special management areas is not necessary to perpetuate existing harvest levels, it is unlikely that Congress would authorize further cutting. Therefore, the areas involved would receive essentially the same protection under the Committee and Tsongas approaches. The Committee approach is deemed necessary, however, to prevent existing job loss and community instability in the event that Senator Tsongas is wrong about wilderness impacts on harvest levels.

Miscellaneous

This amendment adopts the basic thrust of the House transportation title. Because of Alaska's unique transportation situation (in a state one fifth the size of the nation, there are fewer paved roads than in the District of Columbia and Montgomery County combined), the Senate Committee provided a special process. The process streamlines decision making on transportation applications and involves the Department of Transportation in planning and certain decisions. Yet, strong environmental protection is assured in a number of ways, including Presidential and Congressional involvement in decisions regarding parks and wilderness areas. In contrast, the Tsongas amendment minimizes the role of the DOT and greatly restricts the ability to appeal a negative decision. By so doing, antiquated approaches which have proved so inadequate in other contexts are perpetuated.

Additionally, the amendment would designate wild river corridors which were rejected for access or other reasons in the Energy Committee bill.

Interrelationship Between Amendments

Attention should be given to the interrelationship between the various amendments just described. For example, a press release by Senators Hart and Chafee regarding the wildlife refuge amendment emphasized that these provisions do not preclude oil exploration in the Arctic National Wildlife Range. Yet, another amendment proposed by Senator Tsongas would do this very thing. There is also confusion in the treatment of the proposed Tetlin Naional Wildlife Range and other aspects of the amendments.

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RESEARCH & DEVELOPMENT

TO: JOHN KATZ, Special Counsel
Office of the Governor

DATE: March 20, 1980

FILE NO:

TELEPHONE NO: 279-5577

FROM: JAMES WICKES, Acting Chief
Policy Research Section

SUBJECT: Removal of Locatable Minerals from Park Service NRAs

This memo summarizes my research into the question of whether normally locatable minerals can be made available for disposal in national recreation areas where the removal of nonleasable minerals under 43 USC 387 is permitted but where mineral location is prohibited. The context of my inquiry has been confined to the following national recreation areas under National Park Service jurisdiction: Lake Mead, Ross Lake, Lake Chelan, Whiskey Town, and Glen Canyon. With the notable exception of Lake Mead, whose regulations apparently reference 43 USC 387, the enabling legislation for these NRAs is nearly identical to the language contained in S.9 with respect to mineral management, in general, and reference to 43 USC 387, in particular. The mineral management language for Glen Canyon National Recreation Area and that contained in S.9 (Sec. 1312) have been juxtaposed for easy comparison on the attached sheet. A copy of 43 USC 387 is also attached.

Although each of the NRAs mentioned above and those proposed in S.9 are closed to mineral entry, the Secretary of the Interior has the discretion to permit the removal of leasable minerals according to the mineral leasing laws. The mineral leasing laws that apply to public domain lands are very specific about what minerals can be leased, however, and do not apply to normally locatable hard rock minerals. Thus, the Secretary's discretion to allow the removal of leasable minerals removal cannot be extended administratively to locatables.

In addition to permitting the removal of leasable minerals pursuant to the mineral leasing laws, the Secretary may allow for the removal of nonleasable minerals in accordance with 43 USC 387. The question of whether locatable minerals can be treated as nonleasable minerals and removed under 43 USC 387 assumes a great deal of importance in the case of proposed NRAs under S.9, because the most important mineral values in these areas are the normally locatable hard rock varieties. If the Secretary's discretion to allow the removal from proposed Alaskan NRAs of nonleasable minerals per 43 USC 387 does not include hard rock minerals, then the dominant and most valuable minerals within the proposed Alaskan NRAs cannot be utilized, except where valid existing rights are involved.

On the basis of telephone conversations with National Park Service personnel in Denver, I have found the following:

1. Of the NRAs under Park Service management, only within the Lake Mead unit have locatable minerals been disposed of by means other than that provided by the mining laws. This practice was initiated when the unit was under Bureau of Reclamation management and was continued under subsequent National Park Service management. About one-half dozen "leases" had been issued for uranium and metalliferous minerals until the practice was curtailed several years ago.

2. The Park Service's decision to discontinue this practice within the Lake Mead unit was based upon its determination that the practice was without statutory basis. Specifically, a 1973 Solicitor's opinion which found that locatable minerals could be removed under 43 USC 387 was itself found to be without basis. A new Solicitor's opinion which espouses the contrary position that 43 USC 387 cannot apply to normally locatable minerals within national recreation areas will soon be sent to Washington, D.C. for final review.

3. The Park Service is of the opinion that 43 USC 387 must be followed in its entirety when applying it to NRA mineral management. Under NPS' view, the language of 43 USC 387 is quite restrictive: only "sand, gravel and other minerals and building materials" can be removed from lands being administered under the federal reclamation laws and only "in connection with the construction or operation and maintenance of any (reclamation?) project." Apparently, the Park Service feels that the earlier Bureau of Reclamation position and the 1973 Solicitor's opinion incorrectly interpreted 43 USC 387 as providing sufficient authority to permit the removal of locatables generally.

4. On the basis of this new Department of Interior concensus, the Park Service is proceeding to remove from its regulations for the Lake Mead National Recreation Area provisions that allow for the removal of locatable minerals.

5. For Ross Lake, Lake Chelan, Whiskey Town and Glen Canyon NRAs whose enabling legislation is almost identical to that contained in the Senate Energy Committee Bill (see attachment), the Park Service has never allowed locatable minerals to be removed under the provisions of 43 USC 387.

In summary, the Department of the Interior has apparently reversed its earlier position that locatable minerals within Park Service NRAs can be made available under 43 USC 387. It is anticipated that this position will be articulated formally in a forthcoming Solicitor's opinion on the subject. For Alaskan NRAs as proposed in S.9, this decision would make impossible any development of

these areas' valuable locatable minerals which are not subject to prior existing rights.

Attachments as stated

SENATE BILL 9

ADMINISTRATION OF NATIONAL RECREATION AREAS

SEC. 1312. (a) National recreation areas established by this Act shall be administered by the Secretary or the Secretary of Agriculture as appropriate, in order to provide for public outdoor recreation use and enjoyment and for the conservation of the scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment of such areas. Except as otherwise provided in this Act, the appropriate Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources and the continuation of such existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, fish and wildlife, or other values contributing to public enjoyment. In administering the recreation areas, the appropriate Secretary may utilize such statutory authorities pertaining to the administration of the National Park System, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. Except with respect to the Noatak National Recreation Area, the Secretary under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation areas in the manner described by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the mineral leasing laws if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interest in lands within the recreation areas under the mineral leasing laws shall be disposed of as provided in such laws; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

GLEN CANYON NRA

16 § 460dd-2. **Public lands; withdrawal from location, entry, and patent under Federal mining laws; removal of minerals; disposition of funds from permits and leases**

(a) The lands within the recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 387 of Title 43, and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to sections 460dd to 460dd-9 of this title.

(b) All receipts derived from permits and leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

Pub.L. 92-593, § 3, Oct. 27, 1972, 86 Stat. 1312.

Historical Note

References in Text. The United States mining laws, referred to in subsec. (a), are classified generally to Title 30, Mineral Lands and Mining.

Mineral Leasing Act of Feb. 25, 1920, as amended, referred to in subsecs. (a) and (b), is classified to chapter 3A (section 181 et seq.) of Title 30.

Acquired Lands Mineral Leasing Act of Aug. 7, 1947 and the Act of Aug. 7, 1947, referred to in subsecs. (a) and (b), are classified to chapter 7 (section 351 et seq.) of Title 30.

Legislative History. For legislative history and purpose of Pub.L. 92-593, see 1972 U.S.Code Cong. and Adm.News, p. 4015.

Transfer of Functions. All functions of all officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of these officers, agencies, and employees, by 1950 Reorg.Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out as a note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

Legislative History: For legislative history and purpose of Act June 30, 1948, see 1948 U.S.Code Cong.Service, p. 2207.

§ 385b. Repealed. Pub.L. 86–533, § 1(18), June 29, 1960, 74 Stat. 248

Historical Note

Section, Act June 29, 1948, c. 733, § 2, 62 Stat. 1168, related to reports to the Congress of all activities undertaken pursuant to the provisions of section 385a of this title.

§ 385c. Tuition charge per pupil

Historical Note

Codification. Section was from the Interior Department Appropriation Act, 1949, Act June 29, 1948, c. 754, § 1, 62 Stat. 1125, and has not been repeated in subsequent Appropriation Acts.

§ 386. Application of excess-land provisions of reclamation laws to certain lands

The excess-land provisions of the Federal reclamation laws shall not be applicable to lands which on June 16, 1938, had an irrigation water supply from sources other than a Federal reclamation project and which will receive a supplemental supply from the Colorado-Big Thompson project. June 16, 1938, c. 485, 52 Stat. 764.

§ 387. Removal of sand, gravel, etc.; leases, easements, etc.

The Secretary, in his discretion, may (a) permit the removal, from lands or interests in lands withdrawn or acquired and being administered under the Federal reclamation laws in connection with the construction or operation and maintenance of any project, of sand, gravel, and other minerals and building materials with or without competitive bidding: *Provided*, That removals may be permitted without charge if for use by a public agency in the construction of public roads or streets within any project or in its immediate vicinity; and (b) grant leases and licenses for periods not to exceed fifty years, and easements or rights-of-way with or without limitation as to periods

43 § 387

project: *Provided*, That, if a water users' organization is under contract obligation for repayment on account of the project or division involved, easements or rights-of-way for periods in excess of twenty-five years shall be granted only upon prior written approval of the governing board of such organization. Aug. 4, 1939, c. 418, § 10, 53 Stat. 1196; Aug. 18, 1950, c. 752, 64 Stat. 463.

Historical Note

1950 Amendment. Act Aug. 18, 1950, permitted Secretary to grant permanent easements or rights-of-way provided that no easement or right-of-way in excess of 25 years be granted unless there has been prior written approval by the governing board of such water users' organization as may be under contract obligation for repayment on account of the project involved.

Legislative History: For legislative history and purpose of Act Aug. 18, 1950 see 1950 U.S.Code Cong.Service, p. 3034.

Cross References

Federal reclamation laws defined, see section 485a of this title.

Notes of Decisions

Authorization by Secretary 1
Estoppel 2

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1. Authorization by Secretary

Under this section authorizing Secretary of Interior to permit removal of sand and gravel from lands acquired by government in connection with construction of any projects without charge if use is for a public agency in construction of any public roads or streets within any project or its immediate vicinity, subcontractor, who had contract to furnish concrete aggregates to prime contractor, which had right under its contract to obtain aggregates from pit acquired by government for use in connection with government project, could not recover from government which took over stock pile of aggregates accumulated by subcontractor for sale to other government contractors with whom he did not have a contract when subcontractor had not received authority to stock pile aggregates from a person authorized by Secretary of Interior to give such permission. Shotwell v. U. S., D.C.Wash.1958, 163 F.Supp. 907.

2. Estoppel

Where district manager who was in charge of government projects and who had exclusive authority to issue permits, made no representations to or had any direct dealings with subcontractor concerning extraction of materials from a sand pit acquired by government for use in connection with government projects, government was not estopped from denying that subcontractor had a permit to extract materials from pit even if manager had knowledge that subcontractor was removing materials and acquiesced therein. Shotwell v. U. S., D.C.Wash.1958, 163 F.Supp. 907.

§ 388. Contracts for materials; liability of the United States

When appropriations have been made for the commencement or continuation of construction or operation and maintenance of any project, the Secretary may, in connection with such construction or operation and maintenance, enter into contracts for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

[redacted]

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99701

April 10, 1980

Mr. Steve Silver,
Executive Assistant
Senator Ted Stevens
Room 260
Russell Senate Office Building
Washington, DC 20510

Dear Steve:

I'm enclosing a summary of wildlife, habitat, and recreational values found on the State land south of the Arctic National Wildlife Range prepared by Harry Reynolds of my staff.

If you need additional information, please give me a call at area code 907, phone 452-1531.

Yours truly,

Richard H. Bishop
Regional Supervisor
Division of Game

Enclosure

cc: John Katz
Ronald Somerville

JLH

Summary of Wildlife Values on State Lands South of the Arctic National Wildlife Range/William O. Douglas National Wildlife Refuge

Area Use by Wildlife Species

These State lands are all within the area of ecological concern which was identified by the U.S. Fish and Wildlife Service in their analysis of proposed extensions of the ANWR.

1. Caribou. This area contains important migration routes used by the Porcupine Caribou Herd during August dispersal and fall migration; it also receives light to moderate use as a wintering area and during spring migration. Caribou which move through the area during August travel westward to Old John Lake and provide an important subsistence resource to people in Arctic Village. The fact that the area has been traditionally used by the Porcupine Caribou Herd is illustrated by the remnants of at least four caribou fences or corrals, archaeological sites which were used by the Kutchin Indians to capture migrating caribou.

2. Moose. This area supports light to moderate populations; the riparian habitat found along the Sheenjek, Coleen, and Koness Rivers serves as a wintering area for these animals.

3. Grizzly Bear. Grizzlies are found throughout this area and are reportedly attracted to chum salmon spawning grounds in the Sheenjek River. Population density in the area is estimated at 1 bear/80-120 square miles. Bears use creek banks and the higher elevations of the foothills in this area as winter denning sites.

4. Black Bear. Black bears are at the northern limit of their range in this area and densities are relatively low. They are primarily associated with the coniferous stands of spruce found in the river valleys.

5. Waterfowl. Light densities of waterfowl utilize lakes and small ponds for nesting.

6. Raptors. This area supports a low to moderate density of raptors including at least one confirmed nesting site of peregrine falcons, an endangered species, and the northernmost nesting habitat of bald eagles. Other raptors nesting in the area include gyrfalcons, golden eagles, ospreys, and rough-legged hawks.

7. Furbearers. The timbered drainages of the Coleen, Sheenjek, and Koness Rivers support populations of river otters, mink, marten, and lynx. Wolves, wolverines, and red foxes use this same habitat in addition to adjacent areas where timber is sparse or absent.

8. Fisheries. Chum salmon spawn in both the Sheenjek and Koness Rivers; grayling, pike, and whitefish are plentiful in all rivers and/or lakes in the area.

Scenic and Recreational Values

The Sheenjek and, to a lesser degree, the Coleen Rivers have been used extensively for recreation including boating, hiking, hunting, and wildlife viewing. Recreational boating on the Sheenjek River accounted for 62 percent of this type of recreation which was recorded in the area of the ANWR in 1975. A total of 492 visitor-use days were spent on the river by boaters, about 20-25 percent of which was spent within these State lands.

In recognition of its recreational value and unique characteristics, the Sheenjek River was identified by the Bureau of Outdoor Recreation as having high potential for inclusion in the National Wild and Scenic Rivers system but was not proposed because of unclear land status (State ownership of the land on the southern boundary of the ANWR). The USFWS analysis of the scenic and recreational value of the river was as follows:

> The Sheenjek River possesses exceptional wildlife, scenic, and recreational values along its entire length. In addition, the river spans three separate physiographic regions (alpine, piedmont, and river flat) that characterize both arctic and subarctic conditions on the south slope of the Brooks Range. The river's particular type of scenery and the presence of complete undisturbed biotic communities representative of three physiographic zones make this river unique in comparison with other Alaskan rivers being considered for wild and scenic river status.

Ron Somerville
Director
Division of Game
Juneau

March 19, 1980

Dick Bishop
Regional Supervisor
Division of Game

Comments on Tom Kimball's Propaganda Package of March 12, 1980

Ron, I will try to comment point by point of items of substance included in Kimball's package.

1. Comparison with NWF Resolution #36:

Kimball overlooked the fact that in S.9-79, Sec. 1314 included the statement that the bill will not amend the Alaska Constitution, relative to fish and wildlife management. Tsongas' bill does not include this provision.

Further Kimball does not note that S.9 reaffirms the State's fish and wildlife management authority for all public lands, not just preserves. Further, Kimball fails to note that HR39/Tsongas allows the Secretary to open Federal lands for subsistence use - something not allowed in S.9.

2. Areas Closed to Hunting:

The NWF recap of Interior Department figures has the same basic problem as before: the limitation of straight harvest ticket/permit data. Wayne Heimer's review, quoted below from his current paper, which you'll undoubtedly hear or see in Miami, pretty well summarizes the matter on Dall sheep.

"CURRENT STATUS:

At this time 22,000 of Alaska's Dall sheep are technically off limits to hunters. Of the 28,000 sheep which can be legally hunted under the existing monument regulations approximately 9500 are available only to persons who are fortunate enough to obtain a permit. An additional 2,000 are available onlyareas where access is restricted to walking or special seasons are in effect, and about 1,000 sheep are protected for viewing only. This leaves a total of about 15 to 16,000 sheep available during the open season to hunters who do not have special permits or choose walking as their only means of transportation. This comes to a 65 percent reduction in unregulated (except for season and bag limit) sheep hunting in Alaska.

The draft management plans called for three different management schemes for Dall sheep in Alaska. Where the State of Alaska currently has management authority these schemes are followed in about these proportions. About 6 percent are managed for trophy hunting, about 30 percent are managed for aesthetick hunting conditions, about 4 percent are managed for nonconsumptive use and the remainder

Heinen also reviewed population data in relation to conservation unit status, and determined that the proportions of sheep available for hunting under the various restrictive options are somewhat larger than we previously thought. Under Monuments about 40 percent of sheep populations are unavailable; under HR 39 about 24 percent are unavailable, and under S. 9 about 20 percent would be in Parks. As Wayne noted in the quote above, however, the various permit hunts, the 7/8 curl regulation, and access restrictions, (some which are responses to the Monument designation) when coupled with the unavailability of Dall sheep in Monuments or Parks, drastically reduce the available legally huntable sheep.

With respect to brown/grizzly bear, population figures are more speculative due to the difficulty of censusing bears. Harry Reynolds has summarized land area closed, hunting and harvest from sealing records and other data, and the proportion of bears taken which in the past came from proposed Park areas under HR 39-'79 as passed (attached). In short, 21 percent of the historical average annual harvest came from Park units designated in HR 39. I do not have a firm estimate of the proportion closed under S.9 at this time. A rought estimate made by deleting most of the bears taken in the John River-Itkillik River Preserve and the NPA's, and a few in the other Preserves, appears to indicate that the average annual harvest of brown/grizzly bears under S.9 would be reduced by 12 to 15 percent.

With respect to moose, reported kill locations are notably general, and therefore it is rediculously presumptious to assign an absolute percentage, including one decimal place, to a given area. To do so reflects neither accuracy nor precision, but ignorance of the circumstances. Furthermore, it completely ignores unreported take, which most often is a result of local hunters. Nevertheless, the configuration of Parks is such that moose hunting is less affected than hunging of most other species. Last summer I recalculated moose take affected by Monuments as best I could based on harvest ticket data plus estimates of unreported take and came up with 14 percent of the moose kill being taken in areas subsequently closed by Monuments (not including local take). Similarly, I estimated that HR 39 as passed would in reality reduce moose harvest by 10 to 12 percent, and S.9 would cost 5 to 10 percent of the moose take. Knowing the characteristics of moosehunting and reporting, I suggest that to assign narrower limits of harvests for moose is specious.

Finally, the argument that HR 39 closes only an added 1 percent of Alaska's lands (nearly 5 million acres) to sport hunting compared to S. 9 is completely spurious. The 4.7 million acres are among the best hunting areas in the State. (One might also point out that it closes and area up hunting that is almost 5 times as large as the Spperior-Quetico National Forest of northern Minnesota.) Because the S. 9 areas are relatively small compared to the over-all size of the conservation units and of the State, their contribution to sport hunting is necessarily limited. Further, comparing the land area involved to the size of the

entire State ignores the fact that substantial land areas have very limited fish and wildlife resources. A choice one million acres in the Wrangell Mountains supports considerably more wildlife of interest to hunters than does a million acres of black spruce flats in Interior Alaska. Lastly, Tom Kimball apparently has no appreciation for the aesthetics of hunting if he believes that one acre is just like another.

