

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

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acres now under the administration of the National Park Service according to the Government publication, Public Land Statistics --1976. Following passage of this legislation, approximately half the land under the administration of the National Park Service will be located in Alaska, including the 5 largest areas in the National Park System.

The 6 largest existing units of the National Wildlife Refuge System are also located in Alaska, and following the enactment of the legislation I propose today, 8 new refuges comprising nearly 8 million acres will be added to the refuge system in Alaska, resulting in the location of the Nation's 8 largest wildlife refuges in my State. According to Public Land Statistics--1976, the addition of these refuge units will increase the National Wildlife Refuge System by over 25 percent to a total of 38 million acres, 30 million, or 75 percent, of which will be located in Alaska.

The bill further proposes the establishment of approximately 5 million acres of National Forest units in Alaska, the bulk of which are located in the interior of the State which has long been noted for its agricultural and timber potential. The establishment of these areas will provide a flexible management system for the development of a yet unrealized contribution of Alaska's interior to our Nation's agricultural and timber needs. With the establishment of the Yukon Flats and Porcupine National Forests and two additions to the Chugach National Forests by this bill, a balanced system of management by the United States Forest Service will at last be established in Alaska.

Three national wild rivers are also established by this legislation, the Noatak, Charley, and Birch Creek Wild River units.

The 25 million acres of additions to the existing four management systems make this bill, to my knowledge, the single most significant piece of legislation ever introduced by an elected representative of a State regarding the establishment of units of these systems in his State. Alaskans have always been conscious of the need to protect the lands located within their State, and this bill reflects that realization. Alaskans are also conscious of the need to establish a flexible management system for the vast majority of lands designated for study under d-2 authority to insure that future generations will be able to make decisions based on information relating to the lands as it becomes available and on priorities for the use of the lands as these needs develop.

In response to this need for flexibility in management, the bill I introduce today provides the framework for a system of cooperative management among Federal, State, and private landowners. This program of cooperative management is essential to insure protection of complete ecosystems which are owned in part by Federal and State governments and private landowners. Under this program of cooperation, Federal, State, and private landowners may dedicate lands to management in coordination with one another. Management of the lands will be carried out by existing Federal and State management agencies and private landowners, respectively.

Providing direction to the land managers will be the Alaska Land Classification Commission, which will be created by this legislation upon a finding of the Secretary of the Interior that the State of Alaska has dedicated a substantial amount of State land to the cooperative management program. The commission will have the duty of classifying land dedicated to cooperative management for use or uses under a comprehensive program of land-use planning. In this way, the South 48 concept of delineating individual Federal, State and private landholdings to be managed without coordination will be replaced with a well-coordinated concept of cooperative management.

Nearly half of the Federal lands in America are located in Alaska. Therefore, it is appropriate that this unique concept of management be enacted for Alaska to provide well-reasoned land-use decisions for these Federal lands. Approximately 57 million acres of Federal lands are designated as potential cooperative management lands. These lands are the remainder of the lands withdrawn under Section 17(d)(2) for study, but which we have identified as lands not under immediate pressure for protection and inclusion in one of the four systems.

It should be emphasized that the cooperative management concept is not a fifth system. This bill does not create an additional Bureau of Land Management, National Park Service, or other Federal management agencies. The management of the Federal cooperative lands is left to existing line agencies as designated by Congress on a unit-by-unit basis in this bill. Management continuity by existing agencies is assured.

The State of Alaska shall designate lands for cooperative management under its own State laws. The cooperative management program will not become effective without a finding by the Secretary of the Interior that the State has designated a substantial amount of lands to the program of cooperative management. Private landowners may also participate in

cooperative management by dedicating their lands for periods of 10 years to cooperative management. Incentive for participation in cooperative management is provided to the private landowner through a tax exemption from State and local real property taxes so long as the lands dedicated are managed according to commission classifications and not developed or leased to third parties. Should the landowner remove his lands from cooperative management prior to the expiration of the 10-year period, he becomes liable for accrued local and State property taxes and assessments during the entire period.

The Alaska Land Classification Commission established to insure coordination of cooperative management by this legislation shall consist of four members appointed by the President, with the advice and consent of the Senate, one of whom shall be a Native as defined by the Alaska Native Claims Settlement Act, and four members appointed by the Governor of the State of Alaska. All commissioners shall serve full time and the commission shall be directed by a Federal Co-Chairman and a State Co-Chairman designated by the President and the Governor, respectively. In essence, the commission will function as a zoning and planning commission for the cooperative lands by establishing classifications for the use of those lands which shall be implemented on a daily basis by Federal and State management agencies and by the private landowners.

This coordination of land planning at such a high level will enhance the cooperation between State and Federal land managers. The key to success of cooperative management rests with the assurance that State and Federal landowners, both of whom are sovereign entities, will abide by decisions made in consultation with one another. The Alaska Land Classification Commission will insure that cooperative management will work by creating a partnership between the two governments.

A number of specific principles of management and administration are dealt with directly by the legislation. A brief description of these principles is provided below:

1. Access--Necessary public access to, from, and across d-2 lands is essential to insure the use of these lands and those State and private lands which are located adjacent to d-2 lands. To insure this access, the commission is directed to guarantee access as needed and to determine the location and mode of such access across d-2 lands.

2. Mineral Development--Alaska remains America's largest storehouse of mineral resources. According to the Bureau of Mines, 28 of 37 mineral commodities imported into the United States are found in Alaska. Eighteen of these have been mined in the past, or are known to be present in potentially minable deposits. Additionally, 16 of 18 minerals listed on the strategic commodities list by the Federal Government are found in sufficient quantities to justify commercial mineral extraction. In an age of escalating shortage and dwindling sources of supply, Alaska holds the possibility of easing America's burden for the supply of needed mineral resources.

