenic, historical or scientific importance set aside and maintained by the Federal government especially for uniqueness, recreation, or study; conserved in such a manner that they will be unimpaired for use by future generations. They are usually spacious land areas essentially of primitive character which contain scenery and natural wonders so outstanding in quality that their preservation intact has been mandated by the Congress.

Features: Parks usually contain diverse scenic, scientific, inspirational, esthetic, educational, and recreational qualities.

Uses: Uses include fishing, hiking, camping, interpretive programs, and wildlife observation. New mining claims, grazing, commercial timber harvesting, and hunting are generally not permitted. Subsistence taking, however, has previously been permitted in Hawaiian parks.

NATIONAL MONUMENT

In general, national monuments are small national parks, established to protect a single nationally significant feature.

Early monuments were relatively small areas containing unique geological features or archeological sites. The size of the area relates to proper care and management. Later areas were vast in size. "National monument" now includes natural reservations, historic military fortifications, prehistoric ruins, fossil sites, and the Statue of Liberty.

Features: A national monument is intended to preserve at least one nationally significant resource. It is usually smaller than a national park and lacks in diversity of attractions.

Uses: Uses include fishing, hiking, camping, interpretive programs, and wildlife observation. New mining claims, grazing, commercial timber harvesting, and hunting are generally not permitted.

NATIONAL PRESERVE

National preserves are areas of land and/or water which may vary in size, but which possess within their boundaries exceptional values or qualities illustrating the natural heritage of the Nation. Such areas would often be characterized by significant scientific values, including, but not limited to, ecological communities. In addition, they could be characterized by a habitat supporting a vanishing, rare, or restricted species; a relict flora or fauna persisting from an earlier period; or large concentrations of wildlife species or areas where scientific discoveries or historical values might also contribute to the purposes for which an area might be recognized..

Features: The two national preserves heretofore designated by Congress encompass remnants of once large forest communities in the Big Thicket area of Texas and a major portion of the Big Cypress watershed north of Everglades National Park in Florida.

Uses: National preserves may accommodate significant recreational uses that do not impair the natural values. Human visitation should not interfere with or disrupt the values which the area is created to preserve. They could support some hunting, and subject to regulations, other activities, including extraction of oil and gas. Commercial timber harvesting is not permitted.

National Park System (In general, each unit authorized by separate Act of Congress)

	<u>National Parks and Monuments</u>	<u>National Preserves</u>	<u>National Recreation Areas, Seashores, Lakeshores, Riverways</u>
Purpose	Preservation and public enjoyment of scenic and natural values.	Preservation of scientifically important resources.	Outdoor recreation opportunities, consistent with protection of natural values.
How Established	Act of Congress and Presidential Proclamation under 16 U.S.C. 431. (For example, see Act of January 8, 1971, 84 Stat. 1970, for Voyageurs National Park; and Proclamation 3443, 76 Stat. 1441, for Buck Island Reef National Monument).	Act of Congress (see Acts of October 11, 1974, 88 Stat. 1254, 1258, for Big Thicket and Big Cypress National Preserves).	Act of Congress (see Act of September 1, 1965, 79 Stat. 612, for Delaware Water Gap National Recreation Area; Act of September 28, 1962, 76 Stat. 650, for Padre Island National Seashore; Act of August 27, 1964, 78 Stat. 608, for Ozark National Scenic Riverways).
Valid existing claims (metal-liferous minerals)	Recognized, but policy is to acquire if necessary to prevent environmental damage, and regulations require bonding and reclamation. (See Act of September 28, 1976, 90 Stat. 1342, and regulations in 36 CFR pt. 9).	Same as in national parks and monuments.	Same as in national parks and monuments.
Location of new claims (metalliferous minerals)	Prohibited.	Alaska proposal would allow exploration in special zones under permit.	Permitted in some Acts creating individual areas, but under discretionary permit system. (See sec. 6 of Act of November 8, 1965, 79 Stat. 1298, for Whiskeytown National Recreation Area provisions).
New oil and gas exploration and extraction	Prohibited.	May be permitted under environmental controls.	May be permitted, (see, for example, above citation) under environmental controls.

NATIONAL WILDLIFE REFUGE

National Wildlife Refuges vary considerably in size but all possess land and water habitats capable of sustaining significant populations of fish and wildlife resources. Such units may include areas where it is necessary to physically enhance or modify existing natural features to compensate for previous detrimental modifications or to encourage specific conditions to provide food, water and other needs for major wildlife concentrations. In Alaska, however, refuge units are essentially free of previous modifications of habitat and, thus, will contain land and waters requiring little, if any, immediate enhancement efforts.

Refuges offer examples of optimizing or maximizing fish and wildlife populations by means of habitat management and protection. Additionally, they serve to demonstrate how carefully planned economic uses can be developed in a manner compatible with wildlife resources, and may even enhance habitat for some species.

Refuges contribute to the achievement of several international treaty obligations entered into by our Nation, which require the contracting powers to protect, manage, enhance and conserve fish and wildlife populations that may cross international boundaries and, more recently, require the identification and protection of important habitats, through appropriate designation, in order to meet the goals of protection and management.

Where the term National Fish and Wildlife Refuge is used the added dimension of a specific fishery management emphasis is implied.

Features: An intermix of lands and water having unique ecological significance or possessing characteristics allowing them to support significant populations of fish and wildlife. To accomplish its general goals, National Wildlife Refuge System seeks to encompass in the System representative portions of all major biomes, physiographic ecosystems, and ecotypes.

Secondary benefits derived from archeological and cultural resources associated with wildlife and the diversity and quality of lands suited to inclusion in various systems of wilderness, wild rivers, biosphere reserves and others.

Uses: Scientific research, hunting, fishing, hiking, camping, boating, wildlife/wildland observation, photography, interpretive programs and environmental education programs are generally permitted, when appropriate. New mineral claims can generally be permitted under strict controls once the area is classified by the Secretary for these uses and it is determined the uses can be made compatible with the primary purpose of the refuge. New grazing, or timber harvesting, generally must contribute to enhancement of wildlife habitat.

National Wildlife Refuge System

Purpose

To provide, manage and safeguard a national network of lands and waters sufficient in size, diversity and location to make available, now and in the future, public benefits that are associated with fish, wildlife and their habitats.

Classification

Migratory Bird Refuges: (waterfowl); Management and protection of the continental waterfowl resources.

General Bird Refuges: Management and protection of other migratory and non-migratory birds and their associated habitats.

Waterfowl Production Areas: Specific emphasis on waterfowl breeding areas, mostly located in the north-central, prairie pothole, states.

Big Game Refuges: Management and protection of specified large mammal species (ie- The Kenai National Moose Range).

Wildlife Ranges: Usually large tracts of land in relatively undisturbed condition, withdrawn to provide for the protection and management of the natural mix of fish and wildlife resources found there.

Unique Ecological Areas: Established to insure management and protection of areas containing special, or unusual, or highly important mixtures of native flora and fauna.