3 to 5. No comment, except that the Secretary can stop exploration on ANWR if it proves harmful, and only Congress can mandate development. All geologists I have heard criticize the statement that 95% of Alaska's high oil potential lands are open, and the fact that the dilemma of transport corridors and/or operating restrictions posed by HR 39 are never acknowledged by Interior or environmentalists.

7. (There is no complete ecosystem other than the universe!) I have yet to see a law that can fragment an ecosystem! Further, the present boundaries are virtually all politically derived on an opportunistic basis.

Other comments?

Regarding the NWF criticism of NRA statements: "Trapping" is explicit and therefore stronger' the NWF oversimplifies in stating that S.9 "puts a federal judge in charge..." of State wildlife management and ignores the procedural safeguards in S.9.

CHEERS!

attach/

J.S. HAMMOND
GOVERNOR

[redacted]
Juneau, Alaska 99811
OR PHONE: 907-465-3500

HAMMOND ANNOUNCES PROGRAM FOR ASSERTING STATE TITLE TO SUBMERGED LANDS
MAY 12, 1980
#94

FOR IMMEDIATE RELEASE

JUNEAU--Gov. Jay S. Hammond today announced he is directing his Department of Law and Department of Natural Resources to aggressively assert the state's ownership of certain bodies of water in Alaska. Hammond said this is the result of a recent review by his Administration of the state's procedures for asserting title to lands loacted beneath navigable bodies of water. The reassessment was prompted by the state's victory in administrative litigation involving title to two tributaries of the Yukon River and by concerns expressed by sportsmen, Natives, and other groups.

Upon statehood, the state received title to all submerged lands located beneath navigable waters which were unreserved at the time of statehood. Navigable waters are those waterways and waterbodies which have been used historically for travel, trade, and commerce or are susceptible to such uses.

-more-

At the instigation of the state and the Doyon Regional Corporation, the Alaska Native Claims Appeals Board adopted broader criteria for determining navigability than have been utilized in the past by the Bureau of Land Management. This outcome raised the possibility that the BLM's administrative process could be utilized by the state to assert title to submerged lands granted at statehood, even though the state believes only the Federal Courts can make final navigability determinations.

However, since the effect of an administrative determination of non-navigability could be to deprive the public of the use of submerged lands until the courts take final action, the governor has directed the implementation of a multi-faceted program to assert such ownership at the administrative and judicial levels. The state will provide factual information and assert its claim to submerged lands early in the administrative process, and also file administrative appeals when it believes the BLM has not acted properly. The governor indicated that in order to avoid delay in the transfer of lands to Native corporations, the state will ask for separation of disputed areas from tracts of land transferred to the Native corporations.

In addition, the governor said that the state will bring further test cases at the administrative and judicial levels to confirm its view of the criteria which should be utilized in determining navigability. At present, there is a dispute between the Federal government and the state about

what standards should apply. The state has argued for the use of criteria based on patterns of use which are unique to Alaska.

The governor believes that the test case approach will establish a final navigability criteria at an earlier time. "As a consequence, all parties would benefit from the certainty of knowing what submerged land areas would remain in public ownership," he said. Hammond also emphasized that the state's new program has no bearing upon the D-2 lands legislation or proposed amendments to that legislation. The first D-2 bill may establish certain rules computing Native land entitlements under the Alaska Native Claims Settlement Act, but will not affect the criteria or process that state wants to use to determine navigability.

-30-

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 2, 1980

The Honorable Cecil D. Andrus
Secretary, Department of the
Interior
18th & C Street, N.W.
Room 6151
Washington, D.C. 20240

Dear Secretary Andrus:

It is my understanding that the depositions given a couple of weeks ago by some of your staff in connection with our pending litigation reflect certain misconceptions regarding the State's policy on administrative land transfers by the Federal government under the Alaska Statehood Act. Accordingly, this correspondence is written to clarify the position of my administration, although I honestly believe that such a clarification should not be necessary.

While the State strongly supports the conveyance title contained in the Alaska lands legislation reported by the Senate Committee on Energy and Natural Resources, we do not view this title as a substitute for the prompt conveyance of lands by administrative action, pending the enactment of a reasonable lands bill. Certainly, the enactment of a conveyance title would represent a quantum step forward in the implementation of the Statehood Act. Not only would the title either confirm or legislatively convey approximately 98 million acres of the State's total entitlement of 103.5 million acres, it would also effect a number of needed changes in the statutory framework for conveying State lands. Such changes cannot be made by executive action.

For these reasons, conveyance language was included in the Alaska lands bill passed by the House of Representatives in 1978, and a technically superior version is contained in the current Energy Committee bill. Despite the failure of the Udall and Tsongas measures to include the significant statutory components of the conveyance title this Congress, it is my understanding that the Energy Committee bill, most of which was worked out in prior years with officials of the Interior Department, raises few significant policy issues.

Although the State believes that many benefits would accrue from enactment of conveyance language, we have consistently pressed

for the administrative transfer of lands selected by the State and for the opening to selection of additional areas which are of interest to us. With this position in mind, we were pleased, and said so publicly, when you opened some 16 million acres to State selection in early 1979. Since then, the State, through my Special Counsel, John W. Katz, and other officials, has requested the Department to make additional conveyances. The most recent manifestation of the State's position is a letter which the State sent to Assistant Secretary Martin on September 28, 1979, indicating our suggested priorities for the future conveyance of State selected lands.

That correspondence clearly demonstrate my continuing desire to receive prioritized land transfers from the Federal government, even if such conveyances diminish certain political issues that might otherwise exist. We do recognize, however, that you are constrained not to convey State selections in conflict with existing or proposed conservation system units, and we have not asked for the administrative conveyance of disputed areas (although such a request is made in our pending litigation).

With these thoughts in mind, we were pleased with your announcement that the Department would convey a minimum of 13 million acres per year to the State. Even the 13 million acre goal seems small in relation to the total State entitlement which has yet to be conveyed. The continuing existence of large Native overselections which, in many cases, do not appear necessary to insure full corporate entitlements, is also of great concern to us.

Further regarding the matter of land availability, we urge the Department to open additional lands to State selection. It is our hope that such areas will accommodate previously identified State selection interests, as expressed to the Department on several prior occasions, and will not be for the purpose of contributing to the numbers game which is so often played in connection with the pending legislation.

In summary, the State continues to favor a reasonable legislative solution to the Alaska lands situation. Nevertheless, the uncertainty of the legislative process, and the tremendous social, economic, and environmental benefits which accrue to the State as our land base expands, make it extremely important to us that administrative land transfers be effected during this interim period. In this regard, I should mention that, contrary to certain assertions made by members of your staff in two of the

depositions, the State has both the desire and the administrative capacity to protect and manage any lands which it receives by virtue of administrative action.

I hope and trust that this letter resolves any questions which some of your staff people might have had. If I can provide any further insights on past and present State policy respecting land transfers under the Statehood Act, please let me know.

Thank you for your consideration of this correspondence.

Sincerely,

Jay S. Hammond
Governor

(907) 277-2415

STATE OF ALASKA
OFFICE OF THE GOVERNOR
D-2 INFORMATION OFFICE
ANCHORAGE

PRESS RELEASE

WASHINGTON D.C., MAY 5, 1980
FOR IMMEDIATE RELEASE

Contacts: Ed Bennett,
Anchorage 277-2415;
Bob Clarke, Juneau
465-3500

GOVERNOR HAMMOND URGES PRESIDENTIAL VISIT TO REASSESS POSITION ON ALASKA LANDS

Alaska's Governor Jay S. Hammond today invited President Carter to Alaska to begin reassessment of all the issues involved in the consideration of Alaska National Interest Lands legislation.

"It is time for all parties involved to take a serious look at the state, national and international implications of the resolution of this issue," the Governor said in a telegram to the White House. "In the past, public discussion of this highly complex matter has been couched in emotional, simplistic terms of environment versus development. We in Alaska believe the nation's best interests are ill served by such rhetoric."

Hammond said his invitation to the President was prompted by the fact that Senate consideration of the legislation is scheduled for July 21, and that various amendments to the bill approved by the Senate Energy and Natural Resources Committee are now being circulated.

"The six amendments offered by Alaska Sens. Ted Stevens and Mike Gravel are modest, but they concern issues of great importance to Alaskans," Hammond said. "Their adoption would not significantly affect the careful balance which has been struck in the Committee bill."

"On the other hand," the Governor said, "the five amendments offered by

Sen. [illegible] seem designed to turn the Committee bill into the same legislation which was passed last year by the House, and which is unacceptable to most Alaskans and not in the nation's best interest since it does not provide for rational resource development in concert with adequate environmental protection."

Hammond said he invited Carter for "an extended tour of the vast areas involved in the legislation, and for discussions with Alaskans about how they want to see their state survive socially, economically and environmentally, while simultaneously assisting the U.S. in achieving energy independence and possibly assisting valuable allies with their energy needs."

He said that Alaska's importance to the nation at this critical time requires a realistic assessment of all the issues involved in the Alaska lands legislation, "and the best place to begin anew is by looking at and walking on the land involved."

Under the terms of a Senate time agreement, the Alaska lands legislation is scheduled to come to the floor for debate on July 21. Both Alaskan senators have offered three amendments each, and Sen. Paul Tsongas of Massachusetts has offered five amendments.

The U. S. House considered the issue last year and passed H.R. 39, the Udall-Anderson bill which is opposed by the State. Hammond said today Tsongas' amendments seem designed to attempt to avoid a conference between the House and Senate once Senate action on the legislation is completed.

"The national interest at stake is simply too great for such an approach," Hammond said. "That's why I consider it absolutely imperative that all parties involved discard the rhetoric and take a new look at the critical importance of the issue."

-30-

Text of telegram to President Carter from Alaska Governor Jay S. Hammond

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The time for Senate consideration of Alaska National Interest Lands legislation is rapidly approaching and I believe that a fresh look at all aspects of the issue is urgently required if the nation's interest is to be best served by the resolution of the issue.

It is time for all parties involved to take a serious look at the state, national and international implications of the resolution of this issue. In the past, public discussion of this highly complex matter has been couched in emotional, simplistic terms of environment versus development. We in Alaska believe the nation's best interests are ill served by such rhetoric.

Accordingly, on behalf of the residents of Alaska, I invite you to come to Alaska as soon as possible for an extended tour of the vast areas involved in the legislation, and for discussions with Alaskans about how they want to see their state survive socially, economically and environmentally, while simultaneously assisting the U.S. in achieving energy independence and possibly assisting valuable allies with their energy needs.

Alaska's importance to the nation at this critical time requires a realistic assessment of all the issues involved in the Alaska lands legislation, and the best place to begin anew is by looking at and walking on the land involved.