It is recognized that d-2 lands are different from public domain lands. Consequently, this legislation proposes that the exploration and development of hard rock minerals be governed by a modified location-lease system which is currently being developed. This system is intended to apply only on the d-2 lands and is not to be confused with efforts to amend the Mining Law of 1872 for use on public domain. The exploration and extraction of leasable minerals, such as oil and gas, and mineral commodities, such as sand and gravel, will continue to be governed by the Mineral Leasing Act of 1920 and the Act of July 31, 1947, often referred to as the Mineral Materials Act.

3. Wildlife Management--The bill retains the traditional relationship between State and Federal agencies in which the State of Alaska shall regulate the taking of fish and game in accordance with applicable State law and the Federal Government retains its right to insure the protection of habitat on Federal lands. Additionally, under applicable State law and consistent with the State Constitution, the taking of fish and game for subsistence purposes is identified in the legislation as the priority beneficial use of fish and game where depletion of the resource creates a conflict between consumptive uses. Specific details of determining depletion, local residency, and other matters related to the implementation of the preference are reserved for State administration.
4. Effect on State Selections--The legislation provides that land selected, under tentative approval, or patented to the State pursuant to the Alaska Statehood Act shall not be affected by the establishment

of d-2 lands. Additionally, a system to make lands available to the State of Alaska so that it may complete its selections under the Alaska Statehood Act is set up by the legislation.

5. Wilderness Review--A 5-year program of wilderness review with respect to areas of the National Park, Wildlife Refuge, and Wild and Scenic River Systems, which are established by this bill, is provided for in the legislation. The criteria and procedure for recommendations shall be similar to those specified in the Wilderness Act of 1964.
6. Effect on Native Selections--The legislation will not affect the Native selection process under the Alaska Native Claims Settlement Act.
7. Agricultural Development--Alaska contains lands which have been identified as having high potential for agricultural development. Such agricultural development shall be allocated by means of a long-term leasing system to be developed jointly by the Secretary of Agriculture and Secretary of the Interior.
8. D-2 Trust Fund--To insure that the appropriate and necessary development of resources on d-2 lands is directly tied to the enhancement of the National Park, Wildlife Refuge, and Wild and Scenic River Systems, Federal proceeds from such development and 50 percent of the State's share of Mineral Leasing Act revenues on Federal lands in Alaska shall be placed in a trust fund to be established for the purchase of privately owned land which has been authorized to be included in the National Park, Wildlife Refuge, and Wild and Scenic River Systems in States other than Alaska. There is a backlog of these lands throughout the country, and adequate Federal appropriations to purchase these lands are not anticipated in the near future. Consequently, the funds obtained from the development of these lands will directly enhance the existing management systems by providing the means to purchase these backlogged lands.

The consideration of d-2 lands is one of the most crucial resource decisions that Congress will ever make. The future of Alaska's d-2 lands is tied directly to the future of the Nation. The legislation I introduce today provides for the largest increase in National Park, Wildlife Refuge, Forest, and Wild

and Scenic River Systems ever enacted in one piece of legislation. The Nation's environmental goals will be well-served by the enactment of this legislation. Additionally, a program of management to insure that Federal, State, and private lands are managed in coordination will allow the protection of complete ecosystems, which has been identified as a major environmental goal during the d-2 debate. The key to a congressional decision is striking a balance which will serve the dual goals of environmental protection and providing for flexibility in management for future decisions. My legislation does that, and I am hopeful that Congress will share my view and enact its provisions.

ted stevens

united states senator for alaska



**STATEMENT BY U. S. SENATOR TED STEVENS
UNITED STATES SENATE
WASHINGTON, D.C.**

June 30, 1977

Mr. President, today I introduce legislation which could well be the most important legislation introduced on behalf of my state, since Alaska's days as a territory. My bill, "The Alaska National Interest Lands Act," will establish twenty-five (25) million acres of new national parks, wildlife refuges, forests, and wild rivers within Alaska. Additionally, the legislation I introduce today provides the framework for a program of cooperative management between Federal, State, and private landowners to provide protection for complete ecosystems. Land ownership patterns in Alaska are in a process of continuous evolution, and Congress is in a unique position to involve itself as a partner with state and private landowners in a program of land management which will allow sound and rational land management to occur throughout the 49th State, which as you will recall, is one-fifth the size of the rest of the nation.

This bill which embodies the position supported by Alaska's Governor, Jay Hammond, Representative Don Young, Alaska's sole Congressman, and me, represents a true consensus of the vast majority of Alaskans who want to see a rational and well reasoned Congressional decision on what has come to be called the "d-2 Lands" issue. As you know, Section 17 (d) (2) of the Alaska Native Claims Settlement Act, authorized the Secretary of the Interior to withdraw up to 80 million acres of vacant, unreserved, and unappropriated Federal public lands for study as potential additions to the National Park, Wildlife Refuge, Forests, and Wild and Scenic Rivers Systems. Congress authorized these withdrawals to continue through 1978, at which time they will terminate by operation of law. Thus, unless this time frame is extended, Congress has approximately 18 months to make a "final" decision on the disposition of these lands.

I use the word "final" advisedly. For only now are we realizing the immensity of the decision which we created for ourselves in the passage of Section 17 (d) (2). As we approach consideration of this decision in earnest, Members of Congress on both sides of the Hill are beginning to realize the tremendous burden that has been placed on us by an artificial deadline. While there may be a need to provide immediate protection for some d-2 Lands, it is becoming obvious that it is neither necessary nor wise to make a final decision for all time on all d-2 lands in Alaska.

This is the heart of the d-2 question. Congress is called upon to pass final judgement on an area which exceeds the combined size of the states of California and Washington and is over five times the size of the acreage presently under the administration of the National Park System which Congress has created by individual acts or legislation over the past one hundred years. The question is whether Congress, in five years, will make a well reasoned decision on five times the amount of acreage it has taken over one hundred years to deal with in the past.