Environmental Education Areas: Units located in good proximity to centers of human population. Managed to afford opportunities for the public to gain or heighten appreciation of natural environmental processes and proper management of those processes to benefit the wild creatures, and thereby, man.

Coordination Areas: Units established as mitigation for a federal project that disrupted or destroyed fish and wildlife habitat. May be managed under cooperative agreement with State Fish and Game Agency if emphasis is on resident game.

National Wildlife Refuge System

How established

The majority of acreage in the System was established by Executive or Public Land Order, however, the majority of units resulted from purchase in fee or easement under the Migratory Bird Conservation Act, through mitigation under the Fish and Wildlife Coordination Act or through purchase under the Land and Water Conservation Act. A few units were established by Congressional Act or were gifts.

(Note: The following uses pertain to refuges generally depending on management emphasis)

Existing mining and mineral claims

Existing claims recognized; development subject to environmental controls (50 CFR 29.32). Reasonable access allowed.

New mining claims

Refuges created by this proposal will not be opened to new mining claims.

New oil and gas exploration and extraction

Prohibited unless classified by the Secretary as open to exploration or development pursuant to provisions of 43 CFR chapter 3100.

Rights-of-way for roads and utilities

May be granted if determined that use will not interfere with or detract from the purpose for which the unit was established. Subject to regulations in 50 CFR 29.21.

Rights-of-way for electric power transmission lines

Same as above with addition of provisions of 43 CFR 2851.1-1.

Recreation

Wildlife related recreation and environmental education are encouraged on refuges to the extent that such uses are compatible with the primary purpose for which the area is managed and operational resources permit (50 CFR 26).

National Wildlife Refuge System

Recreation (cont)

General recreation may be permitted as above, however it is not encouraged where it competes with or detracts from wildlife related experiences or environmental education programs.

Hunting is permitted where determined by the Secretary to be compatible with principals of sound wildlife management or will otherwise be in the public interest (50 CFR 32). Only 40% of any refuge acquired with duck stamp revenues may be open at any one time to migratory game bird hunting.

Subsistence use

Subsistence use on national wildlife refuges in Alaska will be permitted in conformance with Departmental policy and Service regulations.

Grazing and haying

Permitted when it supports and contributes to established wildlife management objectives. Also may be permitted when these activities wisely utilize a renewable resource and do not conflict with established refuge objectives (50 CFR 29.1).

Forest management

Permitted under sound ecological principals with primary emphasis on the production of improved wildlife habitat (50 CFR 29.1).

Cropland/Farming management

.. Permitted with the objective of providing food and cover for wildlife using the refuge, and in some areas, to help alleviate wildlife depredation on adjacent private lands (50 CFR 29.2). Farming is not an activity permitted on a refuge for its own products.

WILD AND SCENIC RIVERS

Rivers are classified as wild, scenic, or recreational essentially on the basis of the amount of man's presence evident within the river corridor. Generally in Alaska, a fairly wide corridor is proposed for withdrawal to protect a higher percentage of the drainage area. Rivers are managed to retain the environment as it was at the time of designation.

Rivers offer boating, wilderness experience, fishing, hunting, interpretive programs, and wildlife observation. No new mining is permitted adjacent to wild rivers, mining along other rivers is under guidelines established by the Secretary. Rights-of-way across or under rivers may be granted by the Secretary.

D. RECOMMENDATIONS: NATIONAL PARK, WILDLIFE REFUGE, AND WILD AND SCENIC RIVER SYSTEMS PROPOSAL

Briefing statements and maps for the recommended proposals appear on the following pages.

ADMIRALTY ISLAND NATIONAL PRESERVE
ADMIRALTY ISLAND NATIONAL WILDLIFE REFUGE

Recommended Proposal: Admiralty Island National Preserve .80 million acres

Objectives:

The purposes for establishment are the preservation and interpretation for public benefit of the island's spectacular scenic value and its critical habitat for wildlife populations, especially brown bear and bald eagle; the continued opportunity for wilderness-quality recreation; the preservation of pristine watersheds necessary for the protection of the salmon fishery and preservation of significant cultural values. In concert with the preservation of the natural ecosystems of Admiralty, a purpose of the proposal is to preserve traditional cultural values associated with the Tlingit Indian peoples of southeast Alaska. Through the village of Angoon, the only Native village on the island, the Secretary has the opportunity to work with the Natives of Admiralty Island to perpetuate important elements of their cultural heritage to be passed on to successive generations. The careful preservation of Admiralty's natural resources and wilderness values is a requirement for the long-term health of the Tlingit culture.

Comparison with other proposals:

Morton: Makes no recommendation.

H.R. 39: Makes Admiralty a Forest Service wilderness area.

H.R. 5605: This legislation is supported by the Native people of Angoon, who live on the island; their position is completely supportive of a National Park Service preserve.

LUPC: Makes no recommendation.

Stevens: Makes no recommendation.

Decision Rationale:

- a) Subsistence uses and sport hunting will be allowed to continue within the preserve.
- b) Native cultural values will be enhanced by National Park Service historical anthropological research and interpretation.

- c) Wilderness status is recommended for most of the island. However, adequate recreational development modes are left out of proposed wilderness for wilderness threshold usage.
- d) Although there is some ongoing exploration, no major mineral values have been identified on the island even though it is free of the access problems common to most of Alaska.

} not true.
Noranda
if it is not true
minerals are not true

→ not true either - some access problems
which have been identified in SE.



JUNEAU
THANE

HAWK INLET

CHICHAGOF

BARANOF

SITKA

ANGOON STRAIT

HOOD BAY

ADMIRALTY IS
NATIONAL PRES

— — — National Preserve
— — — Area of Environmental

ANIACHAK NATIONAL MONUMENT/PRESERVERecommended Proposal:

Aniakchak National Monument .34 million acres.
Aniakchak National Preserve .16 million acres.
Aniakchak National Wild River.

Hunting would be allowed within the preserve, the Natives would be allowed to extract oil and gas within the preserve, both the park and preserve will be studied for wilderness within 3 years of establishment. Preliminary studies indicated that subsistence uses within the park/preserve are minimal; such uses that do exist would be accommodated by granting special use permits to valid subsistence users.

Objectives:

The purpose of this proposal is to protect for public benefit one of the world's largest dry calderas and associated lands which evidence its explosion; to perpetuate the related biological and other scientific values such as plant succession and volcanism; and to preserve and protect the Aniakchak River, its watershed, and associated wildlife.

Comparison with other proposals:

Morton: made the entire area a national monument.
H.R. 39: would make the entire area a national monument.
LUPC: would establish a monument for the caldera only.
Stevens: Same as LUPC.