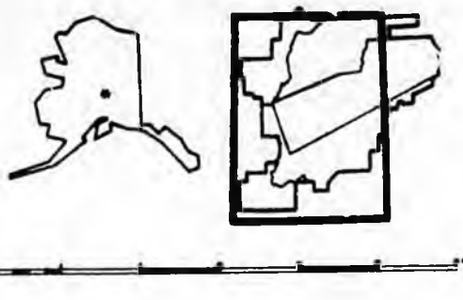
Respectfully,

Jay S. Hammond

Proposed Amendment s Changing Land Designations from Park to Preserve

April 1980

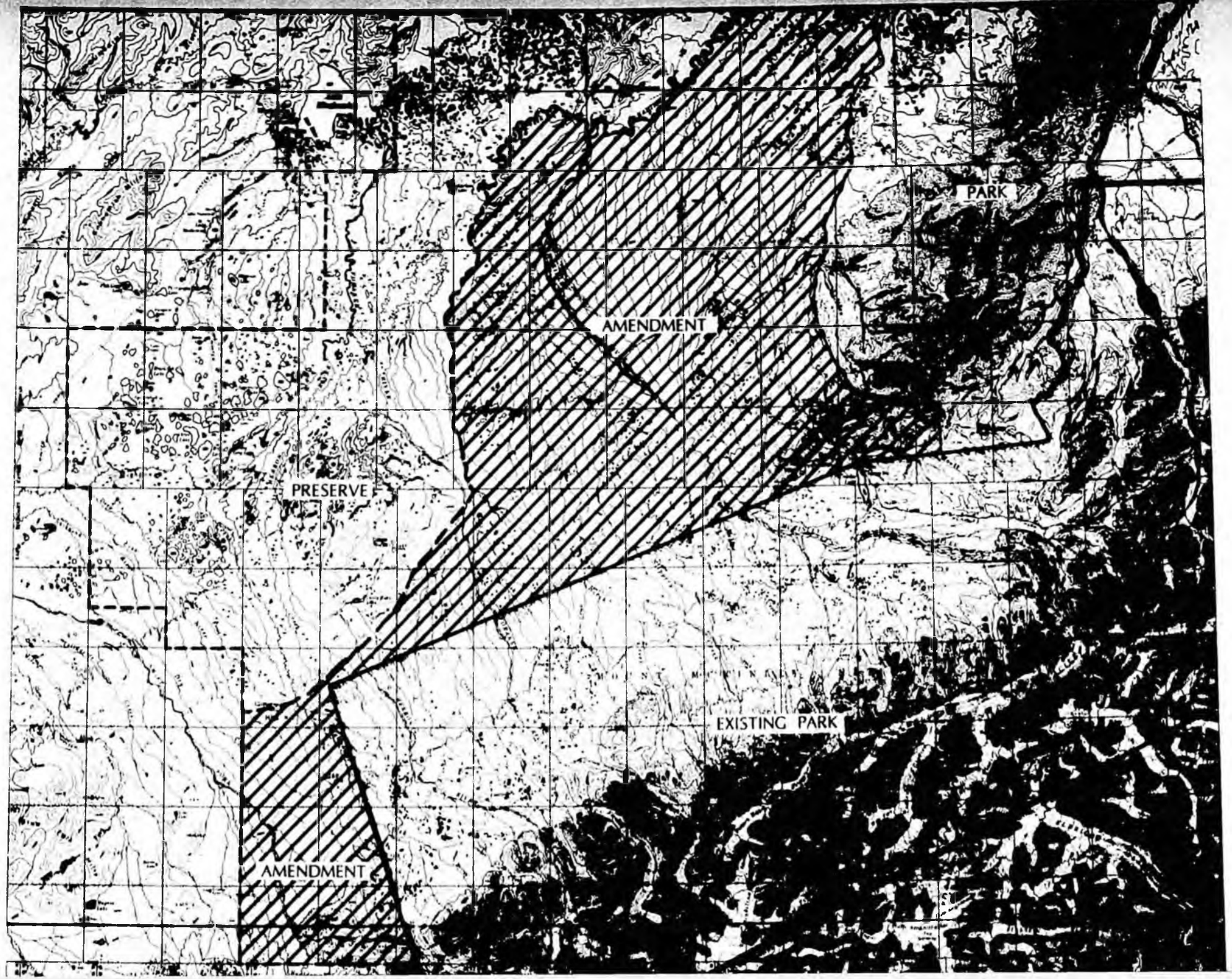
DENALI NATIONAL PARK AND PRESERVE

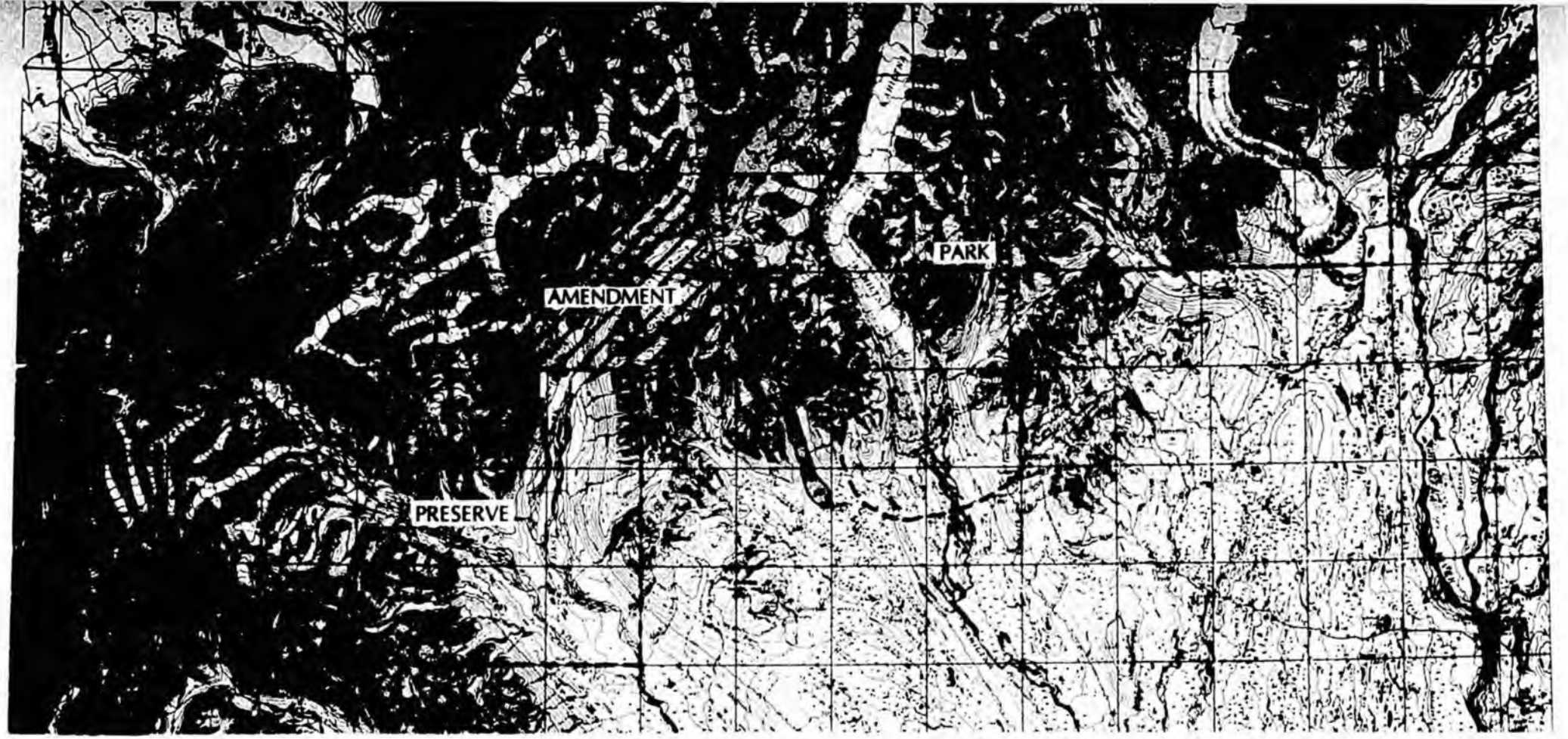


Existing Conservation Unit Boundary

Park/Preserve Boundary Per Senate Bill 9

Proposed Amendment Area

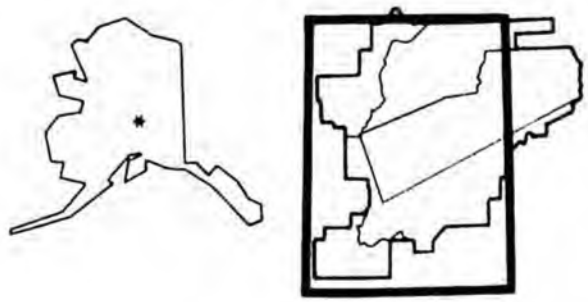

PARK
AMENDMENT
PRESERVE
EXISTING PARK
AMENDMENT



Proposed Amendment s Changing Land Designations from Park to Preserve

April 1980

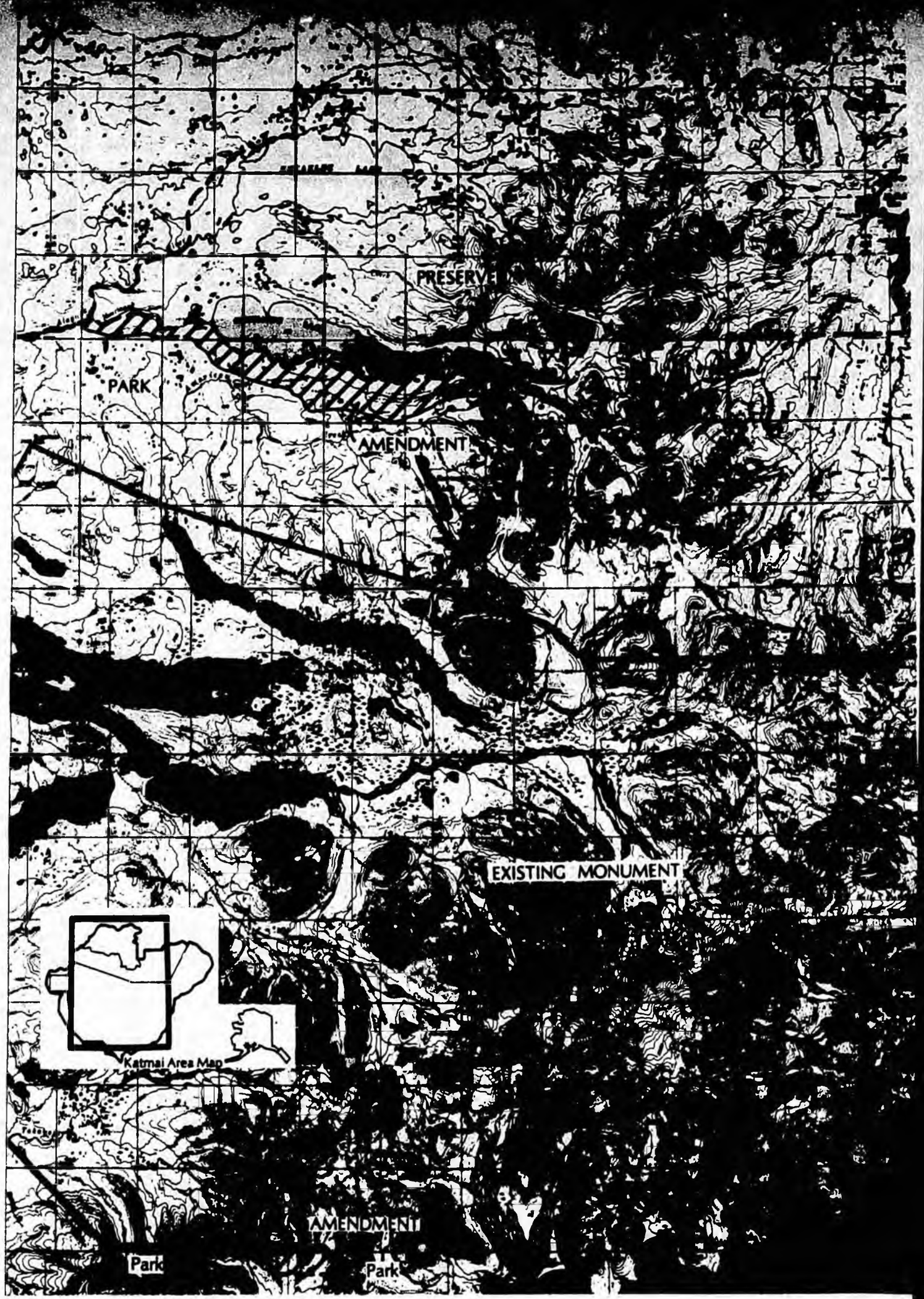
DENALI NATIONAL PARK AND PRESERVE



Existing Conservation Unit Boundary

Park/Preserve Boundary Per Senate Bill 9

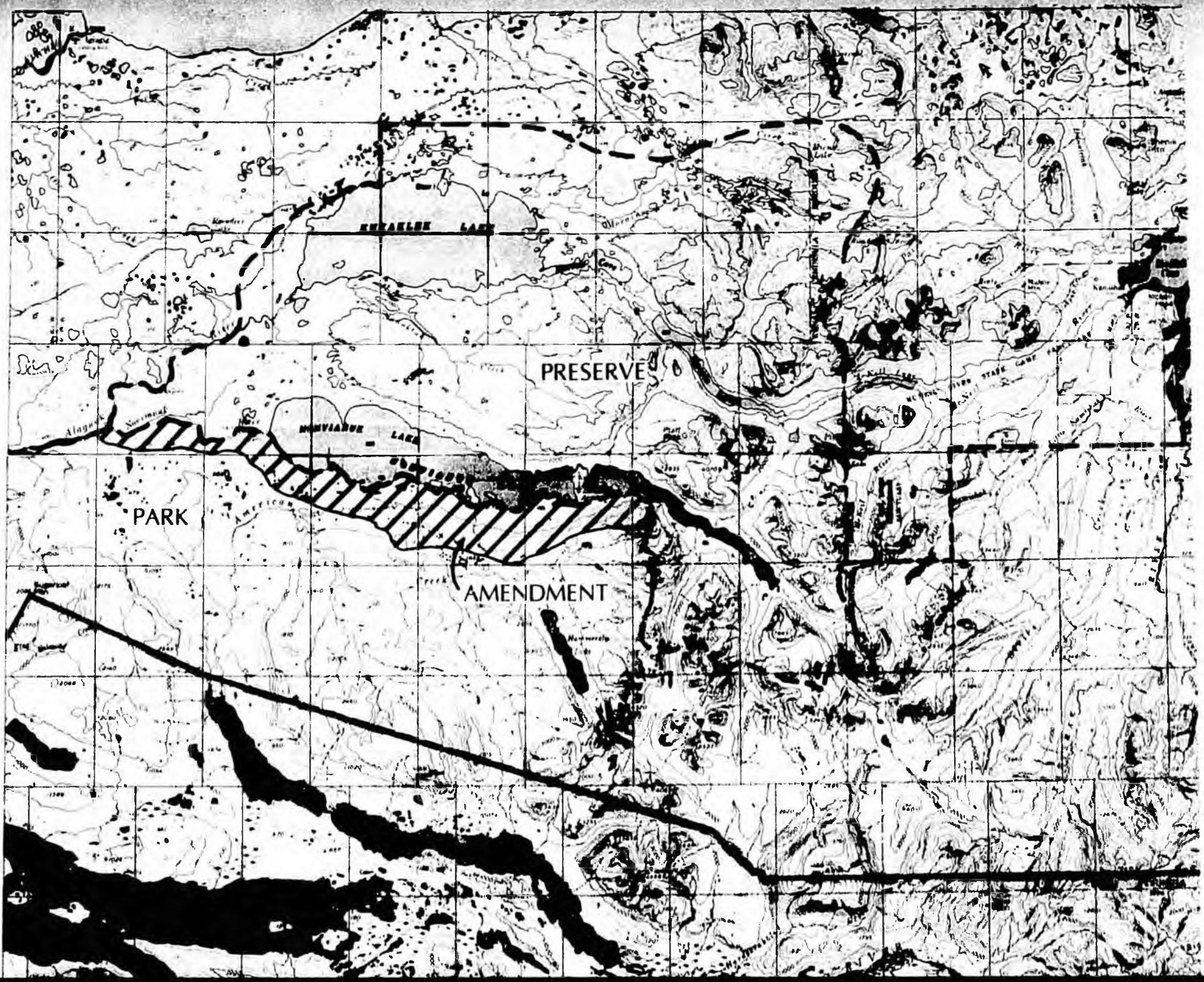
Proposed Amendment Area

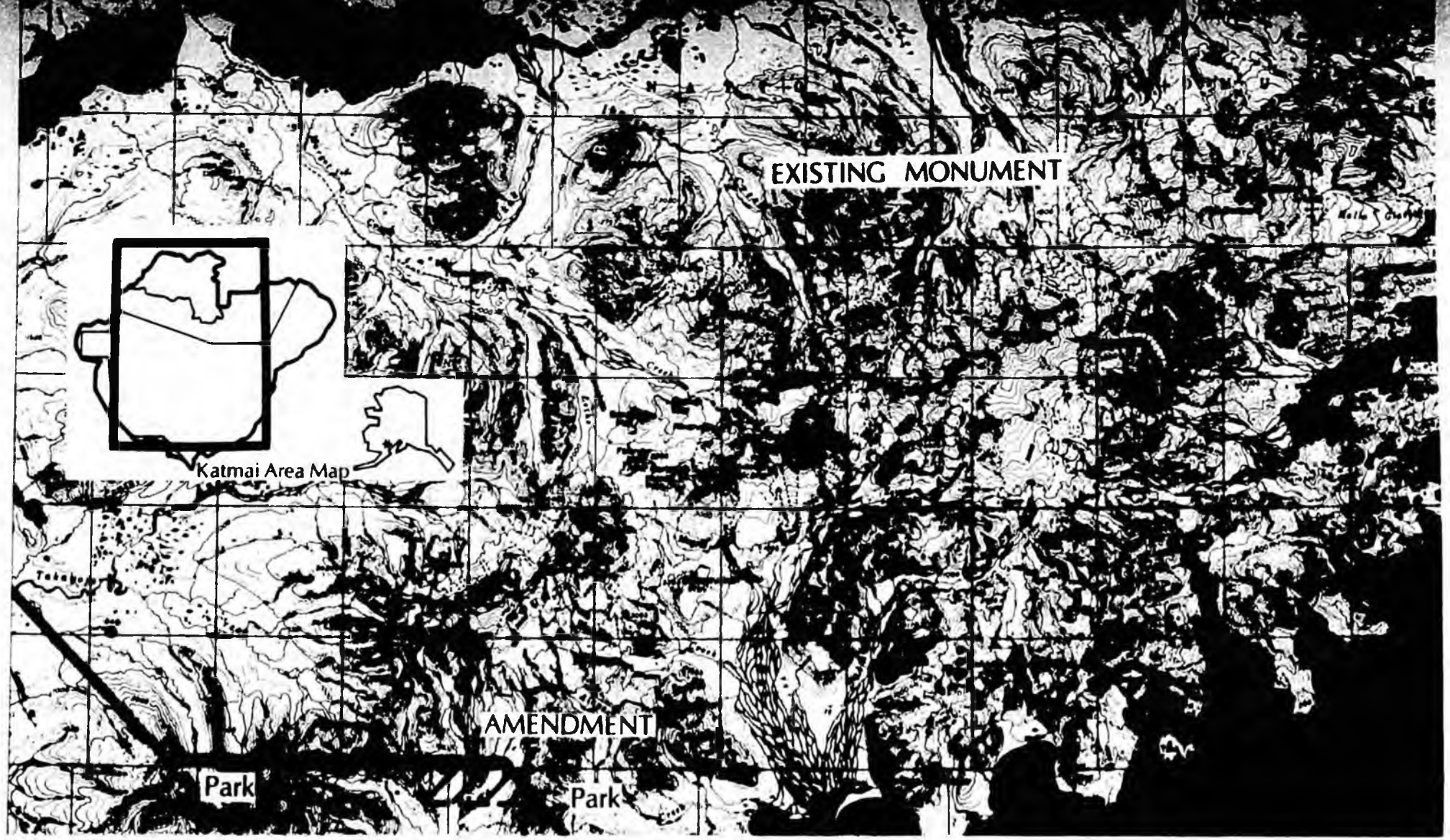


Proposed Amendment s Changing
Land Designations from Park to
Preserve April 1980

KATMAI NATIONAL PARK AND PRESERVE

Existing Conservation Unit Boundary
Park/Preserve Boundary Per Senate Bill 9
Proposed Amendment Area


PRESERVE
PARK
AMENDMENT



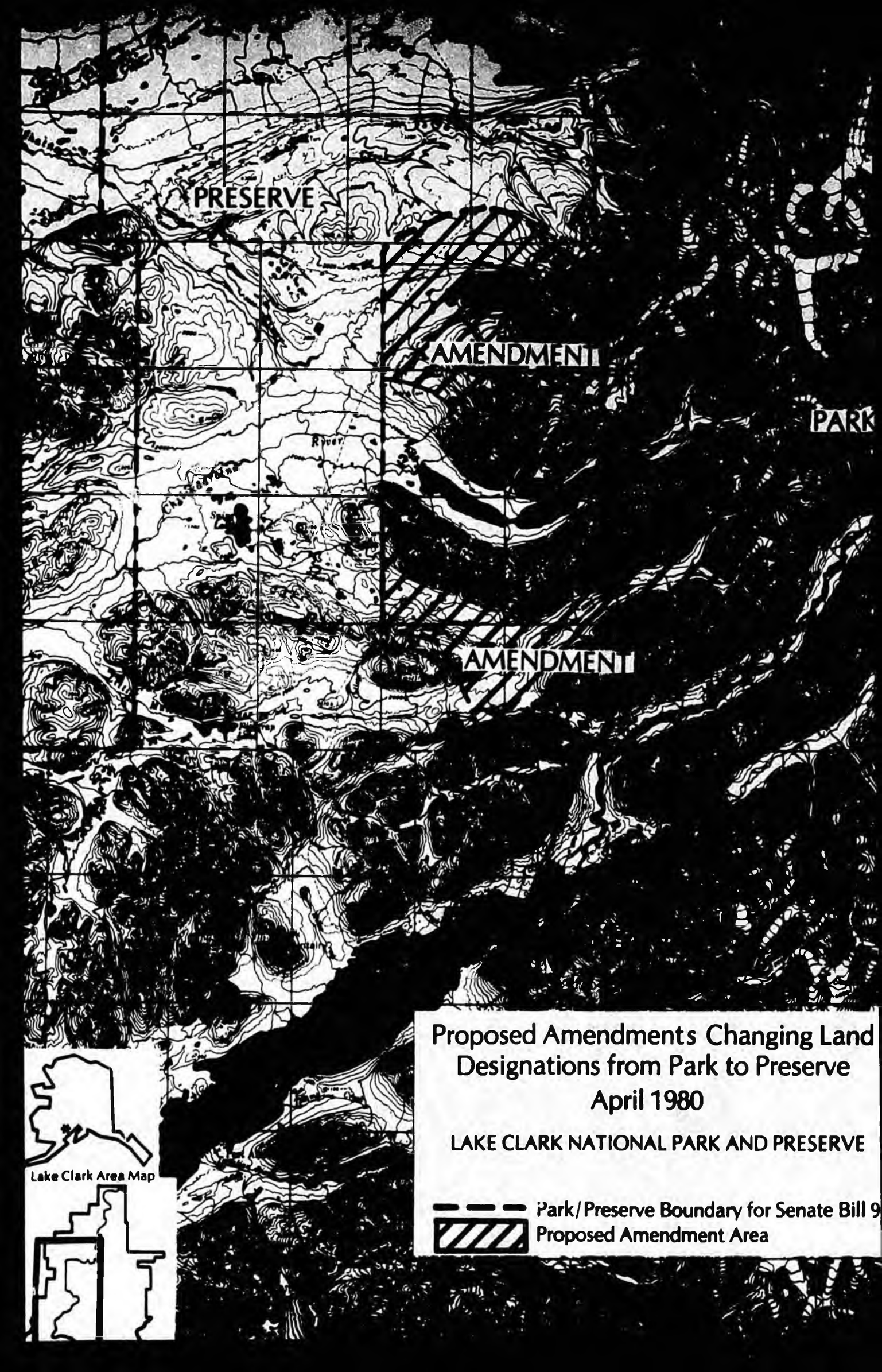
Proposed Amendment s Changing
Land Designations from Park to
Preserve April 1980