At the opening of my remarks today, I stated that this legislation may be the most important for Alaska since the passage of the Alaska Statehood Act. This is true because the Congressional decision on d-2 lands will affect far more than the Federal lands which Congress deals with directly in the legislation. The indirect impacts of d-2 legislation are tremendous, and the birth-right of the State of Alaska and Alaska's Natives, as established in the Statehood and Settlement Acts, can be realized only if d-2 legislation is drafted with such impacts in mind. Therefore, we deal not only with Federal lands, but also state and private lands, and we must watch carefully to insure that our final decision properly safeguards the decisions we have made in the past.

What Congress must seek in d-2 legislation is balance which adequately achieves the dual goals of environmental protection and providing for appropriate and necessary development of Alaska's resources. Without this balance, Congress will have done a disservice to the Nation. This balance must be struck with the knowledge that Congress can never hope to have all the information it needs to make a final decision in perpetuity. What we are looking for is a system which will allow decisions to be made, yet still provide flexibility so that future generations can deal with their problems and priorities without the stigma of dismantling our most treasured systems of protection for natural, scenic, and historic areas.

Alaska is at the same time the Nation's final storehouse of wilderness and resource values. Natural wonders abound and scores of species of wildlife flourish in unparalleled numbers throughout the state. Natural resources also are found in quantities not available elsewhere in the nation. Thus, Alaska is called upon to be America's principal source of supply for natural resources, and also its primary showcase for wilderness and wildlife values. These demands cannot be met to everyone's satisfaction, but this does not mean that a reasonable balance between both goals cannot be struck. That balance can be found and it is up to Congress to find it.

Not surprisingly, Alaskans have long realized the need for this balance. The nature of the Alaskan lifestyle is one in which utilization and protection of Alaska's land and resources go hand in hand. Consequently, the Alaska Congressional delegation and the Governor first looked to other Alaskans for guidance in the development of a balanced position on d-2 lands.

Over a six month period, members of the delegation and the Governor have met with every Alaskan group or individual who to our knowledge, has expressed a desire to be heard on the d-2 lands issue. Our initial meeting occurred late last year prior to the announcement of a tentative position by the Governor, Congressman Young and myself. In a series of meetings in Alaska, we met with virtually all Alaskan groups with an interest in d-2 lands, including representatives of Alaska's Natives, business and tourist interests, recreational groups, resource development interests, and preservation groups.

What emerged from our meetings was a broad consensus that certain d-2 lands in Alaska which are presently under pressure should be protected, but for the vast majority of Alaska's d-2 lands, a balanced system providing flexibility in management should be developed to allow future decisions to be made as further information becomes available and as circumstances not foreseeable today develop. It is this system which Governor Hammond, Congressman Young, and I present today in my introduction of this legislation.

Observers of the continuing process of this legislation's development will note significant changes from our tentative position announced three months ago. These changes were made following exhaustive analysis of comments received from Alaskans and other interested parties on the tentative position we announced in March. Let me now detail the specifics of the proposal.

THE ALASKA NATIONAL INTEREST LANDS ACT

Additions to Existing Management Systems

The legislation will establish approximately 25 million acres of new national park, wildlife refuge, forest, and wild river units in Alaska. Within the National Park System, two national parks, in the Gates of the Arctic and Wrangell-St. Elias Mountains areas will be created, each of which, is far larger than the largest areas now administered by the National Park Service. It is interesting to note that three of those five largest existing areas, Glacier Bay National Monument, Katmai National Monument, and Mt. McKinley National Park, are also located in Alaska.

The bill also creates substantial additions to Mt. McKinley National Park and Katmai National Monument, which is further designated as a National Park, in addition to creating three national monuments in nationally significant historic and natural areas: (1) Aniakchak-Caldera National Monument which protects one of the finest examples of volcanic activity located on the Alaska Peninsula; (2) Cape Krusenstern National Monument which preserves an area long recognized as a principal portion of the Bering Land Bridge over which the migration to North America of early man occurred thousands of years ago; and (3) Kobuk Sand Dunes National Monument which protects a truly significant natural feature, sand dunes located, surprisingly enough, above the Arctic Circle.

Following the passage of this legislation, approximately half of the land under the administration of the National Park Service would be located in Alaska, including the five largest areas in the National Park System. While acreage figures cannot quantify the contribution of a given piece of legislation to a management system such as the National Park System, nevertheless, let it be noted that this legislation proposes a truly significant increase in the size of the National Park System.

The same can be said for the areas proposed for inclusion in the National Wildlife Refuge System. Alaska is famous for its abundance of wildlife, particularly its migratory waterfowl population. Already, the six largest units of the wildlife refuge system are located in Alaska, including the Arctic National Wildlife Range, which comprises almost nine million acres, or nearly a third of the total refuge system.

Most of these refuges were established at the suggestion or behest of Alaskans. For example, the Arctic National Wildlife Range was originally a suggestion of the Fairbanks Women's Garden Club. The Clarence Rhode National Wildlife Refuge, the refuge system's third largest unit, was named for a distinguished Alaskan most responsible for its establishment. I can address this matter with first hand knowledge because I served as Solicitor of the Department of Interior and helped draft the Executive Orders which established a number of these refuges.

Nearly three-quarters of the Nation's Wildlife Refuges are already located in Alaska. Alaska certainly does its part in the protection and propagation of America's wildlife. Still, our bill establishes eight new refuges comprising nearly eight million acres, including the Yukon Delta and Koyukuk units of 3.60 and 1.58 million acres, respectively. The addition of the two aforementioned units will result in the location of the Nation's eight largest refuge units in Alaska. Additionally, the enactment of this legislation will increase the wildlife refuge system over 25% and result in the location of nearly 80% of the Nation's wildlife refuges in Alaska. The contribution of this bill to the protection of America's wildlife is apparent.