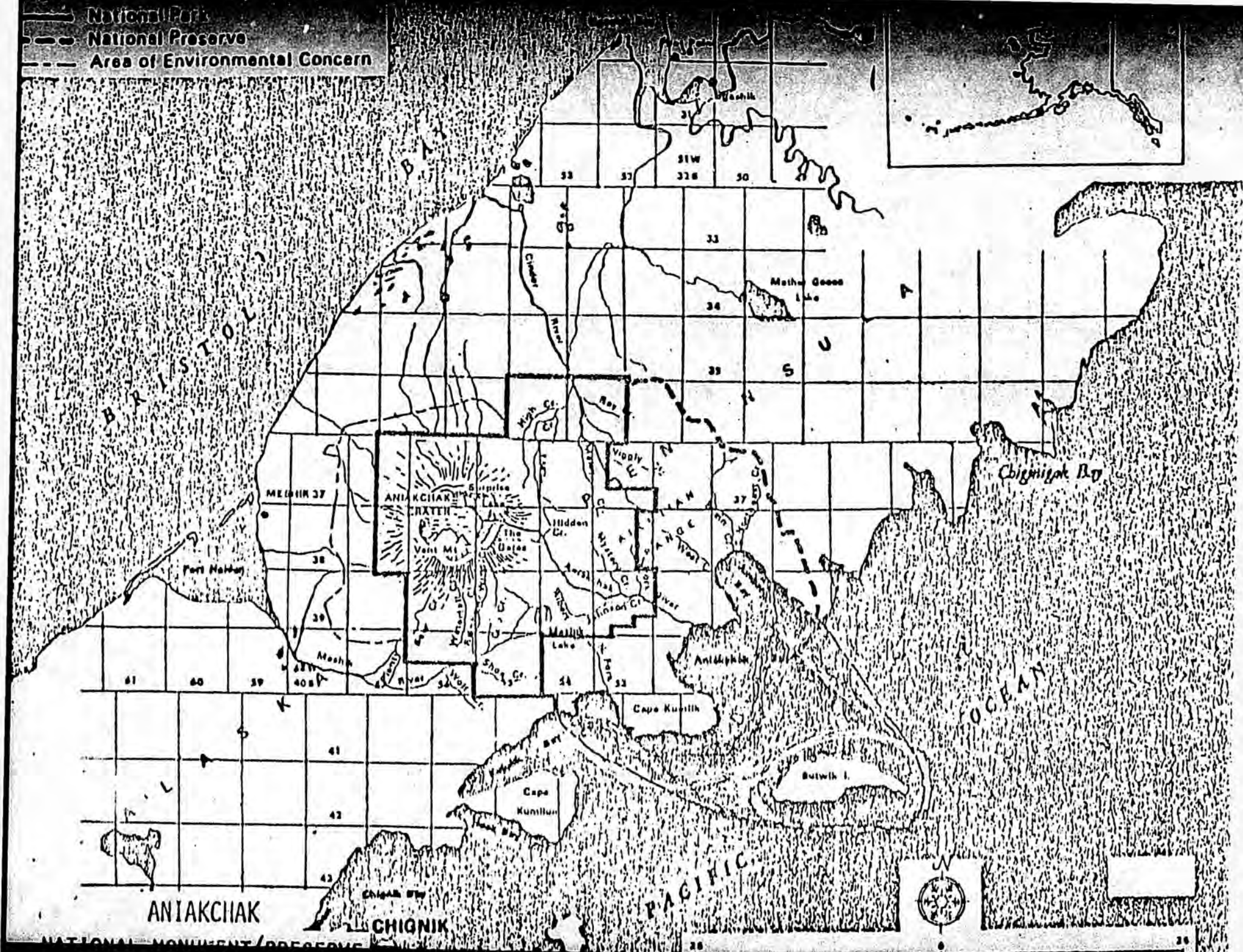
Decision Rationale:

The State and Natives have endorsed this proposal already. There is some oil and gas potential in the coastal portion of the area, but the Natives will have the rights to extract any reserves here (see P.L. 94-204). The preserve unit includes those lands with hydrocarbon and hunting potential. There are no existing mineral claims within the park/preserve.

National Park

National Preserve

Area of Environmental Concern



BERING LAND BRIDGE NATIONAL PRESERVE*
(Chukchi-Imuruk)

Recommended Proposal:

Bering Land Bridge National Preserve 2.34 million acres.

Sport hunting and subsistence uses would be allowed to continue, wilderness would be studied within 3 years of establishment; the Fish and Wildlife Service shall provide technical assistance and be responsible for research and management of fish and wildlife resources within the area.

Objectives:

The purposes for the establishment of this area are the protection for public benefit, scientific study, and interpretation of this relic of the Bering Land Bridge and its associated archeological and paleontological resources; the opportunity for the perpetuation of a dynamic subsistence lifestyle based primarily on marine resources, provided that subsistence activities do not materially damage the long-term health of the natural systems or the area's physical and cultural resources; the preservation for scientific study and interpretation of a representative portion of highly diverse tundra communities now unrepresented in the National Park System; the preservation of internationally significant waterfowl habitat and populations; the protection for scientific study and interpretation of unique examples of volcanic forces; and the preservation of historical relics of the Nome Gold Rush.

Comparison with other proposals:

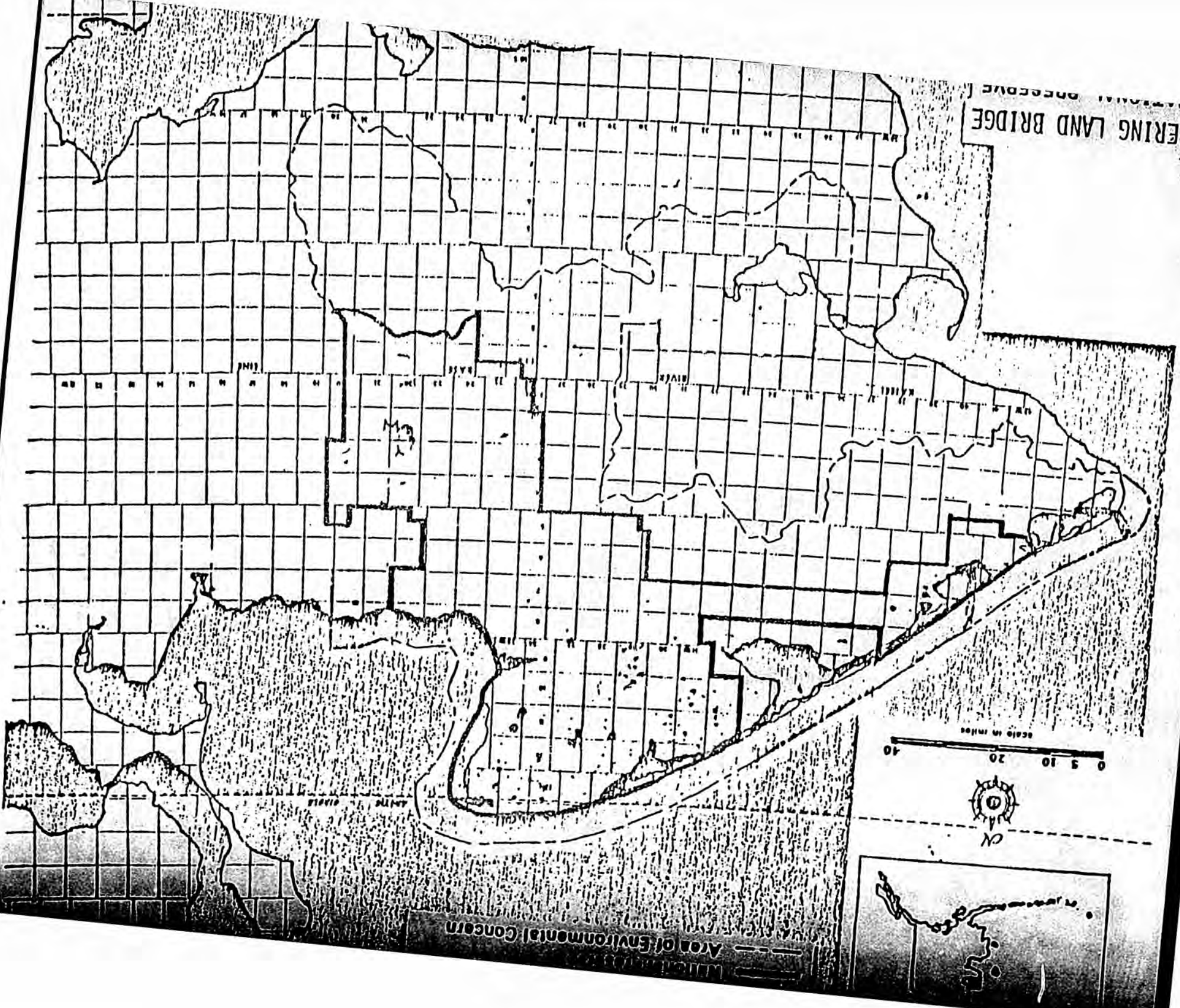
- Morton: Would establish a Chukchi-Imuruk National Reserve of 2.69 million acres, to be managed by the National Park Service.
- H.R. 39: Would establish a Chukchi-Imuruk National Monument of 4.5 million acres, to be managed by the National Park Service.
- LUPC: Would establish a Shishmaref National Wildlife Refuge of 1.5 million acres, to be managed by the Fish and Wildlife Service.
- Stevens: Would establish a Shishmaref National Wildlife Refuge of .76 million acres to be administered by the Fish and Wildlife Service, and a Fifth System Federal Cooperative Lands of 1.84 million acres to be managed by the Fish and Wildlife Service.