KATMAI NATIONAL PARK AND PRESERVE

Existing Conservation Unit Boundary

Park/Preserve Boundary Per Senate Bill 9

Proposed Amendment Area

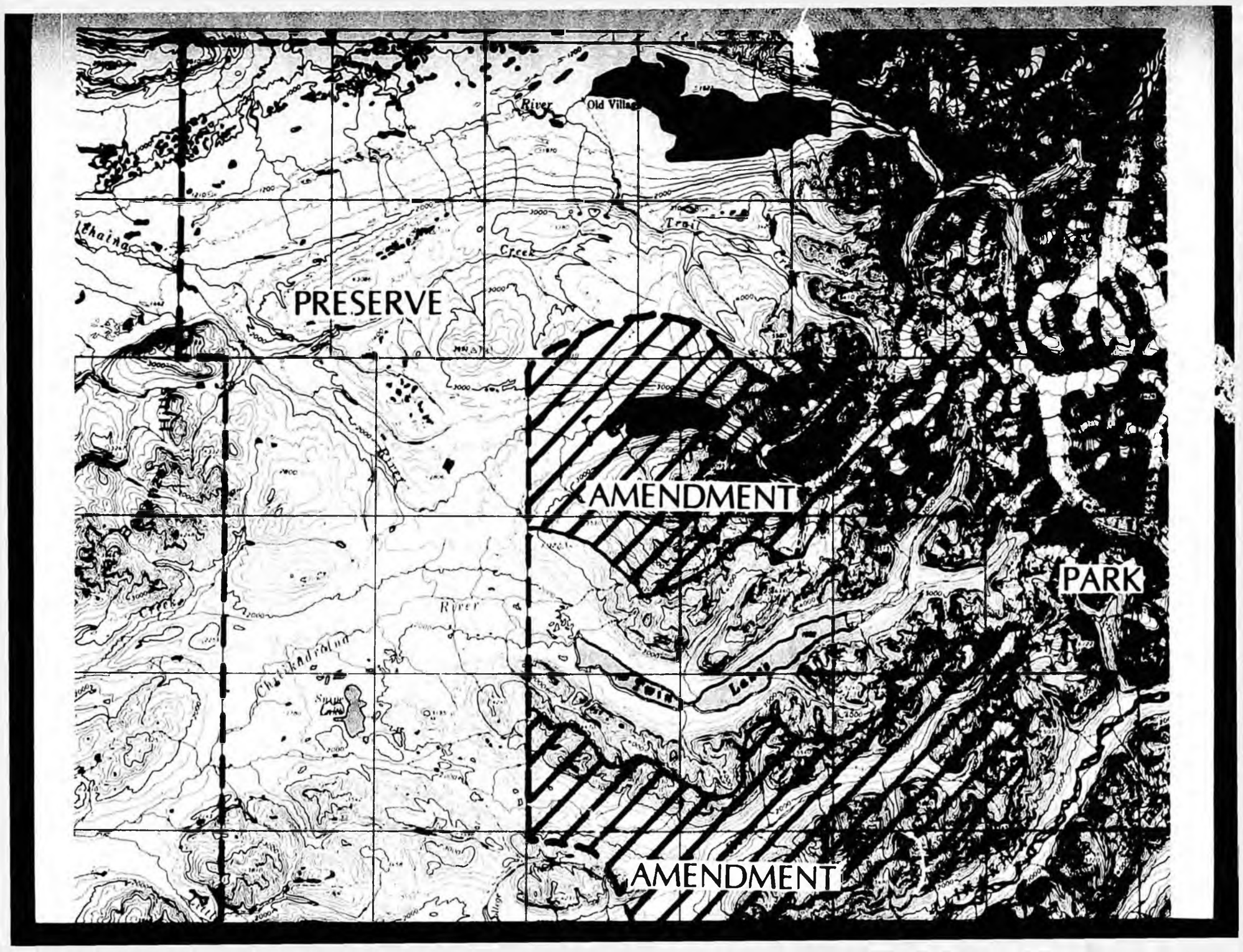


Proposed Amendments Changing Land Designations from Park to Preserve April 1980

LAKE CLARK NATIONAL PARK AND PRESERVE

Park/Preserve Boundary for Senate Bill 9

Proposed Amendment Area


PRESERVE
AMENDMENT
PARK
AMENDMENT

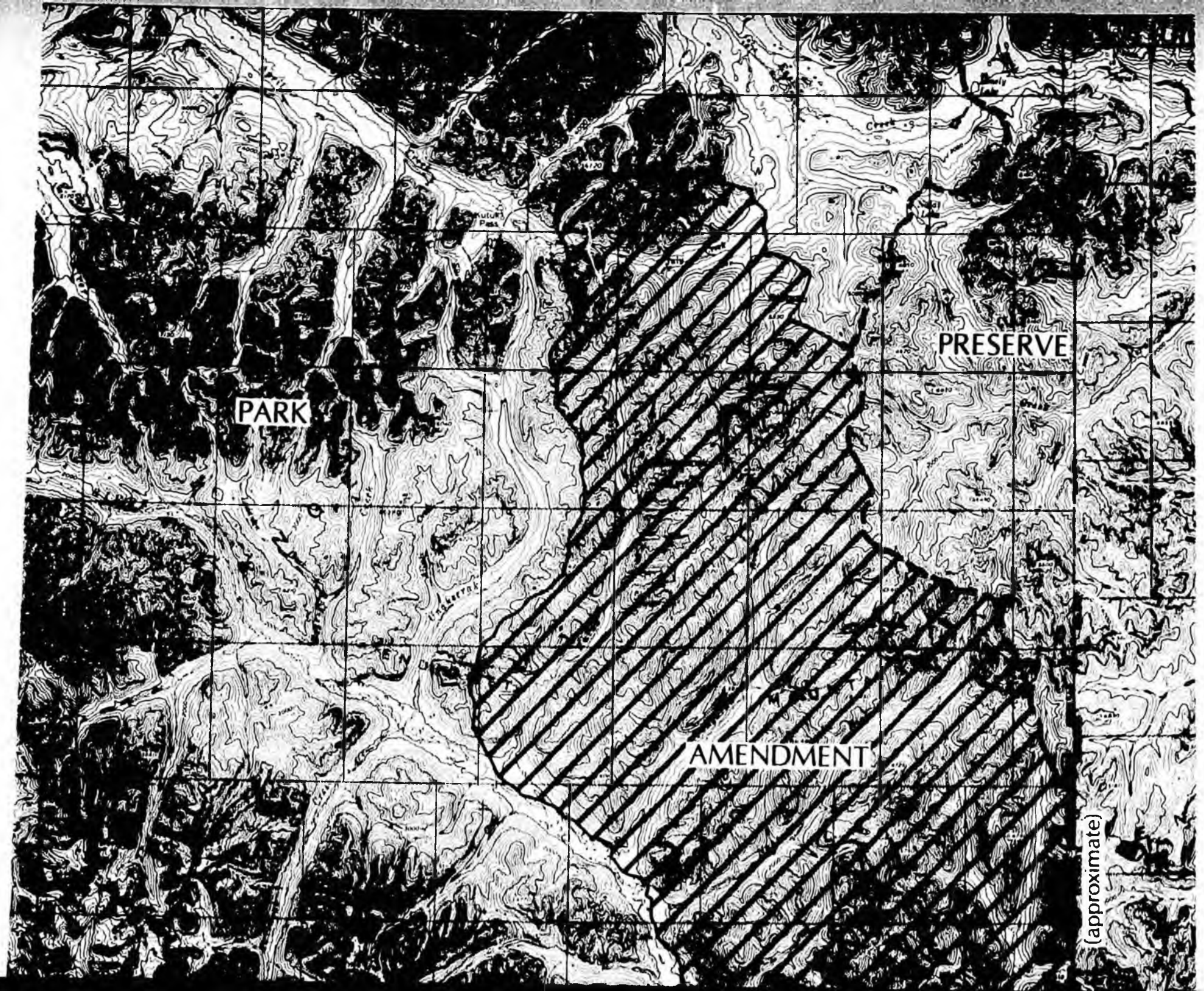

Proposed Amendments Changing Land Designations from Park to Preserve
April 1980
LAKE CLARK NATIONAL PARK AND PRESERVE
Park/Preserve Boundary for Senate Bill 9
Proposed Amendment Area
Lake Clark Area Map
5 0 5 10 15 20 25 MILES

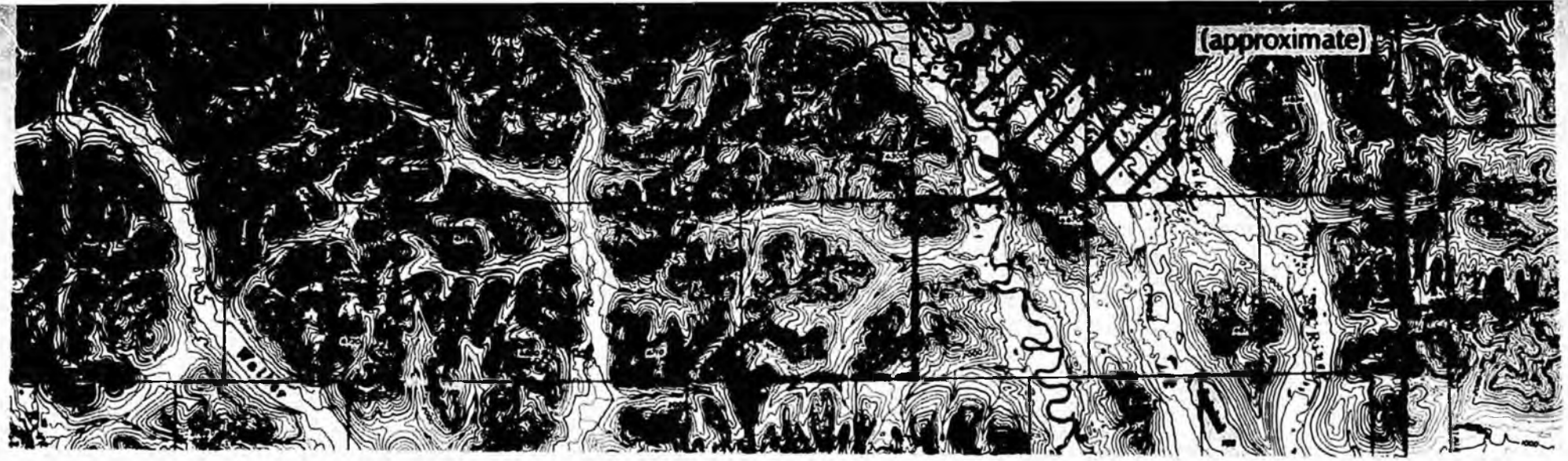
Gates of the Arctic Area Map

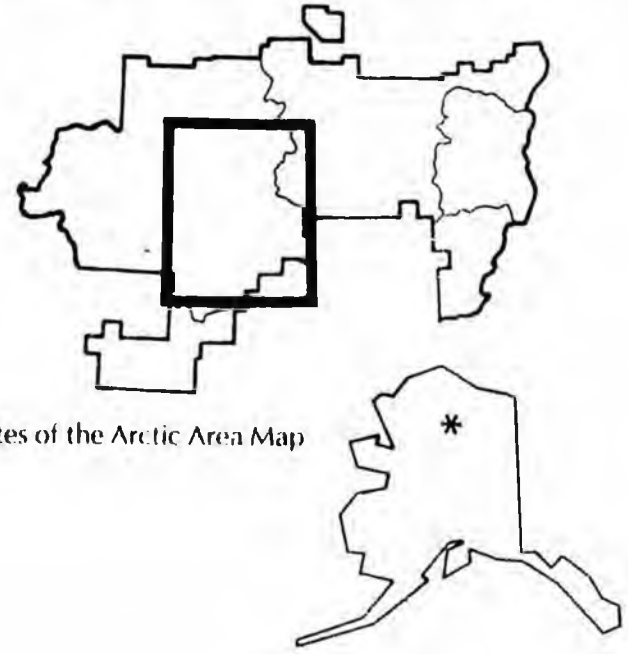
Proposed Amendment s Changing Land Designations from Park to Preserve
April 1980
GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

Park/Preserve Boundary Per Senate Bill 9

Proposed Amendment Area


PRESERVE
PARK
AMENDMENT
(approximate)





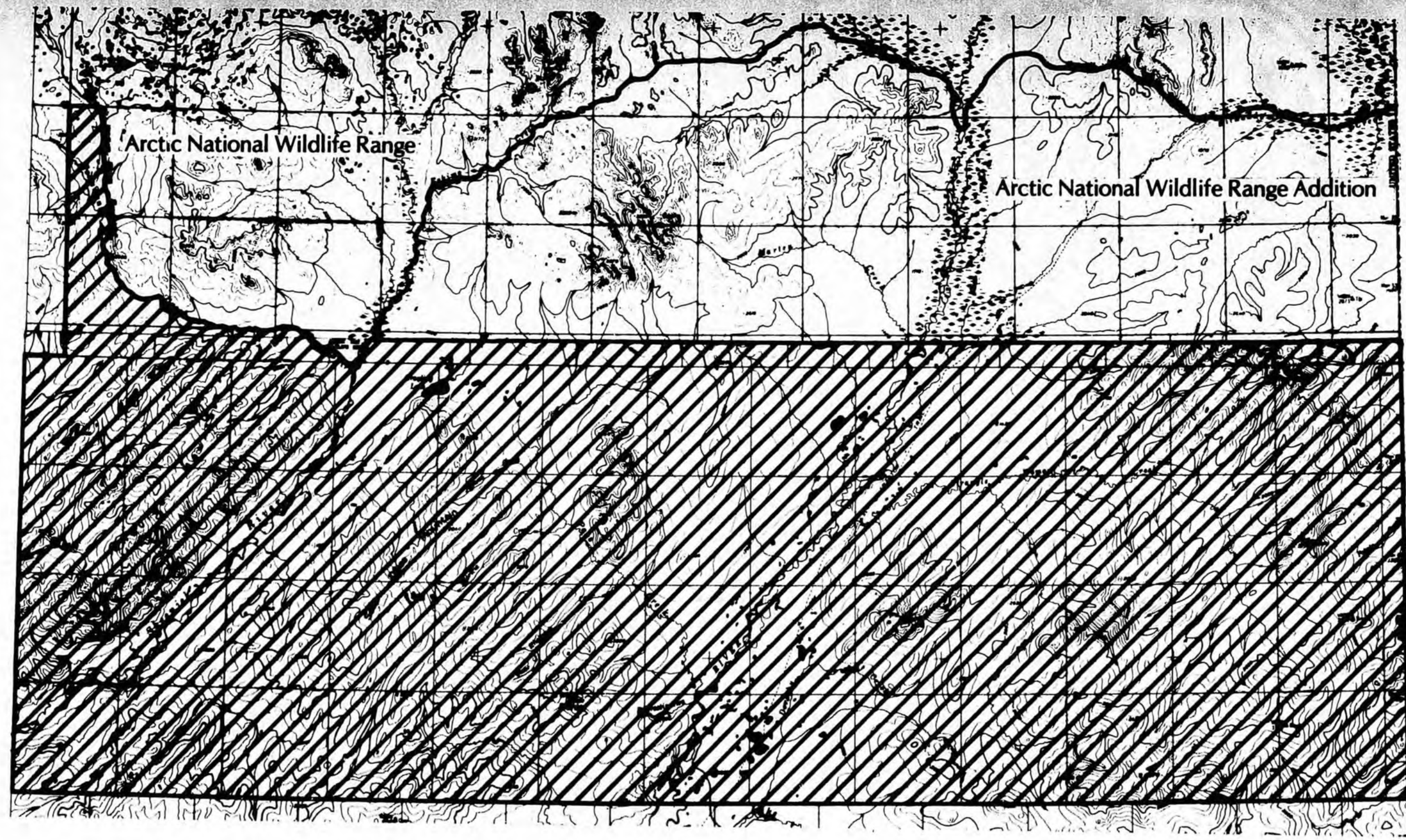
Gates of the Arctic Area Map

Proposed Amendment s Changing Land Designations from Park to Preserve April 1980

GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

Park/Preserve Boundary Per Senate Bill 9

Proposed Amendment Area



COLEEN-SHEENJEK FEDERAL STATE
EXCHANGE LANDS
April 1980

Existing Conservation Unit Boundary

Proposed Amendment Area

Yukon Flats National
Wildlife Refuge

Preacher Creek Unit,
Steese National Conservation Area

White Mountains
National Recreation Area

WHITE MOUNTAINS - PREACHER CREEK
FEDERAL - STATE EXCHANGE
April 1980

Boundary Per Senate Bill 9
Proposed Amendment Area

Note: Boundaries shown here are meant to represent those of the Senate Energy and Natural Resources bill as reported in November 1979.

PRESERVE

PRESERVE

PARK

AMENDMENT

PRESERVE

PARK

AMENDMENT

Proposed Amendments Changing Land Designations from Park to Preserve

April 1980

WRANGELL ST. ELIAS NATIONAL PARK AND PRESERVE

--Park/Preserve Boundary Per Senate Bill 9

Proposed Amendment Area

Wrangell - St. Elias Area Map

Kanuti Refuge Boundary Per Senate Energy Committee Bill as Reported November 1979

Federal Lands Excluded by Proposed Amendment

Native Lands Excluded by Proposed Amendment

Kanuti Refuge Boundary According to Proposed Amendment

PROPOSED KANUTI NATIONAL WILDLIFE REFUGE

April 1980

Note: Boundaries shown here are meant to represent those of the Senate Energy and Natural Resources bill as reported in November 1979.

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

SCOMM

#22.34

Watertown Daily Times
WATERTOWN, N. Y.
C. 42,246

FEB 16 1980

MAR 6 1980

Outdoor Times

Don't Pass Up Winter Trout

Ice fishing has been one of the leading winter sports in the north country for years; however the majority of ice fishermen concentrate on northern pike, walleye and perch.

New tip-up ice fishing potential exists this year, which has not been possible for several years; in the Stillwater Reservoir in Herkimer county. In recent years ice fishing could be done in the reservoir by gigging with artificial lures but live bait could not be used.

You have the possibility of catching lake trout, brook trout or splake in this area. The creel limit is three lake trout plus a bonus of 5 brook trout and splake combined.

From what I gather in talking with some of the successful fishermen in the Stillwater area, they are having good luck on live minnows with fishing depths varying from 6 ft. to 50 ft of water.

Some splake in the seven pound range have already been taken, and there's still plenty of time for you to give it a try.

Big Rack Awards To Be Made

The awards for the 1979 Watertown Daily Times Big Rack Contest will be held at the Big Buck Hall of Fame in Croghan, N.Y. — otherwise known as Schulz's Restaurant. The event will take place on Saturday, March 1st at 7:30 p.m. Advance reservations will be required, and limited to 50. We will have all the winning racks on display and I am certain that the winners will all be willing to pass on all the secrets of their success. If you, with wives and friends, are interested in deer and deer hunting, and would like to have opportunity to meet the winners, try to attend.

In addition to the winning racks that will be on display, Larry and Laurna Vielhauer of Larry's Taxidermy in Ogdensburg, N.Y. will have a display of mounted fish and both small game and big game animals for you to enjoy. Reservations can be made by calling 315-346-1270.

Stand Up and Be Counted

What are your thoughts on the Alaska Land Grab? Well, with Senate activity on Alaskan land legislation halted until legislators reconvene after the Christmas recess, both the hunters and the environmentalists have a moment to breathe before the next round in the battle.

As you probably know, the strong possibility exists that untold millions of acres of valuable hunting resource will be lost unless we voice our opinions.

Briefly, the events leading up to the current situation go back to 1971 when the Alaska Native Claims Settlement Act was passed. This act entitled natives to select 44 million acres of land, to be conveyed into their hands via native corporations. Also Clause 17 (d) 2 of this Act allowed the Secretary of the Interior to withdraw up to 80 million acres for study and possible inclusion among the national interest lands, by December 1978.

In 1978 the strongly environmentally-oriented Alaska Bill H.R. 39 was passed by the House of Representa- with a majority of 277 to 31. When the bill emerged ... the Senate Energy Commission, however, Senator Mike Gravel (D-Alaska) killed compromise negotiations on the grounds that provisions for access to federal lands were inadequate.

With the December 1978 deadline fast-approaching and no legislation enacted on (d) 2 by the end of the 95th congressional session, 110 million acres of contested land were withdrawn in November 1978, under the Federal Land Policy Management Act (FLPMA) These lands were withdrawn by the Secretary of the Interior for two years or until Congress could act, to prevent their lapsing into unclassified states.

On December 1, 1978 President Carter established 17 national monuments coveting 56 million acres within the above 110 million, under the Antquities Act of 1906. He also ordered immediate study of an additional 39 million acres for possible wilderness classification.

In January 1979 the REAL Alaska Coalition came into being. At first this group was composed simply of concerned Alaskan citizens who were trying to fight the land grab, but now some 40 sportsmen's groups from all over the country have united with the Coalition to press for stronger support for the sportsman's position.

The Alaska Coalition's position is as follows:

1. Any federal lands legislation must guarantee reasonable access, including easements to all appropriate public land and waters in Alaska.

2. State control of fish and wildlife resources must be guaranteed and subsistance provisions must not infringe on the state's right to manage its fish and game.

3. Reduction must be made in the 'excessive' amount of land closed to hunting, fishing and trapping, and other recreational pursuits.

If you are a sportsman interested in hunting and wildlife, or a concerned citizen who wants to provide a balanced environment for the wildlife potential of our last frontier, now is the time to get your thoughts together and write to your U.S. Senator and Representative. Be certain you specify the bill you are addressing, for example: 'The Alaska Lands Bill'. Be brief and write your own views in a personal letter. Now is the time to stand up and be counted. A month from now may be too late.

Andrus to the Rescue

By John B. Oakes

Some day — at least 20 or 30 years from now, when the names of their present Senators have long since been forgotten — the people of Alaska will probably be erecting a monument to the man who has saved Alaska from itself but who couldn't be elected dog-catcher of Anchorage today.

The man is Cecil D. Andrus of Idaho, United States Secretary of the Interior. In a dramatic move a few days ago, Secretary Andrus — undercutting a tricky political maneuver of Alaska's two Senators — placed under long-term Federal protection 40 million acres of Alaska's finest federally owned wildlife, scenic and natural-resource lands.

Mr. Andrus's order will stick until such time as Congress gets around to deciding on its own what to do about these particularly important wildlife and wilderness areas — a task in which it has miserably failed so far. Twice in the past two years, the House has approved legislation providing a reasonable compromise between environmental and economic interests. But the Senate Energy Committee, under the guidance of Alaska's developmentally-minded Senator Ted Stevens, has for two years in a row torn this bill apart without offering anything remotely acceptable in its place.

The present version of the Senate committee's bill could hardly be worse if it had been written in the headquarters of the Mobil Oil Corporation. For example, it would open to immediate oil exploration — and thereby destroy the integrity of — the Arctic National Wildlife Range, calving ground of Alaska's greatest caribou herd and an area whose oil potential, despite propaganda to the contrary, is economically dubious. Since practically all (95 percent) of Alaska's major potential oil-bearing lands are already available for exploration, there is no need to invade and destroy this particularly fragile ecological area.

The committee's bill is a thoroughly bad measure, selling itself partly on the scandalously misleading pretense that it could in some way alleviate the energy crisis. The bill would also leave half of incomparable Admiralty Island open to logging (for export to Japan), contrary to both the needs and desires of the native population — and ruinous, to no legitimate purpose, of one of the world's unique forest and wildlife areas.