The bill further proposes the establishment of approximately 5 million acres of national forest lands in Alaska, the bulk of which are located in the interior of the State which has long been noted for its agricultural and timber potential. The establishment of these areas will provide a flexible management system for the development of a yet unrealized contribution of Alaska's interior to our Nation's agricultural and timber needs.

Forestry and related uses under the National Forest Management and Policy Act have long played a major role in Alaska. America's largest forest unit, the Tongass National Forest, is located in Southeastern Alaska, and another of the Nation's large forests, the Chugach National Forest, is located in the South-central part of the state. With the establishment of the Yukon Flats and Porcupine National Forests and two additions to the Chugach National Forest as proposed by this bill, a balanced system of management by the United States Forest Service will at long last be established in Alaska.

The d-2 debate in this Congress has revolved primarily around the establishment of park, wildlife refuge, and wilderness units in my state. However, Section 17 (d) (2) specifically charges the Congress with the responsibility of looking at the forestry needs of Alaska as well as park and refuge needs. This bill addresses those needs and establishes necessary units of the National Forest System.

Three National wild rivers are also established by this legislation. Pursuant to the Wild and Scenic Rivers Act, the Noatak National Wild River will be managed by the United States Fish and Wildlife Service which manages the Federal Cooperative Land unit within which the Noatak unit is located. The Charley River unit will be managed by the National Park Service, the designated manager of the Charley River Federal Cooperative Lands, and the Birch Creek National Wild River will be managed by the Bureau of Land Management.

LANDS DESIGNATED FOR COOPERATIVE MANAGEMENT

Federal Cooperative Lands

As stated previously, this bill provides the framework for a system of cooperative management among Federal, State, and private landowners. The history of land management in Alaska has been one of allocating lands to specific owners. In 1867, following the transfer of sovereignty over Alaska from Russia to the United States, the Federal Government owned 100% of Alaska, subject to the final adjudication of rights to land by Alaska's Natives, as provided for in the Treaty of Cession.

During the ensuing 90 years, a small amount of individual tracts of land became available to private landowners under the Public Land Laws. These lands were primarily homesteads, trade and manufacturing sites, and headquarters sites. The amount of land conveyed to private individuals under the public land laws was minimal, less than one per cent of the 375 million acres comprised by Alaska's total land mass.

In 1958, Congress passed the Alaska Statehood Act which authorized the State of Alaska to select approximately 103.5 million acres of public lands to provide an economic base for the State's future development. Following nearly a century of struggle to achieve recognition of their claims, in 1971, Alaska's Natives received an entitlement of nearly 44 million acres under the Alaska Native Claims Settlement Act. Selection of lands by the state and Alaska's Natives has been ongoing since the passage of the Statehood and Settlement Acts, respectively.

Not surprisingly, the land management pattern in Alaska is both confusing and complicated. Consequently, the establishment of d-2 lands in Alaska defies the standard South 48 orientation of delineating federal management units separate and apart from the State and Private lands which are managed on an individual basis without coordination among the different land owners. Such coordination is essential to the successful management of lands in Alaska, and the protection of complete ecosystems. This bill provides the framework for a program of cooperative management.

Approximately 58 million acres of Federal lands are designated as potential cooperative management lands. These lands are the remainder of the lands withdrawn under Section 17 (d) (2) for study, but which we have identified as lands not under immediate pressure for protection and inclusion in one of the four systems. Instead, these lands will be managed by existing Federal management agencies in conjunction with state and private lands also dedicated to the program of cooperative management.

Let me emphasize that under my bill, these are and will remain, in perpetuity Federal lands to be managed by the federal government.

What the Cooperative Management concept does is to create a program of linkage with related State and private lands to allow the protection of complete ecosystems regardless of the ownership within which the ecosystems are located. If the goal of Congress is to provide for rational management of not only d-2 lands, but land in Alaska in general, then this is the mechanism to achieve that goal. Without the establishment of this cooperative management approach, the existing land management pattern of the South 48 may well be continued in the State of Alaska.

Nearly half of the Federal lands in America are located in Alaska. Therefore, it is appropriate that this unique concept of management be enacted for Alaska to provide well reasoned land use decisions for these Federal lands. It should be emphasized that the cooperative management concept is not a fifth system. This bill does not create an additional Bureau of Land Management, National Park Service, or other Federal Management Agencies. The management of the Federal Cooperative lands is left to existing line agencies as designated by Congress on a unit by unit basis in this bill. Thus, management continuity by existing agencies is assured.

Alaska Cooperative Lands

The State of Alaska is a sovereign entity under the Constitution of the United States. Therefore, it is the responsibility of the State of Alaska to designate its cooperative lands under its own state laws. The State Administration and the State Legislature have shown themselves to be well reasoned and enlightened in the area of land management and I am confident that this concept of cooperative management will appeal to Alaska State Legislators, as I hope it will appeal to Members of the Senate.

As cooperative management has been discussed in the past few months, concerns have been raised as to the specific amount of lands which the State must contribute in order to participate as a partner in cooperative management. Rather than set arbitrary figures, this bill leaves it to the Secretary of Interior to find that a substantial amount of state lands has been dedicated to cooperative management by the State of Alaska. Facts and circumstances will determine precisely what this amount will be, but the bill provides guarantees and protection to both the United States and the State of Alaska, by leaving the details of designation of Alaska Cooperative Lands to the State of Alaska and preserving the right of the Secretary of Interior to find that the State's designation is adequate to justify initiation of the program of cooperative management. In this way, the initial designation will begin the partnership that must be formed to insure that the cooperative management system will work and provide a well reasoned system of land management throughout the State of Alaska.