Decision Rationale:

- a) Reindeer are an important historical element of the culture and food source for the villages on the Seward Peninsula, however. It is proposed to undertake intensive studies to assess the status of the reindeer.
- b) Potential mineral areas were excluded in the southcentral and southeast portion of earlier proposals. Generally, there is rather low potential for mineral development, with 6 existing mineral claim groups, totalling some 2,700 acres within the proposal.
- c) Pipelines - there has been some discussion of an oil pipeline and road corridors crossing through the area. The State has recently removed this area from petroleum province designation.
- d) The Bureau of Land Management has agreed to provide watershed protection for lands lying upslope from the proposal.

*Note: On the Seward Peninsula the names Bering Land Bridge, Chukchi-Imuruk, and Shishmaref all refer to essentially the same land area.

BERING LAND BRIDGE
NATIONAL MONUMENT



Area of Environmental Concern

CAPE KRUSENSTERN NATIONAL MONUMENT

Recommended Proposal:

Cape Krusenstern National Monument .36 million acres.

Subsistence uses will be allowed within the area; the area will be studied for wilderness within 3 years of establishment.

Objectives:

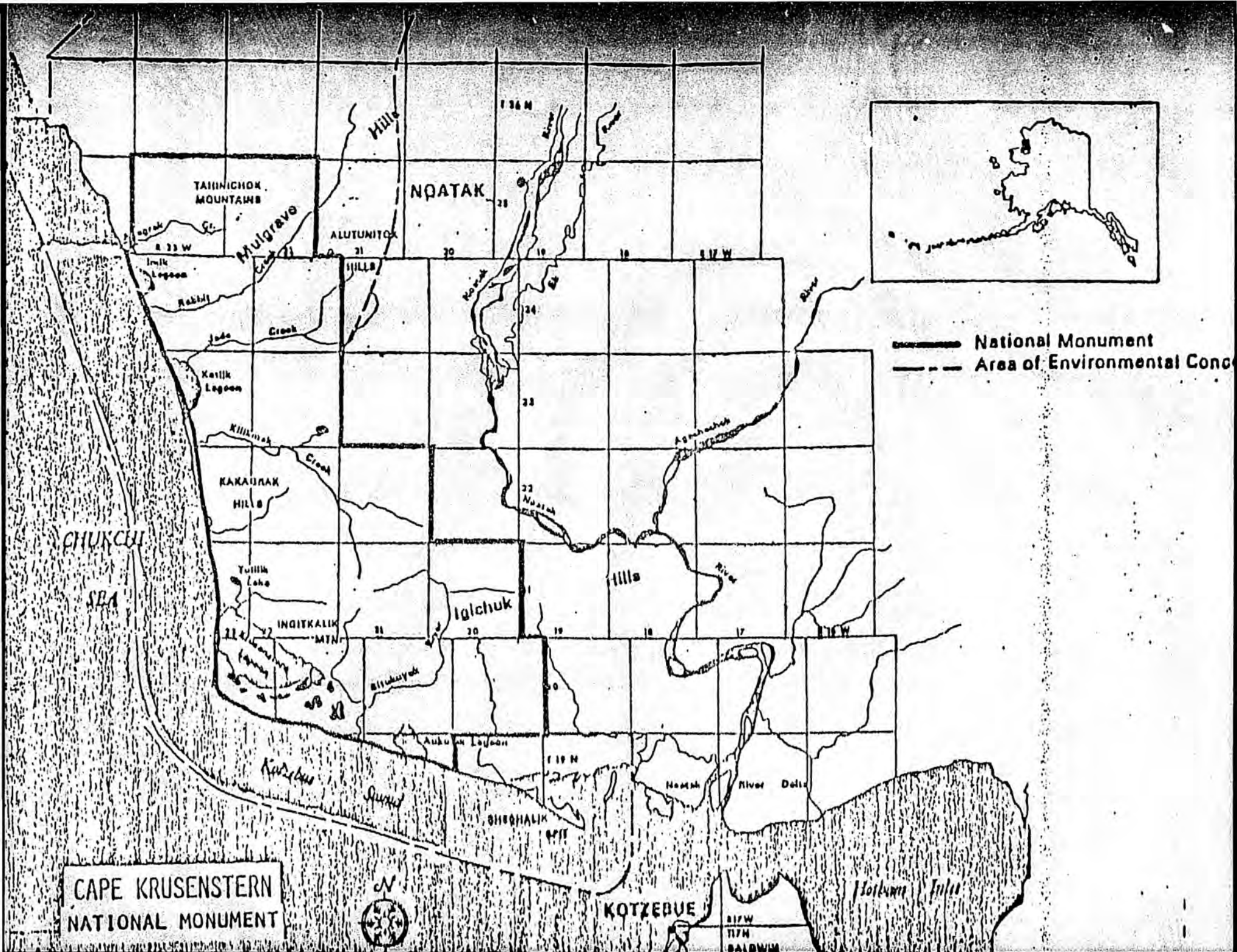
The purposes of the monument are the protection for public benefit, scientific study, and interpretation of an internationally significant series of archeological sites and the related geologic and marine resources and forces; the opportunity for the continuation of a dynamic subsistence lifestyle, provided that subsistence activities do not materially damage the long-term health of natural systems; and preservation of the monument's flora--particularly the arctic coastal tundra--and wildlife.