Bad as it is, if this bill were brought to the Senate floor with ample time for considered debate and amendment, it is conceivable that a reasonably acceptable measure could emerge, especially after conference with the House.

However, that's clearly not what Alaska's two Senators want. In their continuing war against effective Federal protection of Alaska lands, they managed a few days ago to obtain postponement of Senate debate on the committee bill (and environmentalists' proposed amendments) for at least five months. Why? Obviously to delay Senate action until the last possible moment and then try to railroad the committee bill, or something worse, through Congress in the frantic pre-election rush, or, as Senator Mike Gravel did in 1978, prevent any bill at all from passing before the end of the session.

As soon as Secretary Andrus learned of this Gravel-Stevens delaying maneuver, he issued his permanent withdrawal order for the 40 million acres, pointing out that his move was just "an insurance policy." The Secretary noted that, if the Congress did eventually approve a measure that the Administration could accept, his withdrawal order would be nullified. But if, once again, Congress failed to act, those 40 million acres would remain safe from untrammeled exploitation. Unfortunately, they do not include some of the most threatened areas of southeastern Alaska, which are not under Mr. Andrus's jurisdiction.

Also protected, unless Congress decrees otherwise, are the 56 million Alaskan acres that President Carter has already added to the national park and monument system. Even with these set-asides encompassing some (but by no means all) of Alaska's most ecologically and environmentally significant lands, more than two-thirds of the state's 365 million acres will continue to be wide open for exploitation and development.

Senator Gravel, who more than any other individual bears the onus for Congress's failure to enact an Alaskan-lands bill in the last two years, outdid himself in distortion when he alleged that Mr. Andrus's action signaled to environmentalists that "they don't have to compromise; they'll get everything they want."

It is in fact the environmentalists of House and Senate who have constantly beat a retreat in the effort to reach a reasonable compromise with Alaska's would-be exploiters.

Secretary Andrus, and through him President Carter, has now sent an unmistakable message to the Senators from Alaska: If any more compromising is going to be done from now on, it is the Alaska development and exploitation lobby, so well served by them, that is going to have to do it.

John B. Oakes is the former Senior Editor of The New York Times.

THE NEW YORK TIMES February 20, 1980

MACON, GA.
NEWS
HOME EDITION
D. 23,848

FEB 15 1980

Good for Cecil Andrus!

If the name is not familiar, it probably will be soon. The Interior Department's chief will be sued, execrated and cursed for what he did Tuesday.

What Andrus did was carry out a long-standing threat to protect America's largest chunk of unspoiled land if Congress didn't do it first. He designated 40 million acres of Alaska as wildlife refuges, thus banning development there for at least 20 years.

Cecil Andrus

For three years now Alaska wilderness lands have been the subject of a battle between environmentalists and industrial development interests as Congress debated.

In 1979 the House passed a balanced Alaska Lands Bill preserving over 100 million acres, about a third of the state. It left 85 percent of Alaska's best oil prospects outside the preserve, and 65 percent of the hard-rock mineral resources. Timbermen were to be allowed to produce their current yield. Hunters could hunt and fishermen fish.

Well, a big chunk is no enough for some people. The Senate Energy Committee has produced a watered-down version giving over much more o the land to commercial exploitation.

Much debate and then a conference committee are in prospect. Now the Senate leadership has agreed to delay Senate debate until July, after the Republican Convention. It will be well-nigh impossible to pass it by then. Result, another year of delay.

So Andrus acted, not only to protect the land but to push the Senate to move its plans forward. Under his custody, hunting is forbidden in the lands so there should be plenty of angry demands from Alaskans and others that their senators quit obstructing.

His action was good for Alaska, and good for all Americans. It may help drive the point home that no one has a God-given right to exploit any land anywhere just as he pleases. It should encourage the supporters of the House bill, which allows commerce and conservation balanced opportunities, to stand fast.

Chicago Tribune
CHICAGO, ILL.
D. 758,5.2 SUN. 1,139,079

FEB 16 1980

Further paralysis on Alaska

The U.S. Senate has revised its calendar concerning the long pending Alaska lands bill — action not earlier than next July.

The history of legislation defining national interest lands in Alaska has been marked throughout by controversy and delay. This latest postponement is the most inexcusable of all.

The Alaska lands issue has been thoroughly thrashed out in debate and discussion since 1971. The only reason anyone wants Senate action shoved into the peak of the campaign season must be the hope that action, if it comes at all, will be under confusing circumstances rather than when a rational consideration of the issue on its merits is possible.

Responsibility for the postponement rests primarily on Sen. Mike Gravel [D., Alaska]. His position is that no bill is preferable to one he does not like. It was Sen. Gravel who prevented Senate action at the last minute in the preceding Congress. He now says cheerfully of the fresh delay. "Never in my wildest dreams did I think we could hold out until late summer or fall. . . . We could probably stop a bill coming out of conference." Now he can hope to hold out all year.

Last Nov. 1 a blue-ribbon panel of Alaskans appointed by Gov. Jay S. Hammond agreed that the Alaska lands bill then before the Senate was "livable" — that it did not unacceptably restrict the private development of Alaska's land. The panel urged the two Alaska senators, Mr. Gravel and his Republican colleague, Ted Stevens, to seek its enactment. Sen. Gravel reluctantly went along with the home folks, though he thought even the pending bill [heavily influenced by Sen. Stevens] was "really terrible," conceding too much to conservation interests. Two weeks later, Sen. Paul E. Tsongas [D., Mass.] introduced a substitute bill, much closer to the conservationist-backed bill passed in the House. Rather than risk acceptance of the Tsongas substitute, the Alaskans fell back to the no-action position. There was no Senate vote in 1979, and now it looks as if there may be none in 1980.

In December, 1978, President Carter took executive action, temporarily withdrawing from potential development vast areas in Alaska. The national monuments he proclaimed infuriated pro-exploitation Alaskans. The administration has threatened to extend these withdrawals for 20 years if legislation is sufficiently delayed. But President Carter and Secretary of the Interior Cecil Andrus may not be in office very much longer. Senators Gravel and Stevens and other Alaskans have counted the months until the end of President Carter's term.

But should the two Alaska senators be allowed to frustrate, year after year, all their opponents on the Alaska lands issue — the national administration, the majority in the House of Representatives, perhaps a majority in the Senate, and probably a majority of the voters in the lower 48 who care about the question? The Alaska lands issue is a national issue, involving national property. The Senate should end its exaggerated deference to Sen. Gravel and Sen. Stevens and act.

D. 88,227 SUN. 1,270,539

FEB 14 1980

Striking a Civilized Blow for the Wild

Interior Secretary Cecil D. Andrus is impatient, and rightly so, with the Senate's failure to act on legislation to protect vast areas of the Alaskan wilderness.

The lands in question belong to all Americans, not just to those in the northernmost state, and include mountain ranges, glaciers, wild rivers, dense forests, tundra and seacoast. The magnificent terrain is the habitat of many species of wildlife, and for certain creatures their only habitat.

But Alaskan politicians and the state's oil, mining and timber industries have been unwilling to accept a series of White House and congressional recommendations for controlling development of the federal holdings. And, when a deal was made late last week to postpone consideration of the latest preservation measure until after July 4, Andrus struck back by granting long-term environmental protection to 40 million acres.

"This is an insurance policy," the secretary said, in the event that Congress "doesn't act this year." By designating the federal lands as wildlife refuges and natural-resource areas, Andrus is extending the controls on development until the end of the century. The earlier restrictions were to expire next year.

The secretary's action is certain to encounter strong opposition from Alaska's senators, Republican Ted Stevens and Democrat Mike Gravel. But Andrus had every reason to be upset, as were most environmentalists on the Hill, with the deal that will delay debate on the Alaskan lands.

In exchange for promises from Stevens and Gravel that they would not filibuster the measure on the Senate floor, Majority Leader Robert C. Byrd of West Virginia agreed to table it for at least 4½ more months. Gravel has since been boasting to the Alaskan press that not even in his "wildest dreams" did he imagine that he could stymie the legislation for such a long time.

But Andrus moved quickly to circumvent the deal. He said the postponement creates serious doubt that Congress will have time to enact a protection measure before the end of the current session. "As the steward of these lands, I feel a responsibility to protect them until Congress does act," he said.

The secretary's action, taken with the approval of President Carter, will do just that. The 40 million acres that will now be all but off-limits to new development until the year 2000, or until Congress finally legislates their status, amount to one-tenth the land area of Alaska.

The terrain includes the nesting grounds of more than 40 million seabirds; more than 70% of the breeding areas of seals, sea lions and otters, and the habitat of moose, wolves, wolverines, Dall sheep, grizzly bears and musk oxen.

In 1978 and 1979, the House of Representatives gave overwhelming approval to measures permitting reasonable resource development on the federal holdings, while protecting the most pristine areas and most of the wildlife. But opposition from Stevens and Gravel kept both measures from reaching a vote in the full Senate.

Andrus and the President have now spoken in language that both senators can understand. If they continue to block the legislation, the Administration will continue to keep it under lock and key through executive action. □

OKLAHOMA CITY TIMES
OKLAHOMA CITY, OKLA.
D. 93,107

FEB 14 1980

Elitists' favored on Alaska

EDITORIAL

HE'S posing as the great protector of Alaska's wilderness but in extending for 20 years his temporary withdrawal from development of 110 million acres there, Interior Secretary Cecil Andrus has tilted the land-use debate heavily on the side of the environmental elitists.

They are the people from elsewhere in the country who want to exclude huge areas of Alaska from even the possibility of commercial exploration and development. Thus, they would deny Alaskans the right to manage much of their own resources and protect their economic future. They would also deprive the nation of the potential benefit of critically needed energy sources.

Andrus has been threatening to extend the three-year protection he ordered in 1978 ever since the Senate became bogged down in controversy over the specific terms of a sweeping and complex Alaska land-use bill, a bill with tough environmental restrictions on commercial development. It was flatly rejected by state officials, along with Alaska's two senators, Democrat Mike Gravel and Republican Ted Stevens.

They agreed, however, to work for a less restrictive compromise version that came out of the Senate Energy Committee, although Gravel thought it, too, set aside too much land for parks and wildlife refuges. Then Democrat Paul Tsongas of faraway Massachusetts, leader of the environmental forces in the Senate, fouled up the works with a new bill more like the House measure. He claimed the Senate bill favored "parochial Alaska interests," such as mining, oil, gas and timber development.

But Andrus put the blame on Stevens and Gravel. And, when key senators agreed to take up the bill but not until after July 4, the secretary slapped on the 20-year extension, obviously to

The Miami Herald
MIAMI, FLA.

FEB 17 1980

Action on Alaska Fully Justified

IT TAKES a mighty big shoehorn to squeeze more than 100 million acres of wilderness into a back room of the U.S. Senate. There apparently is such a massive lobbying tool, however. Its imprint is clear in the recent decision to delay discussion of the Alaska lands bill until after July 4.

Andrus

The delay, if enforced, would squeeze debate on this critical legislation into the campaign-ridden period already cut short by the two Presidential nominating conventions. Like the closing days of the Florida Legislature, such a period offers high cotton for special-interest lobbyists and short shrift for the public.

Interior Secretary Cecil Andrus angrily responded to the Senate's delaying tactic by invoking his executive-branch authority. Mr. Andrus took 40 million acres under Federal protection as a wildlife refuge and properly threatened to take even more if the Senate continues its destructive dawdling. The House had twice passed strong protective legislation.

Thoughtful Americans have sought passage of the Alaska National Interest Lands bill for several years. The measure would set aside more than 100 million acres of priceless Alaskan terrain. Far from the excesses its quick-development critics attribute to it, the proposal would permit more than 85 per cent of mainland oil-and-gas reserves to be developed along with those in submerged lands. Further, two-thirds of Alaskan mineral reserves would be outside the preserves. Mineral rights for the remaining third would be held for systematic later assessment.

Future generations would be able to release the preserved lands for development if they chose to do so. But the decision would be held in trust for them instead of opening the entire virgin territory now to the single standard of immediate profitability.

Senators who agreed to the sabotage of postponing floor discussion of the measure should be ashamed of themselves. The entire nation has a right to participate in the decision on its irreplaceable Alaskan wilderness. The discussion should be prompt, thorough, and public. A hurried back-room session in late summer just won't do.

If the Senate cannot break the hammerlock of special-interest lobbyists, Mr. Andrus should follow through with as much executive action as is necessary. Senators who cannot bring a major piece of House-passed legislation to the floor for public discussion have no right to complain if the executive branch fills the vacuum created by their paralysis.

ST. LOUIS POST-DISPATCH
ST. LOUIS, MO.
D. 275,121 SUN. 485,121

FEB 12 1980

No Time For Alaska?

EDITORIAL

More delay. After nine years, Congress still has not found the time to resolve the Alaska lands issue and the Senate is showing little inclination to stop the stalling. It has decided not to consider the Alaska bill approved by the Senate Energy Committee until some time after July 4.

Predictably, Alaska Sens. Stevens and Gravel, who favor throwing open as much of the state's wilderness as possible to the "rape, ruin and run boys," are jubilant. The longer the delay, the more likely the possibility that the legislation to protect wilderness will get lost in the confusion of campaigns and the frenzy of the closing days of the session, leaving the disposition of millions of acres still in question. That is inexcusable. The Senate has had since 1971 to do *something*. The House has already voted twice. Moreover the Senate has the time now to act, much more time than it will have during the summer or fall.

Final hour consideration invites a repeat performance of Messrs. Stevens' and Gravel's 1978 attempts to prevent fair floor debate by holding it behind closed doors. There is absolutely no reason for the Senate to go to such lengths to mollify the clamors of that state's senators and potential developers. The land in question is national land and in the national interest the issue ought to be resolved now.

LITTLE ROCK
FEB 15 1980

EDITORIAL

Pawdling on Alaska Lands

The legislative battle over Alaska lands is beginning to match the expansive dimensions of the great conservation issue itself even though it is the maneuvering of narrow interests that has rendered it this way in the Congress.

Acceptable legislation has cleared the House of Representatives, although as the product of compromise the bill is hardly the ideal measure that would best serve the nation's interests. But once again it is the Senate that has provided the greatest obstacle to enactment of a suitable bill.

Although the Senate hasn't been very busy in recent days, its leadership decided last week to delay consideration of the Alaska lands bill until after July 4, just in time for it to encounter delays dictated by the two national party conventions and then the fall campaigning. The delay could easily work to the advantage of the narrow economic interests that would like to wring every last dollar out of this vast natural wonderland.

Development interests see it to their advantage to delay final consideration of the lands legislation because continuing resistance is considered a way to erode support for setting aside these lands for preservation and the enjoyment of all Americans. Consideration later this year will greatly increase the probability that a suitable bill cannot clear the Congress this year.

The prospect seems so dim, as a matter of fact, that Interior Secretary Cecil Andrus decided this week to extend federal protection of 40 million acres for at least 20 years. When legislation died in late 1978 for lack of Senate action, Mr. Andrus and President Carter used existing federal statutes to protect most of the land, pending subsequent congressional action, from despoliation.

The total acreage covered by executive action was 121 million. Some of that acreage — about 52 million acres — was covered by an order effective for only three years. Mr. Andrus' order this week covered 40 million of those acres and he says he is still considering whether to extend it as well to the 12 million additional acres. We would urge him to so act without hesitation. This is no time to sacrifice 12 million acres to commercial interests.

To be sure, there is no guarantee, or really even very good prospect, that the Senate and then a House-Senate conference can come up with a bill affording an adequate measure of protection for these lands. Should the unexpected occur and an inadequate Alaska lands bill clear the Congress before year's end, President Carter need not hesitate to use the veto. There is always a danger that legal challenges to the executive orders setting aside some of the lands will succeed. But the laws under which many of the lands are covered have been established, and used, since the days of Teddy Roosevelt. By sticking to his guns Mr. Carter at least will have tried, while all Congress could point to is miserable failure on this greatest conservation issue of the 20th century.

Montgomery Advertiser
MONTGOMERY, ALA.
D 48,938 SUN. 74,987

FEB 14 1980

Busy, busy, busy

Here's news: Congress hasn't anything to do. "We are in a very difficult period of not having much to do that is cleared," Alaska Sen. Ted Stevens told the Associated Press this week.

He should know.

Only three days earlier Stevens and Alaska's other senator, Mike Gravel, succeeded in postponing debate on the Alaska land legislation until at least July. "We could probably stop a bill coming out of committee," exulted Gravel, who knows that conventions and election year gamesmanship will aid the obstruction.

The reason Alaska's senators oppose the bill, some suggest, is that caribou can't match the campaign contributions of the oil, mining, timber and other companies which favor unrestricted development, the kind of development which gave us Appalachia.

Like Alaska, it was once resource-rich. Mined out, farmed out, cut off and burned out, Appalachia's present condition is a dramatic warning to Alabama's two senators of the peril Alaska could face. The Alaska lands bill already passed by the House would prevent another Appalachia by making reasonable compromises between caribou and crude oil, parks and profits.

The Senate's delaying action has already backfired, however. Interior Secretary Cecil Andrus this week designated 40 million acres of Alaska a national wildlife refuge, a classification more restrictive than the lands would have under the proposed bill. He hopes this will spur the Senate to act.

It could do no better than to approve the House bill — now.

PHILADELPHIA, PA.
D. 419,497 SUN 831,838

FEB 14 1980

Insurance for the future

Interior Secretary Cecil D. Andrus has provided the Senate with a civics lesson, decisively demonstrating that when one branch of government fails to perform as it should, another can step in and do the job.

Mr. Andrus, obviously piqued at the unending petty bickering in the Senate that has prevented passage of excellent Alaskan wilderness legislation, announced Tuesday that he was designating 40 million acres of federally owned Alaska lands as wildlife refuges. Mr. Andrus' action should have come as no surprise to the Senate. He warned last fall that if the Alaska lands bill was not enacted by year's end, he would use his executive authority to do what the senators refused to do. On Tuesday he did, and for the sake of all Americans it's gratifying that he kept his word.

The secretary described his action as "an insurance policy" for preservation of the land. The refuge designation prohibits oil, gas and mineral development and gives federal protection to wildlife on the land. Andrus took similar action in December, 1978 to protect another 54 million acres in the state.

As with any stopgap measure, however, there are problems. And it would be tragic if his action backfired and the Senate didn't finally get its act together, as the House has done, and pass legislation that sets aside 110 million acres of Alaskan lands as national parks, forests and wilderness areas.

In his move, as well as in previous withdrawals of Alaskan lands for conservation, Andrus has relied on some dusty laws that achieve his overall goal but weren't originally intended for such purposes. As a result, the lands have been withdrawn, but have not been accorded the maximum protection they must have. That can be achieved only by Congressional action establishing wilderness areas, which the House-passed legislation does. The wilderness designation prevents development of any type.

Environmentalists cite two particular tracts in need of the wilderness label. They are 50 million acres in southeast Alaska, now seriously threatened by logging interests, and 18 million acres on the North Slope, the only Arctic wilderness left in the United States and calving ground for the Porcupine caribou herd that is the food supply for many Alaskan and Canadian native tribes. Oil and gas exploration on the slope threaten to despoil this unique region.

The Senate failed in its duty to protect America's last frontier, allowing the selfish interests of a few to supplant the best interests of a nation. Cecil Andrus stepped in and bought some time for everyone. The Senate should be chastened and finally do its duty.

AUGUSTA, GA.
CHRONICLE
D. 65,000

FEB 8 1980

U.S. the landgrabber

EDITORIAL

New figures indicate that the federal government owns more than one-third of all land in the United States, including 86 percent of Nevada and 85 percent of Alaska.

The General Accounting Office (GAO came up with these figures, and also came up with a startling conclusion: In the next 11 years, the government intends to spend $10 billion buying more land.