Private Cooperative Lands

Private cooperative lands are also provided for by this legislation. Private landowners may dedicate their lands to cooperative management for periods of not less than 10 years. These lands, will continue to be managed by private landowners, just as state and federal lands will continue to be managed by state and federal management agencies. But, the private landowner must agree to manage his lands in conjunction with federal and state lands or his lands may not be dedicated as private cooperative lands. If the private landowner dedicates his land to cooperative management, with the concurrence of the State of Alaska, the lands shall be exempt from state and local real property taxation and assessment so long as such lands are not developed or leased to third parties.

This tax exemption is the incentive for private landowners to become involved in the cooperative management system. In fact, this land bank concept was presented to us by the representative of the largest group of private landowners in Alaska, Alaska's Natives. In our meeting with the Alaska Federation of Natives, the fear that the enactment of state and local real property taxes on the tremendous acreage the Natives receive title to under the Settlement Act will require the sale of some lands to pay taxes was expressed. The AFN proposed that a system be created in which landowners, the bulk of whom would be Native Corporations, but not exclusively so, would be able to designate lands that would be tax exempt so long as they were not revenue producing. This seemed to be a reasonable idea to us, and we have incorporated it in our proposal.

In all instances, private landowners would be liable for taxes on lands that are revenue producing, but they could dedicate lands to cooperative management for periods of 10 years and receive a tax exemption. If the landowner were to withdraw his lands prior to the expiration of the 10 year period, he would become liable for accrued local and state property taxes and assessments during the entire period. This is a substantial incentive for private landowners to become involved in cooperative management, and I am confident that many landowners will do so.

The Alaska Land Classification Commission

To insure the coordination of the cooperative management concept an Alaska Land Classification Commission is created by this legislation, but only upon a finding by the Secretary of Interior that the State of Alaska has designated a substantial amount of state lands as Alaska cooperative lands. This Classification Commission shall be charged with the development of land classifications for federal, state, and private lands dedicated to cooperative management. The Commission shall consist of four members appointed by the President, with the advise and consent of the Senate, one of whom shall be a Native, as defined by the Settlement Act, and four members appointed by the Governor of the State of Alaska, one of whom, we assume, will be a Native. All Commissioners shall serve full time and the Commission shall be directed by a Federal Co-Chairman and a State Co-Chairman, designated by the President and Governor, respectively.

In essence, the Commission becomes a planning and zoning commission for the cooperative lands. Management shall continue by existing line agencies of federal and state governments and by the private landowners, but shall be pursuant to classifications for the land established by the Commission. In this way, the coordination of cooperative management is assured without the creation of a new bureaucracy to manage the lands themselves.

To some, the Alaska Land Classification Commission will seem akin to the presently existing joint Federal-State Land Use Planning Commission for Alaska. Some functions are similar, but the major difference between the two commissions is found in their authority. The present land use planning commission is purely advisory. The land classification commission contemplated by this legislation would have the power to classify lands dedicated to cooperative management for the best use or uses, subject to a veto on federal lands by the Secretary of Interior or the Secretary of Agriculture as appropriate and on State lands by the Governor. Thus, the new Commission really will decide what uses should take place on the lands.

This coordination of land planning at such a high level will enhance the cooperation between state and federal land managers. The key to success of cooperative management rests with the assurance that state and federal landowners, both of whom are sovereign entities, will abide by decisions made in consultation with one another. The Alaska Land Classification Commission will insure that cooperative management will work by creating a partnership between the two governments.

Cooperative lands dedicated under this Act shall be open to diversified uses subject to classifications of the Commission and applicable federal and state laws. The Classification Commission will have the power to decide the best use or uses for specific areas of land, pursuant to land use plans developed under this legislation. It is our judgement that the 25 million acres of d-2 lands designated as immediate additions to the four systems are those lands which shall be protected under the traditional management systems. Those other lands are under no specific pressure and should be available for diversified uses, except as determined otherwise by the Commission, pursuant to this legislation.

Management and Administration

A number of specific management principles are addressed by the legislation. It is here that the difference between this legislation and other d-2 legislation pending before Congress becomes most apparent. My discussion of the management principles provided for in this bill will also touch on certain inadequacies incumbent in that other legislation.

(1) Access - the Commission is charged with providing for necessary access. This may be the most important issue involved in d-2 lands legislation. Without a provision for access, there is no guarantee that necessary public access will be provided. Alaska is a land containing numerous mountain ranges, lakes, and rivers. Not surprisingly, key mountain passes, river crossings, and other access routes have been, and will continue to be identified as a transportation system as Alaska develops. The location of d-2 lands often overlap these all important access routes, and d-2 legislation must contain a guarantee of access through them.

The appropriate development of federal, state, and private lands in Alaska is dependent upon access. Resource development on these lands will continue if there is a way to get the resources to market. Take a look at any map of Alaska and note the location of d-2 land withdrawals. They are adjacent to and between State and Native selections. Without this guarantee of access, Congress will be taking away with the left hand what it gave with the right hand.

Congress passed the Statehood and Settlement Acts to guarantee the State of Alaska and Alaska's Native Corporations the right to develop as economically viable entities. Without access, the entitlements guaranteed by these two Acts are meaningless. We must have access or we will be landowners who are unable to use our lands.

I cannot emphasize strongly enough the importance of assuring access in d-2 legislation. It cannot be discretionary; it must be guaranteed. The future of the State of Alaska and Alaska's Natives will be determined by the access provision contained in d-2 legislation. The provision in this bill will guarantee that future.

On the other hand, the establishment of tremendous wilderness areas, as proposed by other legislation pending in the Senate, will prohibit access and destroy the entitlements of the State of Alaska and Alaska's Natives. There is no access in a wilderness area. A wilderness area is defined in the Wilderness Act of 1964 as an area in which "Man is a visitor and does not remain." Access, by its very nature, is anathema to wilderness.

I say to you that wilderness designation of d-2 lands on a massive scale will result in a de facto wilderness designation for all lands in Alaska. This was not the intent of Congress in the Section 17 (d) (2) of the Settlement Act which did not even mention wilderness. The tremendous implications of wilderness on access is brought to your attention to insure that all Members of the Senate understand the alternative to the system proposed by this legislation. The alternative, quite simply, is no access at all.