Comparison with other proposals:

- Morton: Would have established a national monument of .4 million acres.
- H.R. 39: Would establish a national monument of .9 million acres.
- LUPC: Would establish a national monument of .2 million acres.
- Stevens: Would establish a national monument of .2 million acres.

Decision Rationale:

- a) Subsistence - there is considerable subsistence activity within the area, it would be allowed to continue.
- b) Minerals - the area has low potential for minerals, there are no claims within the area.



DENALI NATIONAL PARKRecommended Proposal:

Denali National Park (additions) 3.85 million acres.

Mount McKinley National Park is reclassified as Denali National Park; the Alaska railroad right-of-way that travels through the park is added to the park, provided that it shall continue to be maintained and used by the Alaska railroad for rail transportation so long as it is necessary for those purposes; wilderness is proposed for most of the park and its additions; any lands not designated wilderness now will be studied for wilderness within 3 years of establishment. Preliminary studies indicate that subsistence uses of the additions are minimal; such uses would be accommodated by granting special use permits to valid subsistence users.

Objectives:

The purposes of the additions are to ensure the preservation of large mammal habitat and other ecosystem values; to protect the entire Mount McKinley (Denali) massif, the Cathedral Spires, and their associated forelands, scenic resources, and glacial features; and to provide improved opportunities for visitor access and use of the park, as well as additional interpretation of the park's varied resources.

Comparison with other proposals:

Morton: Would have established additions to Denali of 3.2 million acres.

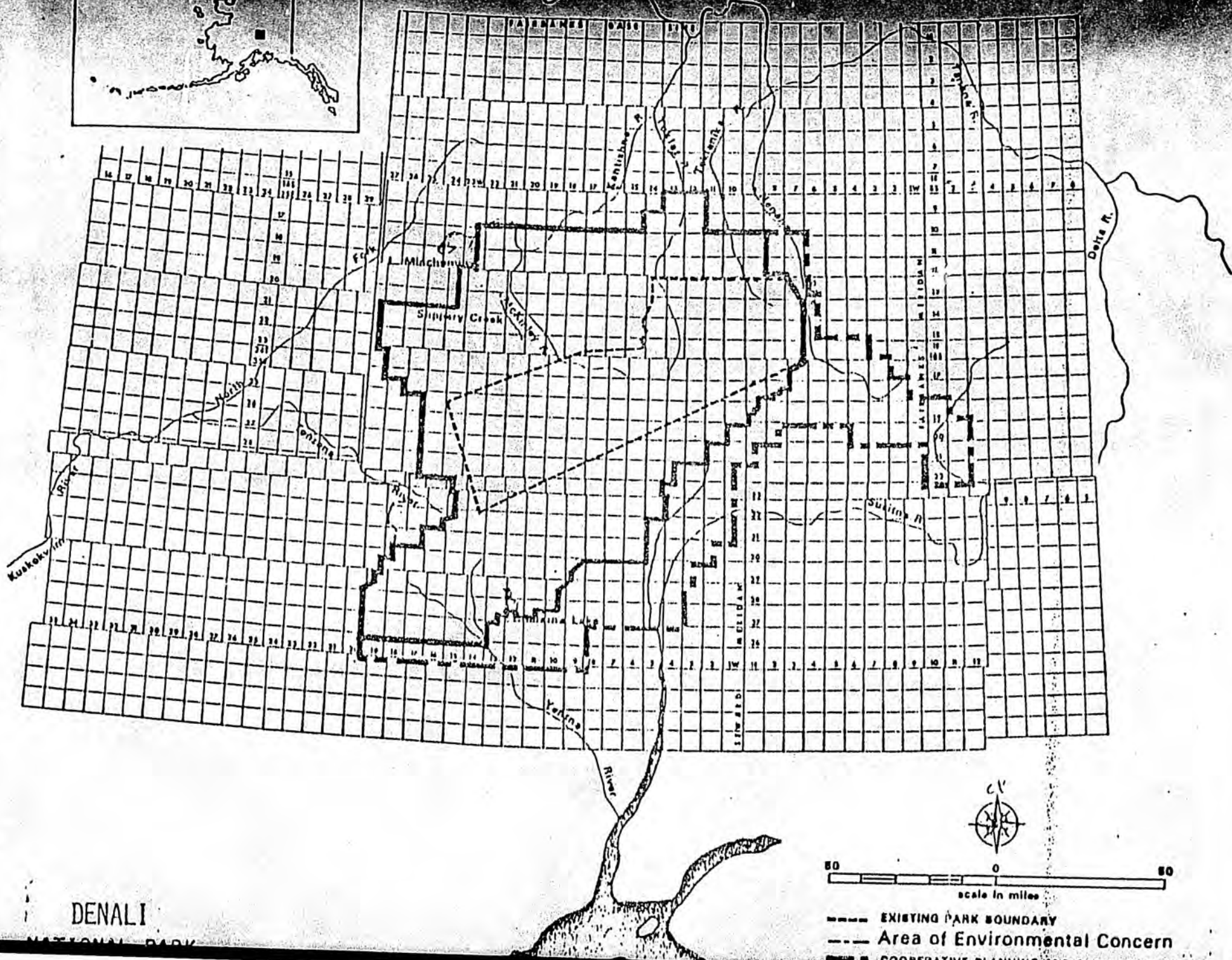
H.R. 39: Would establish additions to Denali of 4.7 million acres.

LUPC: Would establish additions to Denali of 2.7 million acres, and establish a Fifth System Alaska National Lands area of .4 million acres to be administered by the National Park Service.

Stevens: Would add some 1.1 million acres to the park and establish a Fifth System Federal Cooperative Lands unit of some 2.0 million acres to be administered by the National Park Service.

Decision Rationale:

- a) This proposal has broad general acceptance from nearly all viewpoints.
- b) State lands - approximately 6 townships of State land are included, 3 of those townships, in the northern addition, were closed by the State to all forms of exploitation 2 years ago when they were identified as critical additions to the park; in the Chelatna Lake area the Secretary and the State agreed in 1972 to submit State selected lands here to the LUPC for resolution as to whether they should be in the park or State ownership, the LUPC has recommended park ownership.
- c) Minerals - the only significant mineralization occurs in the Kantishna mining district, in the heart of the northern additions; while no significant mining occurs at this time, quantities of gold have been removed in historic times. There are 45 mineral claim groups, totalling some 11,000 acres within the area additions.
- d) Potential roads - consideration is being given within the State of Alaska to improving the Stampede Road in the northern additions to the park. Public hearings were recently held and no formal position by the State has been announced. This right-of-way has been left out of the wilderness proposal.