What should be of prime concern is that, despite the Uncle Sam's massive land holdings and the plans for huge outlays for more, there is no overall federal policy for land acquisition — acquisition that all too often is handled in ways that cause maximum friction with local authorities and residents.

The GAO report declared the government tends to buy land it doesn't need, without knowing what it is going to do with it, and without considering other ways to protect it. Such a practice often makes costs three to four times higher than expected, and enrages residents who want to keep the land on local tax rolls for agriculture, housing or resource development.

As we've pointed out in editorials on Alaska, much of the controversy over land use involves the extent of federal control and the fact that mineral-rich lands are "locked up" from development.

The GAO's report is now circulating through the federal bureaucracy, and it can be hoped that more than one agency official will recognize the folly of pursuing the present costly land policies and of "locking up" important tracts of

FEB 15 1980

Andrus' Angry Arm Twisting Might Prod Alaska Action

In the dim, dead days almost beyond recall the U.S. Congress began considering what Alaskan lands would be set aside for conservation purposes, as wildlife refuges, wilderness areas, wild rivers and so on. Interminably, the debate goes on.

Now Interior Secretary Cecil D. Andrus, described by one reporter as "feisty and pugnacious," and obviously fed up by the delay has turned 40 million acres of federal holdings in Alaska into wildlife refuges.

The Carter administration had already withdrawn some 110 million acres from all new development; 54 million acres under authority of the Bureau of Land Management Organic Act and 56 million acres by President Carter as national monuments. Mr. Andrus' latest action does not increase those 110 million, but only bars for 20 more years on the 40 million acres all new oil, gas and mineral development within the new refuges and continues federal protection of the wildlife that inhabit them.

The secretary's action is clearly a sharp prod to a U.S. Senate that has put off until after the July 4 recess consideration of an Alaskan lands bill that last fall was reported out by its Energy and Natural Resources Committee. The measure would affect 102 million acres and has the endorsement, reluctantly, of Sen. Ted Stevens, R-Alaska, and Alaskan Gov. Jay S. Hammonds.

Although it contains fewer restrictions and involves smaller acreage, the Senate version is similar to a House bill passed last spring that would protect 110 million acres as national parks, forests, wildlife refuges and wilderness areas.

Mr. Andrus, acknowledging his anger, said he was prompted to create the wildlife refuges because of backroom negotiations by the bill's opponents which delayed floor consideration. This sort of delay could, during an election year, prove fatal to any effort to finally settle the Alaskan lands question.

The issue has dragged on sufficiently long to get all sides, for all practical purposes, in agreement on how to resolve what parts of Alaska will remain under federal conservation protection.

The secretary's arm twisting might be viewed as petulance. It was inevitable, however. Congress' laggardly procrastination could produce only one thing: impatience. To delay settlement of the Alaskan lands issue, perhaps through an entire new Congress, only hamstrings the progressive and productive development of Alaska. If Mr. Andrus' action prompts Congress to vote on the land bills this session he will have done Alaskans a favor.

The Christian Science Monitor

FEB 14 1980

Andrus to the rescue

Interior Secretary Cecil Andrus properly demonstrated the Carter administration's determination to protect Alaska's lands by extending for 20 years restrictions on 40 million acres of the federal holdings. The restrictions, imposed in 1978 when President Carter set aside 110 million acres in all for preservation, were to have expired in 1981. Of that 110-million-acre set-aside, 56 million acres were designated national monuments and thereby permanently protected. But the remainder of the land was only temporarily closed to developers to give Congress time to debate its use.

The action by Mr. Andrus will give Congress ample opportunity to consider bills in both houses that would make permanent wildlife refuges of the land. Strong legislation approved by the House, as well as proposed amendments to a weaker bill before the Senate, not only would safeguard Alaska's caribou herds, bears, and millions of waterfowl. They would also leave open for oil exploration and discovery 95 percent of the state's lands that are believed to have the greatest oil and gas potential. Moreover, the more than 50 percent of Alaskan oil reserves that lie offshore would remain available for energy development.

Alaska's development-minded senators have led opposition to previous congressional attempts to preserve the state's wilderness areas. More than once they have succeeded in derailing legislation that had the backing of the Carter administration and environmental groups. In this session, Senator Gravel seems to be employing delaying tactics in hopes of doing so again. Congress ought to stop dallying and enact these reasonable measures. In the meantime, Secretary Andrus has made certain Alaska's rich natural heritage won't be destroyed by overzealous developers.

The Philadelphia Inquirer
Op-ed
Tuesday, Feb. 19, 1980
11-A

2-19-80

Alaska

This land is your land . . .

By Colman McCarthy

WASHINGTON — Ten years ago, when corporate exploiters began going after the wealth of Alaska in earnest, the public was told not to worry. It was only a few caribou that would be disturbed.

Today the price of progress is still small, according to this thinking. Now it's only a few drunken Eskimos.

A University of Pennsylvania report last month on the sudden effects of energy development in Alaska's North Slope oil fields found that alcoholism and violence have become major social problems among the Inupiat natives. In one town of 2,000, the alcoholism rate is 72 percent. Homicide and suicide have increased markedly. One of the sociologists said that "offshore development is expected to peak in 2010 or 2015. We don't see the Eskimo surviving until then."

What probably will survive is the same spirit of exploitation that was on view the other evening when the Senate again debated the Alaska land preservation bill. With most of their colleagues having left for the main festivities of the evening — a congressional kickoff dinner (as against a payoff dinner) — Alaskan Senators Gravel and Stevens maneuvered an agreement that would postpone debate of the bill until next July.

The chances are now increased that no bill at all will emerge from Congress this session, just as none was passed the last session due to the chaos of the last minute rush. The Alaska lands bill had been called the major environmental issue of the 1970s. But with one decade's worth of debate already frittered away, it appears as if a running start is under way to delay a final settlement for another decade.

The Carter administration, which favors immediate and strong protections, responded to the Stevens-Gravel stall by using the emergency provisions of another law to set aside 40 million acres of land as wilderness. That was a useful move, except it isn't the way the process is meant to work.

But nothing seems to be working in this seemingly doomed effort to protect the country's last unspoiled area from rape-and-run land abuse.

In the aggression against Alaska, the energy, timber and mining corporations and their couriers to Washington, Stevens and Gravel, have been able to make much of the country forget that these are publicly owned lands they are not to drill, mine, pave, blast or level. The corporate entity is thus able to do what no individual would ever be allowed to get away with: Treat public land as private property.

The companies in Alaska are even more audacious. Through heavy investments in lobbying and media "public education" campaigns, they have kept the public's representatives — the politicians — from enacting a law to protect what the public already owns. The second Alaskan Land Rush includes the constant rushing around Capitol Hill to assure that the use of government land be kept a matter of exploitation, not ethics.

The companies currently coveting Alaska are driven, like geologic forces, by the same compulsions that led other companies to run over the land — Appalachia, the Great Plains, the agricultural valleys — as if natural objects had no rights. In the environmental classic, "Should Trees Have Standing?," Christopher Stone argued persuasively that, "If the law regards the American corporation as a legal entity, with rights and responsibilities quite apart from those of its officers, employes, or shareholders, is it so unthinkable to grant similar rights to a stream, forest, a mountain range?"

For thousands of years, the natives of Alaska, from the Inupiats in the north to the Tlingits in the southeast, have had cultures that respected those rights. The threat of sacrificing those cultures should have been a major reason to turn back the energy companies before they were allowed to attack the North Slope and other areas. It was a moment, to paraphrase E.F. Schumacher, for exploration as if people mattered. Environmental impact statements offer at least a few minor assurances against the worst kind of assault against the land. But what of human impact statements?

In Alaska, the pattern of victimization keeps on: Only after the worst has happened to families are the psychiatrists and sociologists brought in, and then not to prevent the destruction, but to measure it.

FEB 2 1980 E

EDITORIAL

E 9283

Half-Baked Alaska

CONGRESS SHOULD HAVE decided the Alaskan land question a long time ago. True, the choices are hard. Conservationists, as well as Alaskans, regard them as the most important environmental issues faced by Congress in decades. But by just letting the thing drag on, the Senate is making the eventual resolution harder still.

The House has twice passed an Alaskan land bill, in 1978 and again last year. The Senate Energy Committee reported its own version last November, but Majority Leader Byrd has been reluctant to schedule it for floor action. The inevitability of a long floor fight, the possibility of a filibuster and the conflicting positions of the two senators from Alaska—not to mention the fact that this is an election year—have all contributed to the delay.

But this is not the first delay. In 1971, Congress gave itself seven years to settle the Alaskan matter. You'd have thought that would be enough. But no. Then, when the legislators missed their own deadline 14 months ago, President Carter set aside 56 million acres of Alaska as national monuments. Now, Interior Secretary Andrus has said he will set aside another 50 million or so as wildlife refuges unless the Senate has decided by March 1 when it is going to take up the bill.

While Secretary Andrus is right to take this stand (an executive resolution of the problem is better than none at all), it is a bad way for such an important question to be settled. While this action by the secretary could be overridden by Congress (or set aside by future legislation), there is little reason to believe the Senate would be better able to get its act together after such a move than before it.

President Carter's action in late 1978 seems to have hardened the positions on both sides concerning almost every aspect of the issue. Those who want Alaskans to have greater access to federal lands than that Mr. Carter's action permits have heated up their arguments against the "great federal land-grab." Those who want strict federal controls see little reason to give up what they won with the president's decision.

The basic questions the Senate needs to face are how much of Alaska's wilderness should remain in the hands of the federal government, what degree of protection against development that land should be given, and where oil and gas exploration should be permitted.

The Senate Energy Committee's bill tilts far more toward the state government's position (low protection, more exploration and development) than either the House-passed bill or a substitute that will be offered on the Senate floor. That ensures a long, hard battle over spots such as the Arctic Wildlife Refuge, Admiralty Island and Misty Fjords. It should get started before the Senate gets even more engrossed than it already is in the politics of a presidential election.

A Goad in Time on Alaska Lands

The New York Times
NEW YORK, N. Y.
D. 878,714 SUN. 1,486,662

FEB 18 1980 E

9283

Interior Secretary Andrus has every right to be irked by the Senate's dawdling on the important Alaska lands bill. Congress has had years to decide how much of the vast Federal holdings in Alaska should be devoted to timber, mining and oil development and how much should be preserved as majestic, untouched frontier. Action has repeatedly been blocked by Senator Mike Gravel, who favors extensive development in his state. The logjam was supposed to have been broken last week by an agreement to let the Senate vote later this year. But like Mr. Andrus we are skeptical. This further delay would push the matter to the end of the Congressional session, allowing ample opportunity for more obstruction by those who hope to get a better deal from a new Congress, and perhaps a new President, next year.

So Secretary Andrus finally used his administrative power to extend environmental safeguards over the lands. That should keep them from despoliation for two decades — and may impel Congress to act at last.

The lands at stake — called "the crown jewels of our American wilds" by conservationists — include virgin forests, high mountains, unpolluted rivers and breeding grounds for bear, caribou, marine life and birds. The House has twice passed legislation designed to balance development and preservation but the Senate has failed to vote. In the absence of legislation, President Carter designated 56 million acres, a quarter of all Federal holdings in Alaska, as national monuments and made them permanently off-limits to developers. Now Mr. Andrus has protected an additional 40 million acres by designating them as wildlife refuges or natural resource areas. His action has been criticized as premature; the 40 million acres were already under temporary safeguards that would have lasted until next year. But the longer-term protection sends a necessary signal to obstructionists that they have nothing to gain by waiting for Election Day.

These administrative actions provide reasonable protection for most of the contested lands. Yet legislation would be far preferable. It could be tailored to the needs of particular land areas, providing even more protection for fragile environments and allowing more development in regions where it is now blocked. A law would also better express the national will on this most important conservation issue of the decade.

Founded 1865 by Charles and M.H. de Young
George T. Cameron, Publisher 1935-65
Charles de Young Thierlot, Publisher 1965-77

Richard T. Thierlot
Editor and Publisher

William Germano
Managing Editor

Templeton Peck
Editorial Page Editor

Editorials

Thursday, Feb. 14, 1980

WHEN INTERIOR Secretary Cecil D. Andrus ordered 40 million acres of Alaska under long-term environmental protection as wildlife refuges and natural resource areas the other day, he stated the act constituted an "insurance policy." It was a challenge to Congress to come to grips with this important problem.

What concerned the secretary was that under an agreement reached last week, there will be no action on the Senate's version of an Alaska lands bill until after July 4. Such late consideration during an election year could lead to a stalemate, a fate that overtook similar legislation two years ago.

The administration had earlier called its top environmental priority a measure that might protect millions of acres of parks, refuges, forests and scenic rivers in Alaska. That turned into a classic confrontation between developers and conservationists, with the Alaska congressional delegation coming down on the side of local interests who wished to develop the state's resources. They argued creating national park land in some areas would preclude mining, logging and oil and gas drilling.

LAST YEAR, a pro-conservation bill drafted by Democratic Representative Morris K. Udall of Arizona and Republican John B. Anderson of Illinois got through the House, but the Senate did not follow through, and its version never reached the floor.

The interior secretary's action, which extended to 20 years the protection on land already shielded by presidential edict, found understandable favor from Udall. He said it left no doubt that the administration "stands with the House in full determination to see that Alaska is properly protected."

But Senator Mike Gravel, the Alaska Democrat, countered that it was "another demonstration of extreme bad faith." He said it was "a strange way" to get movement in the Senate, and "can only be an attempt to bully Alaskans into Mr. Carter's wishes and serve notice on the environmentalists that . . . they'll get everything they want."

These words strike us as simply obstructionist. For while we are sympathetic to the desire of Alaskans to have a say in how their land is utilized — and have said so — the blocking action by the state's two senators does their own cause a disservice. They simply cannot leave the state open to unbridled and rapacious development that could blight an incomparable wilderness.

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

Coalition for Responsible Mining Law

Newsletter

FIRST QUARTER/1980

Bad Legislation or No Legislation —The Alternative Is Clear

Representative Morris Udall's public announcement withdrawing from sponsorship of mining law legislation coupled with Representative Jim Santini's strong leadership and commanding control of the House Subcommittee on Mines and Mining virtually assures a respite of several years from Congressional consideration of adverse mining law legislation. Thus, the frontal attack on the mining law has been repelled.

However, as reassuring as this development may appear, the fight to retain the General Mining Law may, in retrospect, be viewed as a diversionary skirmish rather than the main battle. The fact is, the administration, in concert with the Environmentalist-No-Growth Movement, has chosen to draw the battle lines on the flanks of the law, a tactic which, though flaunting the intent of the law, is proving, nonetheless, successful. Such attacks, of course, are in the form of restrictive regulations, executive order land withdrawals, wilderness study withdrawals, and wilderness legislative proposals—all designed to erode the applicability of the mining law. The cumulative effect is to take away and subvert property and other rights under the law without repeal or amendment of the mining law itself.

Currently, the flank under seige is the Alaska Lands legislation upon which the Movement has placed great tactical importance to passage of a bill in the current session of Congress. Those who direct the Movement's strategies know that the legislation would have an extremely adverse effect on the workings of the mining law, in terms of the area of reduced federal lands to which the law applies; in terms of the degree of federal control over exploration and mineral development on lands not withdrawn; and in terms of the precedents set applicable to federal lands throughout the West. As a consequence, passage of S.9 and HR.39 would serve a devasting blow to the mining industry and in so doing would have an extremely detrimental effect on the nation's economic stability and financial well-being.

The fanatic-like compulsiveness and sense of great urgency for the quick passage of the legislation exhibited by the Administration should be viewed with alarm and should alert Congress to the need to go slow in its consideration of the legislation.

Time ultimately works to the benefit of the disclosure of truth and the exercise of rational judgments. Thus, the critical need to defeat any and all Alaska Lands legislation during the 96th Congress becomes self-evident and of highest priority.

The results of the 1980 elections and the influence of international events will dictate the course of the Nation in 1981 and thereafter. Such events we can be quite certain, will reinforce arguments in favor of developing the nation's strategically important resources and will expose the fallacy of the current Administration's anti-mining policies.

Fortunately, the means to accomplish the deferral of a congressional decision prior to the 1980 elections is available. The key lies in supporting and sustaining the will of the Alaska congressional delegation, Senators Ted Stevens and Mike Gravel and Representative Don Young, to reject out of hand the intimidations of the Administration and to deny passage of S.9 and HR.39 in the 96th Congress. Words of encouragement from you, to Stevens, Gravel and Young together with correspondence to your own congressional delegates stating the "S.9 and HR.39 are bad legislation and must not be passed. It is imperative to defer the Alaska Lands legislation to the 97th Congress," will make the difference.

Wallace McGregor

COALITION FOR RESPONSIBLE MINING LAW STATEMENT OF POLICY ON THE ALASKAN LANDS ISSUE:

"At a time of heightening international tensions, persistent inflation, worsening energy shortages and an impending minerals crisis, the Congress proposes to resolve the Alaskan Lands issue by closing vast areas of the nation's most highly mineralized lands to mineral exploration and mining.

"In light of the predictably dire consequences of such an action to the nation's economic stability and defense capabilities, the Coalition for Responsible Mining Law Board of Directors deems it necessary to make public the position of the Coalition in unalterable opposition to the passage of S-9 and HR-39, and calls on Congress to take the time to more fully assess the detrimental effects of the proposed legislation within the guidelines of the Mining and Minerals Policy Act as set forth in 1970."

1980 Dues Are Now Payable: See the Enclosed Membership Application

D. 7,211

JAN 2 7 1980

Whaley protests Alaskan oil 'progress hinderances'

Current estimates by various government agencies and many energy companies suggest that well over one-third of our nation's remaining energy potential is in Alaska.

Is the Federal Government hindering Alaskan exploration? Many in Alaska feel this is the situation.

In a letter from Ray Metcalfe, House of Representatives, State of Alaska, to Foster Whaley, Texas Representative, Metcalfe explained the Alaskan plight.

Metcalfe restated the need for help in supporting a resolution by the Alaska State Legislature designed to free Alaskan lands for further development.

Whaley said "in reading this letter I felt it was of importance to the people of my district. I am not against enviromentalists, but I get uptight about holding up progress."

According to the letter from Metcalfe, Alaska has as much as 25 percent of the nation's onshore potential of natural gas and up to 44 percent of the nations offshore natural gas potential.

"It has been rumored that Alaska is exporting oil to Japan, such action would be prohibited by Federal law, rest assured, Alaska is not selling it's oil to foreign nations." said Metcalfe.

Alaska's coal fields could fill the nation's appetite for coal for the next two thousand years.

"In spite of this, explained Metcalfe, "our Federal Government is doing all that it can to keep these little known facts the biggest secret in Washington. Our Federal Government is in the process of tying the hands of the people of Alaska and blocking the development of many of these resources."

In 1906, Congress passed the Antiquities Act, giving the President the authority to protect objects or sites of national historic value. The President has chosen to use this power by declaring millions of acres of rich Alaskan lands an antiquity. The Secretary of the Interior has also blocked Alaskan development through the use of similar tactics, according to Metcalfe.

The Federal government is exerting control over 85 percent of Alaskan land. After implementation of the Statehood Act, the government will control approximately 60 percent of Alaska's lands.

"The absurdity af all this is that it is being done in the name of Enviromentalism." claims Metcalfe.

WATERBURY REPUBLICAN
WATERBURY, CONN.
D. 31,433 SUN. 69,326

JAN 22 1980

U.S. not land baron

A General Accounting Office report exposing the extent to which the federal government has been buying up land is a good basis for Congress to exert more oversight. Government not only buys land, it also locks it up, with the result that the entire nation suffers.

The study showed that the federal government currently owns more than one third of all U.S. land, including 86 percent of Nevada and 95 percent of Alaska. Approximately $10 billion will be used by the federal government over the next 11 years to purchase more land.