(2) Mineral development - Alaska remains America's final storehouse of mineral resources. According to the Bureau of Mines, 28 out of 37 mineral commodities imported into the United States are found in Alaska. Eighteen of these have been mined in the past, or are known to be present in potentially mineable deposits. Additionally, 16 of 18 minerals listed on the strategic commodity list by the Federal government, are found in sufficient quantities to justify commercial mineral extraction. In an age of escalating shortage and dwindling sources of supply, Alaska holds out the possibility of easing America's burden for the supply of needed mineral resources.

There are problems with mineral development in Alaska, and the major problem is lack of information. The United States Geological Survey, the federal agency charged with supplying the Federal government with information regarding mineral location on its lands, conducts a four-level study to determine the availability of minerals on federal lands. To date, some level 2 studies for d-2 land withdrawals have yet to be completed. This level of study is very basic and is designed only to develop quantitative estimates of mineral resource potential on a general basis.

It is not until level 3 studies are completed that any sense of real knowledge is available. Even then, the level 3 studies map quadrangle areas as identified by the USGS on a scale of one (1) inch to 4 miles. At that rate, a township of 36 square miles is represented by a square of 1 1/4 inches on a side. I submit to you that this is less than the most desirable information needed to make a truly sound decision as to whether a specific area of land should be precluded from mineral development. Presently, only 50 percent of the d-2 withdrawals have been mapped at level 3. Even more distressing is the fact that only 5 percent of the USGS quadrangles have been mapped at the level 4 stage, which provides the information needed to make substantive decisions on mineral development.

The U.S. Geological Survey estimates that it will finish this mapping program, known as the Alaska Mineral Resource Assessment Program or AMRAP, for the d-2 land withdrawals in 1990. Unfortunately, this is twelve years after the statutory deadline for the Congressional decision on d-2 lands expires. It is here that a flexible management program, such as the cooperative concept proposed by my legislation, can be of assistance. The Commission can classify lands for mineral exploration and development based on USGS data as it becomes available. Additionally, private mineral exploration can continue while the USGS compiles this information.

While the exploration and extraction of leasable minerals, such as sand and gravel, will continue to be governed by the Mineral Leasing Act of 1920 and the Act of July 31, 1947, often referred to as the Mineral Materials Act, a change in the development of hard rock minerals is recommended by this legislation. Cognizant of the efforts by many to amend the mining law of 1872, we propose that within these specific Alaska lands only, the exploration and development of minerals currently subject to location under the mining law of 1872, shall be governed by a modified location-lease system which is currently being developed. This is a superior approach to burdening the Secretary with the duty to develop a permit and lease system as proposed in other d-2 legislation.

There is no desire on our part to fight the battle of amending the mining law of 1872 within the d-2 context. It is realized that d-2 lands are different from public domain land, and it is not inconsistent to establish a specific system for hard rock mineral development that differs from the mining law of 1872, so long as it is understood that this system is endorsed only for development on the lands designated by this Act.

The most important issue is to insure that mineral exploration and development can resume on d-2 lands. For almost 10 years, these lands have been closed to private exploration and development except for valid existing rights. It is time once again to allow the miners of America to develop Alaska's minerals for the good of the country. This new system, quite similar to the Alaska State laws, governing hardrock mineral development, will provide the ability for such development and still insure the protection of the land demanded by its special status as d-2 lands.

It should be noted that other proposals pending before Congress would preclude mineral development on over 145 million acres of federal lands in Alaska. These include the 80 million acres withdrawn under d-2 authority and an additional 65 million acres. It is argued that wilderness only preserves options for a later date, but I must point out that the definition of wilderness prohibits, for all practical purposes, any conclusive exploration or development of mineral resources. The Wilderness Act of 1964 does provide for mineral exploration until 1983, but practical experience shows that private mineral exploration companies will not spend money to explore an area that will be closed in a matter of years.

The exploration and development of mineral resources takes time, commitment, and money. Congress must state plainly that it desires mineral resource development to continue in Alaska. A wilderness designation states just the opposite. The establishment of large areas of parks and refuges also deals with mineral development in a prohibitive fashion. Mineral development is precluded by statute in national parks. Practical experience with wildlife refuge management has shown that refuge managers are unwilling to allow compatible mineral exploration, particularly for hardrock minerals, on refuges.

Congress must guarantee that, mineral exploration will continue on the bulk of d-2 lands which are under no immediate pressure. The system established by this bill will provide that guarantee.

(3) Wildlife Management - One of the most controversial issues involved in the consideration of d-2 lands relates to wildlife management. Under this bill, the traditional relationship between state and federal agencies is reaffirmed. The taking of fish and game would be regulated by the State of Alaska in accordance with applicable state law. The federal government would retain its right to insure the protection of habitat on federal lands and would not be involved in the day-to-day management of fish and game resources.

This dichotomy is of paramount importance and affects all 50 states. This is one area where all states agree. The right of the state to regulate the taking of fish and game must not be altered in d-2 legislation. If it is, the regulation of the taking of fish and game on other federal lands, in Alaska and the other states, is placed in jeopardy. The language in this legislation is similar to that found in the Sikes Act. This separation of federal and state responsibilities has worked well and must be retained.

Other legislation pending in the Senate would take from the state the right to manage the taking of fish and game and place this with the Secretary. Under the guise of providing for subsistence hunting in rural Alaska, the Secretary is granted the right to manage the day-to-day taking of fish and game on d-2 lands. This is a mistake, and I totally oppose such a provision. Federal land management agencies are not equipped to assume the daily management of fish and game. Shortly following the assumption of such responsibilities the agencies will be hard pressed by their constituencies to halt the taking of fish and game entirely. To those who think subsistence would be best protected by federal land managers, I say that you are making a grave mistake. Instead, you will find that subsistence hunting will be eliminated entirely.