DENALI

NATIONAL PARK

50 0 50
scale in miles

---- EXISTING PARK BOUNDARY
 --- Area of Environmental Concern
 ■ COOPERATIVE PLANNING AND MANAGEMENT ZONE

GATES OF THE ARCTIC WILDERNESS NATIONAL PARK

Recommended Proposal:

Gates of the Arctic Wilderness National Park 8.19 million acres.
North Fork of the Koyukuk National Wild River.
Tinayguk National Wild River.
John National Wild River.
Alatna National Wild River.
Noatak National Wild River.
Killik National Wild River.
Upper Kobuk National Wild River.

Most of the park would be designated wilderness; those lands not designated wilderness now would be studied for wilderness within 3 years of establishment; subsistence uses would be allowed within the area; the Secretary would be authorized to designate subsistence management zones within which motorized access would be allowed.

Objectives:

The purpose of the park is to protect for public benefit the vast wilderness of the Central Brooks Range, the spectrum of ecological and physiographic features encompassed between the upper Kobuk River and the Killik River, the associated wildlife values, and the opportunities here for primitive, low-impact recreation.

Comparison with other proposals:

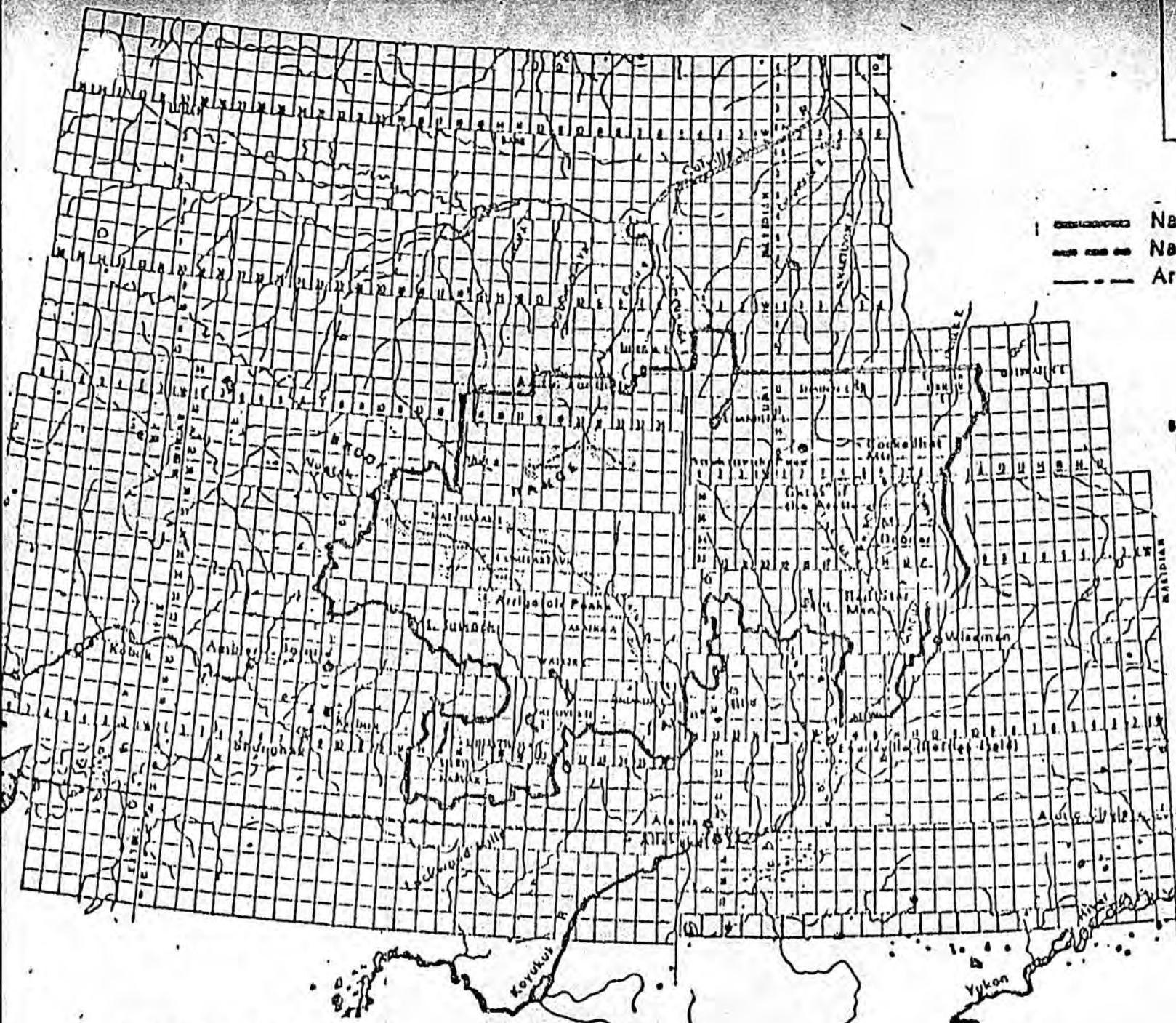
- Morton: Would have established a Gates of the Arctic National Park of 8.36 million acres of Federal land and would have included another 1 million acres of Native-selected lands within the proposal.
- H.R. 39: Would establish a Gates of the Arctic National Park of 13.6 million acres.
- LUPC: Would establish a two-unit Gates of the Arctic National Park of 5.22 million acres with a Fifth System Alaska National Lands of 2.0 million acres, to be managed by the National Park Service, between the two-unit park.
- Stevens: Would establish a Gates of the Arctic National Park of 3.6 million acres, and a Fifth System Federal Cooperative Lands unit of 3.6 million acres, to be managed by the National Park Service.

Decision Rationale:

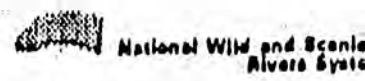
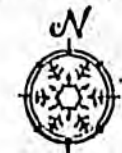
- a) State - there are approximately 707,000 acres of State selected lands within the proposal. The LUPC has endorsed the inclusion of most of the State land here, and recommends it as a high priority for later exchange.
- b) Native lands - approximately 855,000 acres of land have been included within the proposal that have been selected by the Arctic Slope Regional Corporation and the village of Anaktuvuk Pass. The lands within the Killik watershed have been excluded from the proposal for Native selection due to their high potential for oil and gas. The lands within the John River watershed were selected for the protection of the subsistence use areas of the village of Anaktuvik Pass. These values would also be protected within the park. The park also includes the village itself, and the village selections immediately surrounding the village. These lands were originally included within the Morton line at the request of the village. There have been no indications that the village has changed its position here.

Approximately 3 townships of land within the proposal have also been identified for selection within the Doyon Region.

- c) A substantial amount of subsistence hunting would be allowed to continue within the park. Sport hunting would be precluded within the park.
- d) Potential mineralized areas have been excluded from the southwest of the proposal where there are substantial deposits of copper and other metaliferous minerals in commercial quantities. There are some 821 mineral claims existing within the area, totalling some 16,420 acres.
- e) Park boundaries have been drawn to permit full use and development of the TAP corridor.