Western states, where most of the federally-owned property lies, are upset because they feel they lose local control. Washington comes in, buys land, and then tries to keep it untouched. Valuable energy and mineral resources, recreation opportunities, and development potentials are kept from the public. Local and state governments also lose tax revenue.

If the GAO report is correct that the federal government buys land for the sake of buying it, with little planning for future use, then Congress must intervene on behalf of the states. Locking up land is not in the nation's interest. True, some regions should be left in their natural state. But the pendulum has swung too far. Less concern should be shown the bureaucrats in Washington, and more to the people who must earn a livelihood and find a decent home.

KANSAS CITY, KANS.
SILVER CITY RECORD
W. 7,300

JAN 10 1980

Editorial Comment

E 9285

EDITORIAL

It was a cold day in Alaska and there are some facts concerning their supply of oil that the federal government would like to keep buried in their deepfreeze.

By way of a letter from Ray Metcalfe a member to the Alaskan House of Representatives came the information that Alaska is capable of contributing more than any state in the nation to bring an end to gas lines, the energy crisis and the dependence on foreign oil. With about 49 billion barrels of oil, onshore and offshore, Alaska may have enough oil to replace half of all foreign oil, at the Unitedstates' current rate of import, for the next 35 years. In addition to oil and natural gas Alaska has coal fields that could fuel this country for the next two thousand years.

Only one thing stands between us and the development of the resources. And that one thing is not money or technological know-how. The thing that has cut off access to a source of energy that could lessen foreign imports substantially is the federal government.

The federal government, currently, has control over areas of Alaska equal to nearly twice the size of Texas which amounts to nearly 85 percent of the land within the state. Federal control of much of this land came under abuse of the 1906 Antiquities Act. An Act that was intended to preserve historic sites such as battlefields or first settlements. The President has declared millions of acres of Alaskan land an antiquity. What hasn't been grabbed in this manner the Secretary of Interior has grabbed in the name of "environmentalism."

The land grab was carried out because Congress didnot pass legislation, sponsored by Congressman Udall, which would have given the government the right to take Alaskan land. The bill is back again and has been passed by the House of Representatives and will likely be taken up by the Senate in 30 to 60 days.

The Udall bill would have an adverse impact on our ability to end dependence on foreign oil.

Another bill S.9, which has recently been reported by the Senate Energy and Natural Resources Committee, provides strong protection for Alaska's scenic and wildlife resources but at the same times allows for the development of its resources.

Another thing, it has been widely rumored that Alaska is exporting oil to Japan. Rep. Metcalfe assures us that federal law prohibits this. And, the facts of the case are is that Alaska is not selling oil to any foreign nation.

If the people really knew what was happening in Alaska to keep us dependent on foreign oil perhaps certain members of Congress would work with, instead of against, Alaksan oil production and get some of it on the market for U.S. consumption.

FEDS GRAB LAND— Is Your State Next?

"How fast does this plane go?"
"About 200 miles per hour."
"And you mean we've been flying over just ONE of Carter's monuments for the last hour and a half?"

What if they told you tomorrow that Colorado and Utah were closed to hunting? It happened in Alaska . . . .

By Slim Randles

Below the plane, and when the weather cleared enough to see, was a giant morass of glacial rock and veritable seas of ice. The area was uninhabited, for the most part, and largely unexplored. It was the home of the glacier bear (a blue-roan color phase of the black bear) and the home of sheep and goats.

Does it hold oil or coal or zinc or gold? Nobody knows, but the point is now moot, since it has become part of the largest land lockup since the Visigoths sacked Italy, and it was done with the stroke of a Presidential pen.

On a week-long working trip around Alaska, I was perhaps the only outdoor writer who wasn't astonished at what we'd found. But then, I had made that state my home for eight years, and was fortunate enough to travel over much of it pursuing a career both as a hunting guide and a journalist. I *knew* how big the place was. The others were just finding out.

Alaska has come a long way from the butt of jokes about Seward's Icebox and the folly of "wasting" such an enormous sum of money ($7.2 million) to buy the ground from Russia in 1867. That amount today wouldn't cover the lobbying costs of some of the factions fighting tooth and nail over what is to become of the largest piece of wilderness left in the world.

What we flew into, in eight days of meeting with all sides of this problem, is a hornet's nest of conflicting interests, a spider web of bureaucratic paperwork, and very few hard answers. The first day set the tone for the entire trip, with a speech from Lieutenant Governor Terry Miller at 7 a.m.; Commissioner of Fish and Game Ron Skoog at 8 a.m.; a panel discussion with leaders from mining, park service, Audobon Society, hunting guides, fish and game, Natives, and the Department of the Interior at 10 a.m.; lunch with Governor Hammond at 12:30 p.m.; and then a flight from Juneau to Anchorage and more meetings that evening. You get the picture. Multiply that by eight days.

After more than 10,000 miles of travel, and the accumulation of half a suitcase worth of propaganda furnished daily by whichever group we were to listen to, our circuits were burned. The mental transistors had royally had it. By the time we listened to the timber folks in Ketchikan on the final day, it was all we could do to be polite. One wag on the trip summed up the feelings of many of us when he stared at the mountain of paperwork he hadn't had time to read and said, "I think I've got it figured out. All we have to do is give Alaska back to Panama . . . ".

Putting things into proper perspective is a very difficult task, because this issue of lands withdrawn under Section 17, sub-section d-2 of the Alaska Native Land Claims Settlement Act is not a simple issue. In many cases, it will be a no-win issue for everyone. Whatever the outcome, no one involved will be happy.

We were told, at various times and places in the state, that the d-2 controversy was a conflict between: 1) development and preservation, 2) Natives and whites, 3) hunters and anti-hunters, 4) Congress and the President, 5) state and federal governments, 6) city dwellers and rural people, and, 7) once upon a time in Fairbanks, we even heard it was between good guys and Commie pinkos.

With the possible exception of number 7, they are all correct.

The main problem is, as I see it, that the world has simply run out of new real estate. You can no longer get away from it all, because "it" (in the form of rules, regulations, and hair-sprayed bureaucrats) is already there. We have crossed the last divide. Alaska is it. Ohio has fallen, gang, and it's time we looked closely at Seward's Folly.

Back when Alaska was true wilderness, open to those who would dare to live in her backcountry and find her minerals (about eight years ago), what you had were hundreds and even thousands of square miles where no one lived, no one explored, no one drilled test holes, no one built park campsites, no one even really gave a frozen mukluk what happened.

Today things have changed radically. Corporation presidents, Natives and pseudo-Natives in Brooks Broth-

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(HUNTING'S *Associate Editor Slim Randles is a genuine "sourdough," having spent eight years as a dog musher, writer, and hunting guide in Alaska's bush. In addition to dozens of national magazine articles on the North, he is the author of* Dogsled, A True Tale of the North, *and a novel,* The Wings of Winter. *This report on Alaska's current land problems is the first of a series.)*

all must in Anchorage, Fairbanks, Juneau, and Washington, D.C. The forest is still there as it was eight years ago, but now *everybody* cares what happens. There are endless meetings, dinners, maps with Mylar overlays of color-coded sections to show what this will be called, what we will do with that corner of a mountain range, and so forth.

What has changed is a very vocal desperation from people who live here on the "Outside" to prevent urban blight and suburban sprawl from attacking the tundra. The Alaska Native Land Claims Settlement Act returned some 44 million acres of Alaska's land to Native corporations, fee simple a few years ago, and the State of Alaska had been promised 104 million acres of land as part of statehood (of which they have received about 25 million acres to date).

The giant frozen pie is being sliced up, and everyone wants a piece.

Under the Native legislation, Congress was to set aside certain acreages that would be suitable for parks and monuments, and that has caused the controversy. Congress failed to pass a bill last year to set this aside, so President Carter fell back on the Antiquities Act of 1906 and locked up an area in Alaska equal in size to both Colorado and Utah. Of this land, 57 million acres would be forever closed to hunting, and it is unfortunately

"Alaska has unique problems, and those problems demand unique solutions."

some of the prime hunting grounds in the state.

The Antiquities Act was passed so that some developer doesn't tear down the Statue of Liberty and erect Harbor View Condominiums. Its wording states it to be an emergency action by the President to prevent harm to places and objects of historical value. Many people in Alaska feel the Antiquities Act, when used to lock up vast acreage where no man-made historical objects reside, won't stand the test of a court verdict, and a group calling itself the REAL Alaska Coalition is proceeding along this route at press time.

In the meantime, H.R. 39, the House bill that Morris Udall introduced, has gone successfully through the House, but ran up against S. 9, which is a Senate bill much more in favor of Alaska and its people.

Very few Alaskans will be happy with the passage of S. 9 [illegible] amendments, but even more would be extremely unhappy with the land-gobbling Udall Bill.

The d-2 lands problem is a multi-faceted Pandora's Box of headaches, anxieties, lost rights, and just plain bureaucratic greed.

One of the top issues in this raging debate is whether or not Alaska should be allowed to manage its own fish and game, and this is an issue which touches us all. The federal government "managed" Alaska's fish and game during territorial days. During those years, the U.S. Fish and Wildlife Service decided "managing" meant to open a few offices here and there in the territory, and to look the other way on almost everything. They

"Alaska's plight is a clear and present danger to outdoorsmen everywhere, especially hunters."

allowed fish traps in southeast Alaska, which so denuded the salmon resource as to take all 26 years of statehood to replenish. This is the most shining example of federal mismanagement of the resource, but there are others.

Perhaps you recall the Marine Mammal Act of 1972? Congress passed a law forbidding all Americans from taking marine mammals because television movies showed: 1) Canadians killing baby harp seals with baseball bats and 2) Japanese fleets killing too many whales. Alaskans, and right-thinking sportsmen everywhere, are still trying to understand the logic in this act.

The situation as it stands now regarding marine mammals is that Native people (Eskimos, Aleuts, and Indians) can shoot any amount of marine mammals they want for subsistence purposes, at any time of year, with no limit. Previously, everyone could hunt them, but only under strict seasons and limits set by state biologists. Also, nobody has ever defined what "subsistence" hunting is, or who qualifies as a subsistence hunter, which drives another wedge between various groups of Alaskans.

Walrus were returned to state control after the hands-off management of the feds led to a drastic decline in numbers. But the feds put so many strings on how the state was to manage walrus, that Alaska turned management of walrus back to the feds last summer, saying, in effect, "You messed it up . . . you take care of it."

This is a tiny portion of what hunters can expect to find if the native d-2 legislation is passed. On paper it would seem that Alaska's Department of Fish and Game would be in charge of regulation and enforcement, but that doesn't take into account the fine print.

In actual fact, the federal government would dictate exactly how to manage the game, and let Alaska pay for the enforcement. If Alaska changed the rules and angered the feds, the feds would simply take over running the show themselves. The thing to remember here is, *when will this be extended to YOUR state?*

Each state has always had the sovereign right to manage the fish and game within its boundaries, including on federal lands within the state. If the federal government is allowed to get away with this in Alaska, how long will state-managed game programs be allowed elsewhere in the country?

The basic problem with federal management is a lack of management. Under federal management, the whitetail deer became literally extinct in many states that now have huntable deer populations ranging into the hundreds of thousands, and even millions. The wild turkey is back in force in many states now, and ducks and geese are thriving many places *despite* federal regulations. In each of these cases, it was state management (along with many private organizations, such as Ducks Unlimited) that brought about the improvement in hunting and game populations. The fact is, the federal government is a nebulous thing, a megalomaniacal melange of inefficient offices run by memos from Washington, D.C., office buildings. There is no way possible that a non-hunting office worker in the nation's capital knows more about deer in Illinois than an Illinois biologist who has devoted his adult life to studying the game in Illinois.

The same is true in every state, but especially in Alaska. Alaska has unique problems, and those problems demand unique solutions. It is said that the three-man Congressional delegation from the 49th state spends more time getting Alaska exempted from laws and statutes that apply well to every other state than they do on new legislation. Here are two examples. The Federal Communications

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Commission has ruled that no personal messages be sent over commercial radio or television stations. This works well for the rest of the United States, where telephones are common, but in Alaska, where more than 20 percent of the population has no access to telephones, this must be waived. Most radio stations in Alaska have a daily program, like KYAK's "Bush Pipeline" that sends free personal messages to residents of the bush. These programs, among other kudos, have been credited with saving more than a few lives.

"The d-2 land problem is a multi-faceted Pandora's box of headaches, anxieties, lost rights, and bureaucratic greed."

In another instance, a ruling by the Federal Aviation Administration states that no heating fuel or ammunition be carried by air when the aircraft also carries passengers. Of Alaska's 300 communities, a full 250 of them are accessible only by air, and to cut heating fuel and ammo from the only flights going to these tiny villages would be unthinkable.

It is this callousness on the part of the federal government in making Alaska conform to laws that work well for Virginia that has led to a substantial separatist movement among Alaskans. Most Alaskans consider themselves to be Alaskans first and Americans second. Their problems are unique, and their conflicts with federal regulations are also unique.

This shows up especially strong where it concerns management of lands and game. Alaska is indeed a hunter's paradise... BUT... it is also true that it takes vast amounts of untouched land to support these game populations. With all the hundreds of thousands of game animals in Alaska, it should be remembered that Alaska produces less game *per acre* than any other state.

The state is huge, and, for the most part, untouched. When traveling around the state by air, and flying for many hours over forest, rivers, and whole mountain ranges that are virtually unpeopled, the first question to pop to mind is, "Why all this rush to lock it up?"

A vast majority of Alaska has been open to settling for more than 100 years... so where are the settlements? Why isn't anyone out there? Where are the people?

The people aren't there for one very good reason... there is no reason they should be. There is virtually no employment there, save for a handful of mines (and they can't meet transportation costs, in most cases), some guiding camps (peopled only two months of every year), and a few trappers' cabins. Native villages exist only because they are home to people who have lived there forever. Unemployment in the villages runs from 80 to 98 percent.

Is the lock-up necessary to save Alaska from becoming another Pittsburgh or New York? No. It's just not going to be that way... *unless*....

The Big Unless is if the feds have their way and build roads to the new parks and monuments. Roads, as we will see later in this series, are the downfall of wilderness, and the only downfall of wilderness. Under state management and state control, roads are out. Hunting and trapping are in.

Alaskans are very bitter about the proposed legislation because it spells the end of a way of life for them. No more will they be able to go anywhere and do anything as long as it doesn't interfere with their neighbors, or with laws that were formulated by Alaskans for the best interests of Alaskans.

Most Alaskans are in that state because it is worth the cost of extreme weather and distance and hardship to be a part of the land. They don't want to see this change, and neither do you. As hunters, we must take a close look at Alaska's problems. They are also *our* problems. The answer must lie in education of the public, in the long run, to assure that sane management of land and game becomes universal throughout our country. But there isn't time for that right now. The legislation won't wait until public attitudes change through education. Alaska's plight is a clear and present danger to outdoorsmen everywhere, and especially hunters. It's back in the political arena now, and must be fought there, and won there, if the last great hunting grounds on earth are to be salvaged from inept control. *Then* we can tell them why we did it.

"One of the top issues... is whether or not Alaska should be allowed to manage its own fish and game..."

people inhabiting U.S. territories and possessions, because they lack representation here, are entitled to certain added procedural safeguards to insure that any plan to place nuclear wastes in their area receives full consideration by the Congress.

I would like to ask the Senator from Idaho whether I am correct that the bill is neutral on the question of the overall desirability of establishing an international spent fuel storage facility on an isolated Pacific island which met all appropriate technical requirements?

Mr. McCLURE. Yes, that is my understanding, as well. It is not the purpose of this bill to in any way impede the administration's important initiatives in this regard or to suggest to any foreign government that the Congress is opposed to this concept. The bill merely provides for Congress to be fully informed and for the interests of persons living in the U.S. territories and possessions to be fully protected.

Mr. GLENN. I would also like to ask the Senator from Idaho whether I am correct that the basic purpose of this measure is to provide such added procedural safeguards for this particular group, which has no direct representation in the Congress, to insure that their concerns over the possible storage of foreign spent fuel in their vicinity receive adequate consideration.

Mr. McCLURE. Yes. The purpose of this measure is to insure that Congress will be kept fully and currently informed of the development of such proposals and activities designed to analyze specific sites, and to insure that no proposal will go into effect without the opportunity for full consideration of any concerns which the people of the area might have. The Congress has a special responsibility with respect to the territories and possessions of the United States, one which justifies the procedures embodied in this legislation.

Mr. GLENN. It is also my understanding that you would agree to an unanimous consent arrangement providing for a joint referral of any such legislation to the appropriate committees with the understanding that if one of the committees reports legislation authorizing such a spent fuel facility, the other committee would also be required to report the legislation within a reasonable period of time or be discharged, and that the specific number of days after which the other committee would be discharged would be agreed upon at the time of introduction of the bill.

Mr. McCLURE. I fully understand the Senator's concern that such legislation should not be permitted to languish in committee in light of the vital importance of nonproliferation to world peace and security. Consequently, I am prepared to agree to the unanimous consent agreement which the Senator has suggested in order to insure prompt consideration of any such measure consistent with the need to insure full consideration of the views of the interested parties.

Mr. JACKSON. I also am prepared to agree to the unanimous consent agreement which the Senator from Ohio has suggested.

Mr. GLENN. Finally, I would like to clarify certain language of the bill. It is my understanding that this bill would only require a single authorization for any facility. That is, if legislation is enacted authorizing a proposed transportation and storage plan, such legislation would satisfy the requirements of this bill with respect to initial and subsequent shipments of spent fuel and radioactive waste and the storage of such materials at that facility.

Mr. McCLURE. It is my intention also that a single authorization would satisfy all requirements of the bill for the transportation of spent fuel or radioactive waste to any one facility and for the storage of such material at that facility. It is not my intention to require a series of authorizations related to the use of a single such facility.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MATSUNAGA. Mr. President, I urge passage of S. 1119 as a necessary bill in order to insure the role of the Congress in matters such as the storage of spent nuclear fuel in any of the U.S. possessions and territories. I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Does the Senator from Hawaii yield back the remainder of his time?

Mr. MATSUNAGA. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1119), as amended, was passed, as follows:

S. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That prior to granting of any license, permit, or other authorization or permission by any agency or instrumentality of the United States to any person for the transportation of spent nuclear fuel or high-level radioactive waste for interim, long-term, or permanent storage to or for the storage of such fuel or waste on any territory or possession of the United States, the Secretary of the Interior is directed to transmit to the Congress a detailed report on the proposed transportation or storage plan, and no such license, permit, or other authorization or permission may be granted nor may any such transportation or storage occur unless the proposed transportation or storage plan has been specifically authorized by Act of Congress: *Provided*, That the provisions of this Act shall not apply to the cleanup and rehabilitation of Bikini and Enewetak Atolls.

For the purpose of this Act, the words "territory or possession" include the Trust Territory of the Pacific Islands and any area not within the boundaries of the several States over which the United States claims or exercises sovereignty.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have some amendments to this bill. They pertain to various territories. I have discussed the particular amendments and in very particular, the amendments that pertain to the Virgin Islands, with the Senator from Louisiana. I am satisfied that those amendments will be given consideration in the conference in order that this bill may go to conference. I have not offered the amendments. I did want to make that statement so that it is clear that I believe they will be considered in full in the conference.

The PRESIDING OFFICER. The bill is open to further amendment. If there are no further amendments, the question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECOGNITION TOMORROW OF HARRY F. BYRD, JR.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees are recognized under the standing order, Mr. HARRY F. BYRD, JR. be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE MAJORITY LEADER AND MINORITY LEADER

The PRESIDING OFFICER. The Chair on behalf of the majority leader and the minority leader appoints the following Senators to serve as congressional advisers to the U.S. delegation to the Committee on Disarmament:

The Senator from Rhode Island (Mr. PELL) and the Senator from Illinois (Mr. PERCY).