My proposal does provide for a subsistence preference in the taking of fish and game which is consistent with the Alaska State Constitution. If there is a conflict between some consumptive uses of fish and game caused by depletion of the resource, as determined by the State of Alaska, preference shall be granted to local residents of the area affected. The specific details of determining depletion, local residency, and other matters relating to the preference are reserved for state administration. It must be emphasized that this is not any type of mandate for the federal land management agencies to become involved in taking of fish and game. The Sikes Act distinction remains and is reaffirmed by this legislation.

(4) Effect on State Selections - A result of the d-2 study process ~~has been to delay the availability~~ of federal lands for selection by the State of Alaska under the Alaska Statehood Act. Congress spoke to this problem by authorizing the State of Alaska to identify potential selections within d-1 withdrawal areas should those lands not be ultimately included as additions to the existing systems. D-2 lands are not the only lands which are unavailable for state selection. Other lands in Alaska, including those withdrawn under Section 17 (d) (1) of the Settlement Act and the Classification and Multiple Use Act of 1964, are also unavailable at this time for state selection.

This legislation proposes to solve the problem of lands being unavailable for state selection by requiring that within 90 days following the enactment of this legislation, the Secretary shall make available to the State of Alaska for selection all federal lands in Alaska except those established as d-2 areas, including the Federal Cooperative Lands, existing federal reserves, such as military reservations, native selections pursuant to the Settlement Act, and specific lands in the area of the Yukon-Kuskokwim Delta described in public land order 5184 which were agreed to in an out of court settlement relating to state selection by the Department of Interior and the State of Alaska. This legislation can provide great assistance in the resolution of land allocation problems in Alaska by making available sufficient lands to this state so that it can finish its entitlement.

Of even greater importance is the need to insure that existing state selections will not be jeopardized by the d-2 legislation. Incredible as it may seem, d-2 legislation pending before Congress actually revokes existing state selections. State selections are valid existing rights established by Congress for the purpose of insuring a State's economic viability. To revoke state selections is to reject the federal system itself and say that in all aspects, the federal government is paramount. Much of Alaska's lands remain unsurveyed, and tentative approval under the Settlement Act, status has been recognized by courts as the passing of equitable title pending patent following a survey. Therefore, the revocation of tentative approval is in violation of the Fifth Amendment of the Federal Constitution. The federal government cannot revoke a selection over which it has no legal title.

(5) Wilderness Review - The bill I propose requires that the Secretary of Interior and Agriculture make recommendations with respect to areas of the National Park, Wildlife Refuge, and Wild and Scenic Rivers Systems which are suitable for inclusion in the National Wilderness Preservation System within five years of the date of enactment of this Act. The criteria and procedure for recommendation, shall be similar to those specified in the Wilderness Act of 1964.

This is a reasonable approach to the designation of wilderness areas in Alaska. Section 17 (d) (2) did not deal with wilderness and was not intended as a springboard for the designation of massive amounts of wilderness in Alaska. Yet, some d-2 legislation designates over 145 million acres as "instant wilderness" without adequate study of the areas to justify the designation. The Wilderness Preservation System was established by Congress to provide a means to place special lands throughout the country in a completely protected status in which no man-made intrusion of any kind may take place. It was not the intent of the Wilderness Act to set aside as wilderness almost 1/3 of any state, much less in the state of Alaska where 1/3 of the state is as large as the combined areas of California and Washington.

Let me describe to you what the designation of wilderness in such a proposal would mean. In the Gates of the Arctic National Park proposed by other legislation, 13,600,000 acres are designated as wilderness. That means in an area twice the size of Maryland, there will be no roads, no visitor facilities, no airstrips, no means of access across, to, or from the area except by aircraft. To get to the Gates of the Arctic National Wilderness Park, you would have to fly hours in a twin engine float plane and land on a specially designated lake or river. To get anywhere within the park, you would have to walk or canoe, and you would have to have lots of time to do that. How many Americans would be able to afford the luxury of time and money it would take to visit this area?

The draft environmental impact statement for the Gates of the Arctic National Park, prepared by the Department of the Interior, dealt with only a 10-million-acre park and estimated that the park would host approximately 4,000 visitors per year. That works out to about one person per 1 million acres per day. I do not think that the impact of other uses within the 10 to 15 million acres proposed by other legislation for this park would create such adverse impact as to destroy the park's values.

What my proposal does is establish a 5-million-acre park, which would still be the largest park in the National Park System by over 1 million acres, and dedicate the remaining acreage to federal cooperative land status. In this way, the Commission would be able to make ongoing decisions as to the best uses of the surrounding lands. If it needs to protect certain lands to insure the park's values, it could. But, if other uses are more necessary, those uses would also be allowed. When you compare the different proposals, I think mine makes a lot more sense.

(6) Agricultural Development - Alaska contains lands which have been identified as having high potential for agricultural development. One of these areas is the Yukon Flats region of the upper Yukon River. It has been estimated that proper development of this region could provide wheat and related grains to feed up to 10 million people. This region has been designated as a national forest to insure that such potential can be realized. Agricultural development, including cultivation and grazing, would be allocated by means of a long-term leasing system. The ownership of federal or other lands upon which agricultural development takes place would not change. On cooperative lands, the Commission could determine what lands should be used for agricultural development.

(7) Effect on Native Selections - Quite simply, there would be no effect on Native selections. The Native selection conveyance process would continue and any lands within a specific unit which are selected by a Native corporation but not conveyed would be added to the unit upon final relinquishment.

D-2 TRUST FUND

One of the questions asked in the D-2 process is what stake do citizens of the other 49 states have in the development of Alaska Federal lands? One answer, of course, is that to a large extent the resources developed on these lands will benefit them directly or indirectly through the manufacture and delivery of goods and services of which these resources are a part. Many believe that this in itself provides a justification for a reasonable and appropriate development of Federal lands in Alaska.