- National Park
- National Preserve
- Area of Environmental Concern



GATES OF THE ARCTIC

GLACIER BAY NATIONAL PARK

Recommended Proposal:

Glacier Bay National Park (additions) .588 million acres.

The existing monument is proposed for redesignation as a national park; wilderness is proposed for the existing area as well as some of the additions; all lands not designated wilderness now would be studied for wilderness within 3 years of establishment. Preliminary studies indicate that there is little or no subsistence use within the additions; should traditional subsistence uses be found to exist, special use permits would be granted to valid subsistence users.

Objectives:

The purpose of this addition is to protect and interpret the northwest slope of Mount Fairweather, mountain-flanked sand beaches, the United States portions of the Alsek River, and associated animal habitat and migration routes.

Comparison with other proposals:

Morton: Made no recommendation on Glacier Bay.

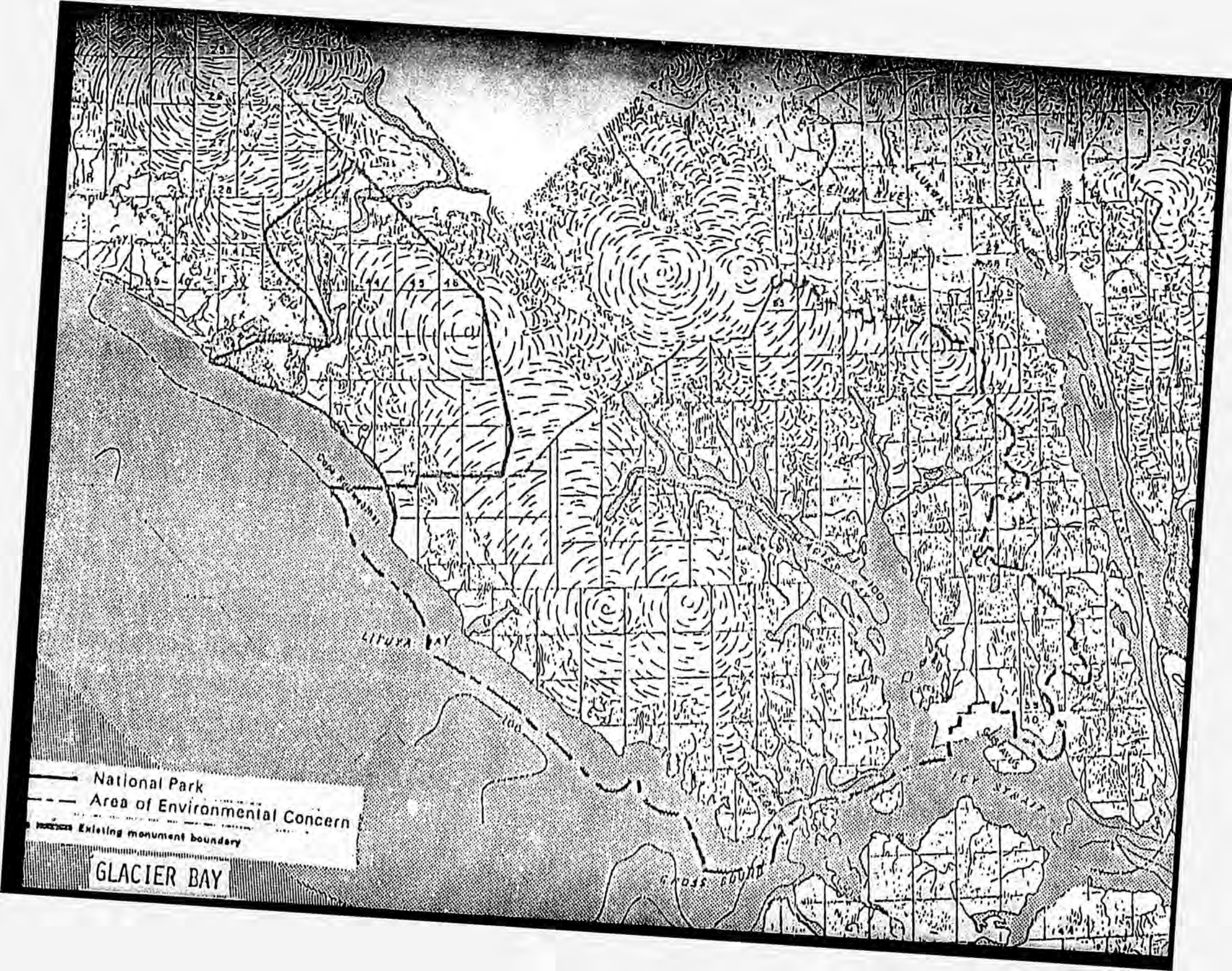
H.R. 39: Proposed a park addition of .8 million; the additional lands included within the current proposal are included within H.R. 39 as part of a larger Forest Service wilderness area.

LUPC: Makes no recommendation.

Stevens: Makes no recommendation.

Decision Rationale:

- a) Additions proposed in the Endicott area by H.R. 39 are not recommended.
- b) Minerals - the area is under exploration but reportedly has low marketable values, due to extreme isolation in glaciated area.
- c) Forest Service - the proposed addition includes approximately 1.5 townships of lands within the existing Tongass National Forest at the mouth of the Alsek River.



— National Park
- - - Area of Environmental Concern
... Existing monument boundary

GLACIER BAY

KATMAI NATIONAL PARK

Recommended Proposal:

Katmai National Park (additions) 1.10 million acres.
Alagnak National Wild River.

The existing national monument would be redesignated a national park; subsistence uses would be allowed within the additions, wilderness is proposed for lands within both the existing area and the additions; all lands not designated wilderness now will be studied for wilderness within 3 years of establishment.

Objectives:

The purposes of the additions are to preserve for public benefit the critical habitat necessary for self-perpetuating, unhunted populations of brown bear, for the preservation of pristine watersheds necessary for red salmon fisheries and watershed protection of the existing monument, to include scenic features for the enjoyment of people, and protect the Alagnak Wild River and its associated environs.