To insure that there is no question regarding the stake of the other 49 states in the appropriate development of Federal lands in Alaska, this bill proposes that a trust fund be established which will provide for the purchase of privately owned lands which have been authorized to be included in the National Park, Wildlife Refuge, and Wild and Scenic River Systems in States other than Alaska, but which cannot be purchased because of lack of Federal appropriations. There is a backlog of these lands throughout the country. The backlog is so great that it cannot be reasonably expected that these lands will soon be purchased solely through federal appropriations. Therefore, to the extent that certain environmental goods are balanced by reasonable and appropriate development on Federal lands in Alaska, the federal share of proceeds derived from such development and 50% of the State of Alaska's share of the revenues derived from mineral leasing activity on Federal lands will be placed in a special fund reserved solely for the purchase of these backlogged lands.

I say to you quite frankly, if there is an environmental loss from this development, it is regained through the purchase of lands in the other 49 States. I suspect there is no loss, and the Nation gains two ways; first, through reasonable and appropriate development of Federal lands in Alaska, and, secondly, through the purchase of backlogged lands in the other 49 States.

CONCLUDING REMARKS

The consideration of d-2 lands is one of the most crucial resource decisions that Congress will ever make. Thus far, it has been billed as a wilderness decision. But it is much more than that. It is a resource decision, with all its accompanying implications. Alaska remains America's last storehouse of natural resources. Fifteen sedimentary basins, all of which are potential oil-producing areas, have been identified in Alaska. Only one, the area in which Prudhoe Bay, America's largest proven reserve, is located, has been adequately explored. Additionally, development of timber resources, agricultural potential, hardrock mineral resources, and other appropriate development of Federal lands in Alaska must be given a chance.

The answer to the d-2 decision is not to "save all of Alaska's land now because this is our last chance." It is interesting that this clarion call is being heard so loudly throughout Washington, D.C., but not in the State of Alaska. Alaskans know that most land in Alaska is under no direct pressure. Alaskans will join with Congress in proposing protection for those lands which really do need to be preserved, but we will not rush headlong into a precipitous decision which Congress will only have to undo later.

There will come a time when resources which have been identified in Alaska will be available to the United States only in those deposits. An example is chromite, which can only be obtained from the Soviet Union, following the repeal of the Byrd Amendment. I implore you not to put the chromite discovered near Mt. McKinley Park into the Park as an addition. The day will come when we have to get to that chromite and to do so, an Act of Congress removing the deposit from the National Park will have to be passed.

The danger to the National Park System is apparent. By unwisely placing resources we will need later in a National Park now, we run the risk of dismantling the Park System, not only in Alaska, but throughout the United States at a future point in time. The National Park System is not a land and resource bank. It is a system established by Congress to protect those lands which we have determined should never be invaded for other uses. Such a statement requires that Congress exercise great responsibility in establishing units of the National Park System. The same analogy applies for the Wilderness System and other existing units of the management systems. What Congress must do now is make only those decisions which must be made in this Congress and create a framework to allow an ongoing decision-making process.

Mr. President, before I conclude my remarks, let me ask that a statement I delivered before the House Committee on Interior and Insular Affairs, which describes the history of Section 17 (d) (2), be included in the RECORD as part of my statement.

In conclusion, I would point out two matters of interest to Congress. Eight years ago, my good friend, former Secretary of the Interior, Stewart Udall, proposed to President Johnson that certain lands in Alaska be added to the National Park and Wildlife Refuge Systems by Executive Order. Of the 8 million acres proposed by Secretary Udall to be created as additions to those two systems, President Johnson declined to act on all but 94,500 acres.

At that time, Secretary Udall urged the President to create a 3 1/2 million acre Gates of the Arctic National Monument and a 1.2 million acre extension of Mt. McKinley Park, because in his words, "it is the last chance to preserve the land for park purposes...." Eight years later, the same argument is used to argue for creation of not 8 million acres of park and refuge land in Alaska, but 115 million acres.

What has changed? President Johnson refused to sign these proclamations because the additions were too large. Have circumstances changed so greatly that where 8 million acres was too large 8 years ago, 115 million acres is now the right figure? The answer is unquestionably no! Congress must act wisely and rationally as President Johnson did and not rush to judgment on the future of these lands. My proposal includes the bulk of Secretary Udall's proposals and more. It is an environmentally sound proposal which will still provide for appropriate and reasonable development of Alaska's lands. This is the goal we all are attempting to reach.

Finally, let me comment on the attitude that Alaskans should have no say in what happens to these lands because they are federal lands. There is no argument that the lands withdrawn under Section 17 (d) (2) are federal lands. But that does not mean that Alaskans should not be listened to regarding their final disposition. I remember the statehood fight of 25 years ago and more and more the d-2 debate takes on the tenor of the statehood debate.

At that time, it was said that Alaskans should not be listened to because Alaska was only a Territory. Well, Alaska is now a State and Alaskans hope that they will be listened to regarding the future of federal lands in their State, just as Washingtonians expect to be listened to regarding the future of federal lands in Washington, as Californians expect to be listened to regarding the future of Federal lands in California, and State Citizens expect to be listened to regarding the future of federal lands in their state. It is true these are federal lands, but we Alaskans are the ones who will be most directly affected by Congressional action. We do not say that Congress should not listen to the rest of the Nation, but we do say that Congress should also listen to us.

Please do not treat Alaska as a Territory again. We fought hard for statehood and we treasure its benefits. The most important benefit of all is to be treated on an equal basis with the other 49 States.

Mr. President, this concludes my introductory statement for the bill I introduced today. I ask unanimous consent that this statement, the proposed legislation, and attached documents relating to the legislation be printed in the RECORD.