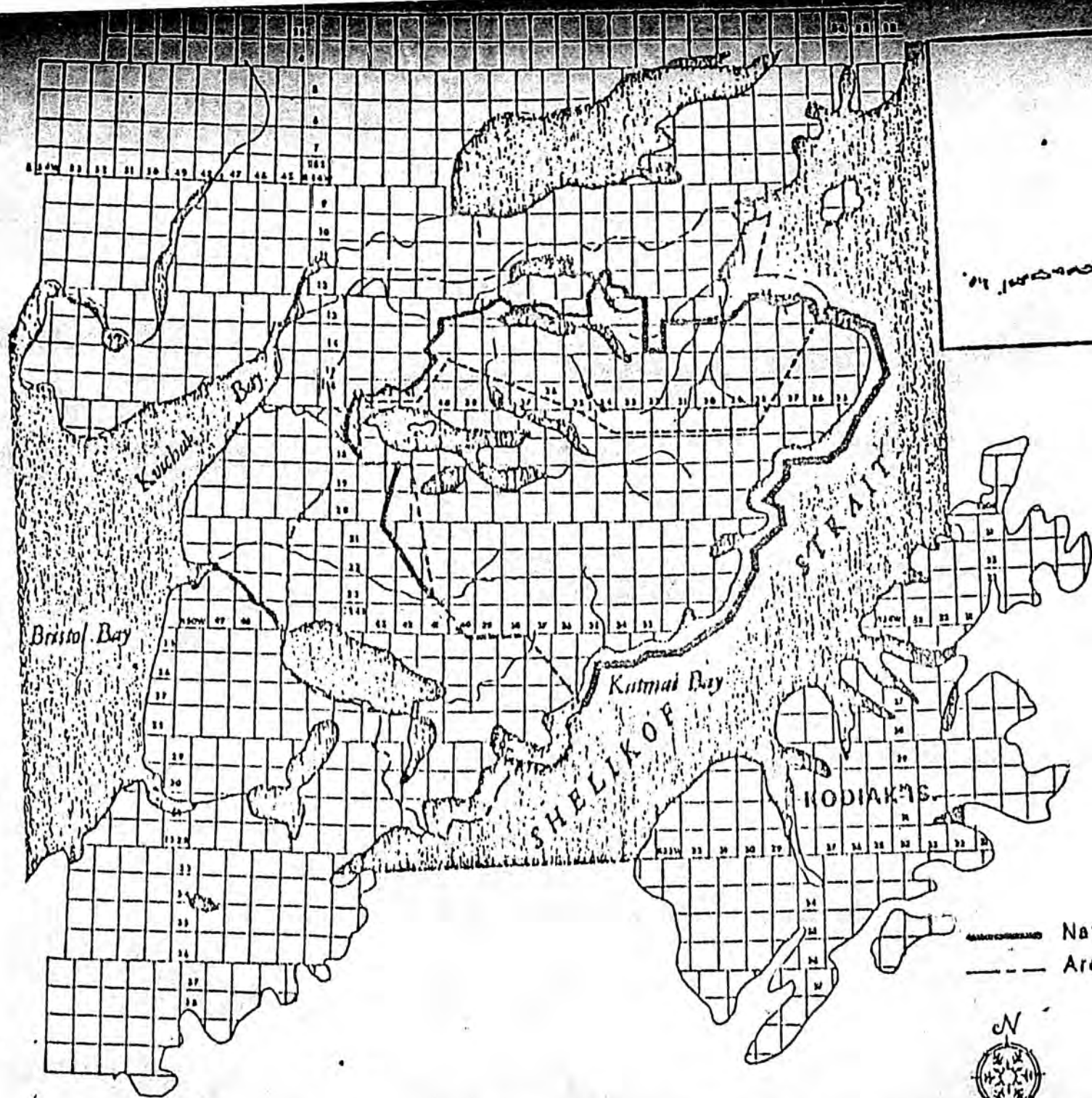
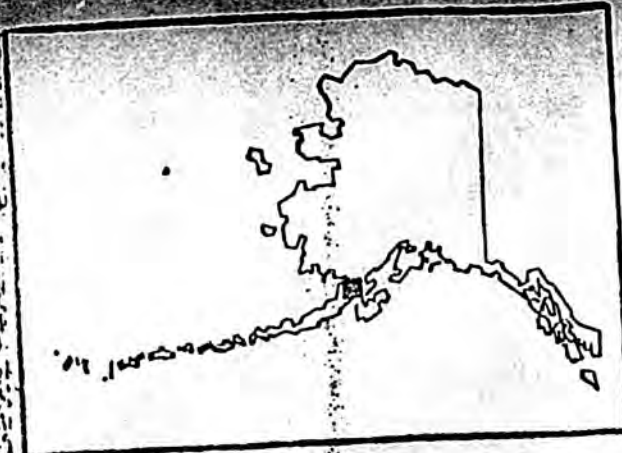
Comparison with other proposals:

- Morton: Proposed park additions to the south of the existing monument which are now proposed for refuge status. Northern additions are about the same.
- H.R. 39: Include approximately one million acres now proposed for refuge within the park.
- LUPC: Essentially no difference.
- Stevens: Would add to Katmai only those lands needed for watershed protection, does not recognize other park values.

Decision Rationale:

- a) Most conflicts for the area have been eliminated by recommending refuge status for a substantial portion of the additions previously recommended on the northwest, west and south sides of the existing monument. The proposal is generally supported by the State, the local borough, and the LUPC.

- b) Minerals - mineral potential is low. There are 5 existing mineral claim groups, totalling some 640 acres within the additions, and appraised at no value.
- c) The proposal includes a minor portion (5,000 acres) of the Lower Cook Inlet petroleum province which was judged worthy of protection due to high brown bear habitat values.



----- National Park
----- Area of Environmental Concern
----- Existing monument boundary



KATMAI

KENAI FJORDS NATIONAL PARK

Recommended Proposal:

Kenai Fjords National Park .412 million acres.

Two offshore island groups, as depicted on the map, shall be administered by the U.S. Fish and Wildlife Service as a unit of the National Wildlife Refuge System; wilderness designation is proposed for most of the park, and for all of the islands refuge, all lands not designated wilderness now, will be studied for wilderness within 3 years of establishment. Preliminary studies indicate that subsistence uses of the area are minimal, such uses that do exist would be accommodated by granting special use permits to valid subsistence users. The Fish and Wildlife Service shall provide technical assistance and be responsible for research and management of fish and wildlife resources within the park.

Objectives:

The purposes for the establishment of this area as a national park are for the preservation, interpretation, and study for public benefit and enjoyment of an interrelated icefield and coastal fjord/rainforest system of spectacular beauty; for the preservation of critical habitat and populations of avifauna and marine mammals and for visitor experience, provided that wildlife and fragile vegetative communities receive special protection from human intrusions.

Comparison with other proposals:

Morton: Would have established a national monument of .3 million acres, and recognized a "potential addition" for lands withdrawn for possible Native selection. The current proposal includes those lands, most of which were not actually selected.

H.R. 39: Would establish a national monument of .6 million acres.

LUPC: Would add the Harding Icefield, approximately .5 million acres to the Chugach National Forest, and the coastal portion to the Refuge System.

Stevens: Essentially the same as the LUPC.

Decision Rationale:

- a) Native lands - there are approximately 12 townships of lands selected by the village corporations of English Bay and Port Grahm within the boundaries. Actual acreage to be conveyed depends upon the resolution of lawsuits currently pending concerning the availability of State mental health lands for Native selection. Favorable resolution of the lawsuit may result in some of these selections falling out. Native lands would be acquired by willing seller basis only and are not a conflict.
- b) Subsistence uses are primarily involved in marine resources. There is also some commercial fishing in the coastal waters. The water areas will remain under State jurisdiction, and thus these areas will not be affected.
- c) Mineral - low potential; market value of claims appraised at \$535,000.



----- National Park
----- Wildlife Refuge



KENAI E. JORDS