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. Mr. President, I ask unanimous consent that Pat Pourchot and Heida Boucher of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT—H.R. 39

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 442, the Alaska lands bill, is called up and made the pending business before the Senate, there be a time agreement thereon as follows: That there be a total of 20 hours of debate on the bill, to be allocated as follows: 5 hours under the control of Mr. JACKSON, 5 hours under the control of Mr. GRAVEL, 5 hours under the control of Messrs. HATFIELD and STEVENS, 5 hours under the control of Messrs. DURKIN and TSONGAS; provided further that no nongermane amendments be in order and that the following amendments are the only amendments that will be in order: 2 hours on each of five amendments which may be offered by Mr. TSONGAS, 2 hours on each of three amendments which may be offered by

Mr. STEVENS, 2 hours on each of three amendments which may be offered by Mr. GRAVEL, and 2 hours on each of three amendments that may be offered by Mr. JACKSON; provided further that on any amendments offered to the foregoing amendments, time be limited on such amendments to 30 minutes; provided further that a substitute amendment by Mr. TSONGAS, if offered, not be in order until after all of the aforementioned amendments have been disposed of; provided further that no amendments to the substitute amendment be in order and that there be an up-or-down vote on the substitute amendment; provided further that time on the substitute amendment be limited to 4 hours if offered; provided further that the agreement be in the usual form and with the understanding that the bill not be called up before July 4.

Mr. STEVENS. Reserving the right to object, I see the distinguished Senator from Massachusetts is here. It is my understanding that there was a discussion concerning amendments that might be offered to the substitute amendment and, in particular, the Wrangell Mountain areas were addressed. The substitute would not generally be subject to an amendment, but I thought that, in particular, the amendments of the Senator from New Hampshire would be considered as possible amendments to the substitute before it was brought up. Am I in error there?

Mr. TSONGAS. Yes.

Mr. DURKIN. That is two of us.

Mr. TSONGAS. The agreement was that the substitute would be voted up or down without amendments if offered.

Mr. STEVENS. Those amendments would be in order against the five amendments that might address——

Mr. TSONGAS. That is correct.

Mr. STEVENS. Is that right?

Mr. TSONGAS. Yes.

Mr. President, reserving the right to object, if we could have some clarification on the July 4 day. Secretary Andrus has said if we do not move on this by April 1, he will exercise his authority under the Antiquities Act.

Obviously, I do not argue with him that he should withhold that until this can be resolved, but could we have some indication of when after July 4?

Mr. ROBERT C. BYRD. Yes.

If agreeable, I would ask that the majority leader be authorized to call this up at any time after July 4, after consultation with the distinguished acting Republican leader, or the Republican leader, whichever is appropriate at this time, and I would be willing to give the Senators the understanding that I would make that bill the first order of business after the Republican convention, with the condition that there not be some other measure which would be of an emergent nature which would have to come first in the judgment of practically everyone.

I am thinking, for example, let us say that there had to be an extension of the debt limit, which would not be the case in this instance, but something like that, or if there were a second concurrent budget resolution which was supposed to be in place by September 15, some type of bill of that nature which, obviously, ought to go first.

But I would do everything within my power to move this bill as soon as possible after the recess.

Mr. TSONGAS. I say to the majority leader that is adequate enough assurance for me and for the people I represent.

I would also say, as one Senator, that I do not expect to take the time allocated to me and I hope that attitude would be contagious when the time comes.

Mr. DURKIN. Mr. President, reserving the right to object, I would like to ask the Senator from Massachusetts a question.

It was my understanding, as we discussed this, that the substitute would be, if offered, the last, would not be in order until all the amendments had been offered, that there would be a provision to offer my three amendments with respect to hunting at the Barnard Glacier, Jacksina, and Malaspina, and the question of exploratory drilling on the North Slope, that there would still be a possibility to offer those amendments because the substitute amendment would be an amendment in the first degree, but only subject to those amendments.

Mr. TSONGAS. Well, that is not my understanding at all, because if we end up doing that, the Senator has two bites of the apple. The Senator can do it on the amendments and on the substitute. Double jeopardy is written into the Constitution as not allowable.

I have no problem with a decision to do one or the other, and the Senator can choose which one he wants. But do not have me subject to that situation where I have to run the same gamut twice.

The Senator has to win only once, I have to win twice.

Mr. DURKIN. I am not sure we are on the opposite sides, at least I did not think we were. But I will not let this fall apart because of the difference in understanding.

Mr. TSONGAS. Let me, if I may, reassure the Senator from New Hampshire that, in a practical sense, the substitute would only be offered by myself if everything else began to fall apart on me, in a need to have an up or down vote on the substitute.

I do not anticipate that happening. So what we are discussing now, in many senses, is really not likely to ever occur.

Mr. STEVENS. Will the Senator yield?

Mr. DURKIN. If I may reply, then I will be happy to yield.

I would hate to see the day where the Senator from Massachusetts and the Senator from New Hampshire disagreed and we found ourselves on opposite sides of the fence. But when we are faced with gaslines this year, I think we would have trouble explaining to the people that we represent that we had locked up the North Slope and prevented any exploratory drilling done under the most benign and safety-conscious environmental standards.

I would not want to find myself in a position of voting against the amendments that I did offer with respect to hunting and at Barnard Glacier and Malaspina, and the Jacksina area.

I would add that, theoretically, we have no objection and we have no separate views. But I am afraid as it unfolds that we could find ourselves on the opposite side of a yea or nay vote. I am trying to avoid that.

But I have worked too hard on this bill to object to the time agreement.

Mr. STEVENS. Mr. President, reserving the right to object, it would be my hope we could have an up or down vote on the Tsongas substitute and then an up or down vote on the bill itself.

All these issues will be in conference. This is not the time to argue the bill on the merits.

I do want one understanding. It is my understanding from the Senator from Massachusetts that the five amendments are generic amendments. We are not limiting him to what the total content is, but there would be one park amendment, one wildlife refuge amendment. They are dealing with geographical areas and park systems or wildlife systems or forest systems or wild and scenic river systems.

Is the Senator from Alaska correct on that? Is the Senator from Alaska correct in his understanding that that is the Senator from Massachusetts' intentions?

Mr. TSONGAS. Without meaning to be evasive, since I have not seen the final language of the amendments, I would be hesitant to answer the Senator and to then be locked in. But I will send the amendments over to the Senator's office, and I suspect he is as familiar as I am with what they are generally about.

I do not think we will have a problem. But not having seen them, I could be very ill at ease making a commitment that I really would be ill-advised to make.

Mr. STEVENS. I want to make sure I understand. It is a very complicated bill. We had 44 mark-up sessions in the first instance, and about 16 this year.

I do think if we have five amendments, that we ought to have some understanding of what they are about.

Mr. TSONGAS. Let me, perhaps, illustrate. One will be on Southeast. One will be on the Arctic Wildlife Refuge. One will be on the parks. I think those are familiar to the Senator.

Mr. STEVENS. Yes.

Mr. TSONGAS. And the amendments that will be introduced will be of no surprise, I can assure the Senator in that respect.

Mr. STEVENS. In connection with that, I want to make certain the amendments in the first degree to be offered by the Senator from Massachusetts will be subject to perfecting amendments.

We have had some substantial arguments as to whether certain State selections which are approved by other sections of the bill would be within or without; for instance, the Gates of the Arctic. If the Senator from Massachusetts sees fit to draw those lines in his amendment, so they might put those State selections back in the park.

I would like to have the opportunity to

offer an amendment to take them out. Those amendments, perfecting amendments to the amendments, or the Senator's to mine, are not covered by the limit of three amendments I might offer.

It is my understanding we may offer perfecting amendments to the Senator's amendment, the Senator may offer them to ours.

Is that understood?

Mr. TSONGAS. That is correct.

Mr. GRAVEL. Reserving the right to object, on one point, it is my understanding that in no case will there be an amendment that will be offered that is identical to the House bill, which would thereby preclude the necessity of a conference.

The second point, I have been given the word of the chairman of the committee and the majority leader that, since I do not serve on the committee, I would be appointed by the Senate to act as one of the conferees, recognizing the importance of this to my State. I am more than satisfied with that verbal commitment from these gentlemen.

Mr. ROBERT C. BYRD. Mr. President, first, let us take the substitute question.

Is the Senator correct that the House bill would not be offered as a substitute?

Mr. STEVENS. That is my understanding. The only substitute would be offered—if he determines to do so—by the Senator from Massachusetts, and it is currently known as amendment 626 to S. 9.

Mr. TSONGAS. Let me respond. I will give the Senator my assurance that H.R. 39 will not be the substitute. I do not want to get locked into the particular substitute, because perhaps there may be things in it that would require some adjustment to pick up support even among Senators here.

Mr. STEVENS. The Senator has a right to modify this substitute up to the time he offers it. But that is the basic framework of the Tsongas substitute.

Mr. TSONGAS. Yes.

Mr. ROBERT C. BYRD. Could we include in the order that no substitute would be offered that is identical to the House bill?

Mr. TSONGAS. That is correct.

Mr. ROBERT C. BYRD. I make that part of the request.

Mr. TSONGAS. I understand that Secretary Andrus is obviously a party to all this and is on the phone and would like to make a comment. I should like to respond to that phone call before we put this issue to bed.

Mr. ROBERT C. BYRD. Before the Senator from Massachusetts does that, however, let me clarify another matter.

I have included in the request that no nongermane amendments be in order. Is it understood that all the amendments that have been enumerated here are germane amendments? So that we will have no conflict in the statement that no nongermane amendments will be in order.

Mr. DURKIN. That is right.

Mr. GRAVEL. That is right.

Mr. STEVENS. It is my understanding that there will be no nongermane amendments.

Mr. ROBERT C. BYRD. While the Senator from Massachusetts is talking to the Secretary, I suggest that he tell him that the Secretary does not know how difficult it is to get an agreement, so he should not hold me up too long.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. It is my understanding that all the amendments that were enumerated—the three I might offer, that my colleague might offer, that the Senator from Washington might offer, and the five that the Senator from Massachusetts might offer—must be germane to the Senate-reported committee bill.

Mr. DURKIN. And they are amendments in the first degree.

Mr. STEVENS. And they are amendments in the first degree. The amendments in the second degree must be germane to the amendment to which they are offered. Can we have that agreement, also? That was our understanding, that they were to be perfecting amendments.

Mr. ROBERT C. BYRD. But the proviso of no nongermane amendments would rule those out if they were not germane.

Mr. STEVENS. That is correct.

Mr. ROBERT C. BYRD. But the amendments that have been defined here are definitely, germane amendments.

Mr. STEVENS. Yes.

Mr. DURKIN. Yes.

Mr. STEVENS. We are also trying to isolate issues, so that we would not expect to see an Arctic wildlife range amendment offered as an amendment in the second degree to an amendment pertaining to the Wrangells. We want it understood that we are dealing with issue by issue, and we are talking about perfecting amendments.

My good friend sees my problem. We do not want to get these issues confused in one amendment.

We might want to repeat that when the Senator from Massachusetts gets off the phone, but that is my understanding.

Mr. ROBERT C. BYRD. While the Senator from Massachusetts is talking on the phone; The distinguished chairman, Mr. JACKSON, has indicated that Mr. GRAVEL will be a conferee; and I believe that my colleagues who are present on the floor heard Mr. JACKSON say that, and I support that 100 percent.

Mr. STEVENS. May I add that, not having had any advance opportunity to discuss this with the Senator from Oregon—I did catch him as he was leaving and have discussed this with him briefly—I informed him of that condition; he indicated that that and the general outline of the agreement were agreeable to him.

I apologize to him. I must state for the RECORD that I did not have an opportunity, the way this came up, to discuss this agreement with the Senator from Oregon; but he has told me that he would accept the conditions.

Mr. ROBERT C. BYRD. I do not want to include in the unanimous-consent request the proviso that Mr. GRAVEL be included as a conferee. I do not want to start doing that. But it is a gentlemen's agreement and is understood all the way around, and it is supported specifically by the chairman, Mr. JACKSON, that Mr. GRAVEL will be a conferee, and we all will work with that understanding.

Mr. GRAVEL. I am satisfied.

Mr. STEVENS. Mr. President, the Parliamentarian has pointed out to me that I made the statement that we intended that the amendments to be offered must be germane to the Senate bill. He indicates that that may be contrary to the Senate precedents, since we also technically have the House bill present.

It is my understanding, and I hope that is the agreement, that the amendments to be offered must be germane to the Senate bill; that if a subject is not included in the Senate bill, no amendment other than the substitute—the substitute has been specifically cleared as being a complete substitute—could be offered.

Mr. DURKIN. Mr. President, reserving the right to object, I am not sure that that does not add an element that we had not discussed. Covering 375 million acres, there could be areas that were deleted from S. 9 that were covered in H.R. 39; and that would preclude us from offering a refuge amendment covering areas that were not in S. 9 as a refuge. It could preclude us from offering a park amendment. It could preclude us from offering a wild and scenic amendment.

Mr. STEVENS. Take the National Petroleum Reserve of Alaska. It is not included in S. 9. It is included in H.R. 39. I hope we do not have to face a series of amendments concerning an area that the Senate committee has deleted from the bill, which will be in conference, and we want an opportunity to discuss it in conference. We do not want amendments concerning an area that has been totally deleted by the Senate committee added by an amendment on the floor.

Mr. DURKIN. Mr. President, further reserving the right to object, that would unduly restrict the scope of amendments that would be able to be offered on the Senate floor; and I am afraid that I would have to discuss that and the implications of that. Otherwise, I might have to object.

If the Senator would agree that the amendments be to S. 9 but not preclude any geographic area in Alaska, or any category of ecosystem protection, or one of the four systems, then I think maybe I could live with his understanding.

Mr. STEVENS. To bring the Senator from Massachusetts up to date, we are talking about my comment that the amendments to be offered—the five amendments of the Senator from Massachusetts, the three I have reserved, those my colleague has reserved, those Senator JACKSON has reserved—would be germane to the Senate bill. It was pointed out that that statement might be interpreted as being contrary to the precedents, since the House bill is technically before the Senate.

Normally, a matter that is germane to the House bill or the Senate bill would be in order. I said it was my understanding that these amendments must be germane

to the Senate bill, that we could not go into areas that are not covered by the Senate bill in amendments, other than the Senator's substitute, which does contain areas that are in H.R. 39 that are not in S. 9.

Is that contrary to the understanding of the Senator from Massachusetts?

Mr. DURKIN. While the Senator was off the floor, talking to Secretary Andrus, I mentioned my concern that we may be limiting geographic areas, one of the four systems, to substantial parts of the 375 million acres; that if the Senator from Alaska would agree that his suggestion did not preclude amendments to any of the 375 million acres or any of the four systems, then perhaps we could live with that.

Mr. STEVENS. I say to the Senator that if he offers an amendment to increase the size of the Gates of the Arctic, that is germane; but if he offers an amendment to create a second Gates of the Arctic that is separate and apart from that proposed park in S. 9, then I do not think it would be germane.

We want to limit the issues so that we can get the matter resolved and get to conference. That was my understanding.

That is why we have specifically delineated an amendment that we are considering.

Mr. TSONGAS. If I might respond, this is a bill of enormous significance, and I would hate, on the basis of a vague understanding of what may or may not be germane, to agree to something that is going to have implications or go on long after we are laid to rest, and I think that the time limit agreement gives us the certainty. I just do not want to turn around and wake up tomorrow and find out that I agreed to something that precludes the substance of the amendments that we are talking about.

The Senator knows very well what kinds of things we are discussing, and he knows that we are operating in good faith.

Mr. STEVENS. We are talking about the NPRA. That is not in the Senate bill. It is in the Senator's substitute. It is my understanding. I have asked several times about the amendments to be offered, and it is my understanding there were amendments concerning specific matters in the Senate bill and decisions were made in the committee that the Senator disagrees with. If we are going to face the NPRA and all these other areas that the Senate committee deleted then I think we have a different agreement. We are talking about perfecting the Senate bill or facing the Senator's substitute which does include NPRA as alternatives.

Mr. TSONGAS. That is not my agreement.

Mr. DURKIN. If the Senator from Alaska will yield, I think that the thrust of our agreement as fashioned in the cloakroom was that the five amendments that Senator TSONGAS and I have talked about involving parks in any area of Alaska, refuges in any area of Alaska, wild and scenic rivers, southeast Alaska, applying one of the four protective systems to any area within Alaska, were germane and would be not subject to a point of order or not fall without the four corners of the agreement.

I mean we are not going to try to make downtown Anchorage a national park or refuge or what have you. But by being tied just to S. 9, and even though I have lived with this thing a long time I do not have an instant recall of everything in S. 9, I am afraid we will be giving away a right to amend to say to make Porcupine National Forest the Yukon wildlife refuge.

Mr. GRAVEL. Mr. President, if the Senator will yield, I requested, and everyone is in general agreement, that in no case would we countenance an amendment that would be equal to the House bill. The purpose and the general agreement of that was, of course, that we would go to conference. So I think that that is our area of concern.

Mr. DURKIN. I do not have any problem with that.

Mr. GRAVEL. I know that. I think we might solve this impasse if maybe the majority leader and the minority leader would put their minds to a modification that would say that the final disposition of this issue would be a product of the conference report, and that would lay that to rest once and for all.

Mr. DURKIN. I do not know. I have been up that street once before last year with 47 sessions including 3 with the Senator in conference.

But what I want to make sure is that any part of our amendments on anyone of the four protective systems, applying to any of the area that is in question in either H.R. 39 or S. 9, is not precluded by virtue of this agreement.

If the Senator from Alaska would agree to that I think we should have the thrust of the agreement we fashioned in the majority leader's office.

Mr. STEVENS. There must be a misunderstanding, I will say that, because in the conference in the majority leader's office it was my understanding that we were talking about amendments that would be germane to S. 9. We were not talking about amendments that would be germane to H.R. 39.

I might say to my good friend that I assume if he wanted to he could expand anyone of those parks to include the whole State under the germaneness rule if it were one contiguous park. We have specific areas that were left out of the Senate bill and under the circumstances if we are to preserve any issues for the conference those are the issues that should remain for the conference.

I thought we were talking about S. 9 and amendments to S. 9 or the Tsongas substitute. In the event the Senator from Massachusetts did not agree with the result of the individual amendments as they were voted on by the Senate, he had the option to offer that as a final amendment, and it does contain many of the items that were in H.R. 39 that were deleted by the Senate committee.

Mr. DURKIN. Mr. President, if the Senator will yield, I do not think Senator Tsongas and I are arguing that we would not offer H.R. 39 as a substitute in toto and then try to do it in five installments and foreclose the Senator.

I say that I think the Senator from Massachusetts and I can agree we will not try to chop the dog's tail off an inch at a time in five segments to the Senator is not precluded from a conference as long as he does not ask us to give up the ability to amend a certain area, any area in Alaska with respect to one of the four protective systems.

If we can lay this on the Record and agree to it I think the Senator is protected and we are protected.

I yield to the Senator from Massachusetts.

Mr. STEVENS. There are a lot of other areas.

Mr. TSONGAS. I might say to the Senator from Alaska that I engage in this agreement in some jeopardy. I have not consulted with the Alaska coalition and just now have informed the Secretary what I am doing.

I take that responsibility seriously, and I am quite willing to shoulder whatever that responsibility might be.

But to fall into a trap where without knowing exactly the details of an amendment that I have given something away, the outlines of which are very vague, is irresponsible and there is no way that I can do that.

I will be perfectly willing to give the Senator these amendments within a short period of time, and he can look at them. I do not think he will be surprised by them. We have discussed them before.

Mr. STEVENS. Do they include the pet-4 reserve in Alaska? The Senator from Washington has left but as the Senator knows that was one of the areas that he specifically wanted left out of this bill.

Mr. DURKIN. Mr. President, if the Senator will yield, they have already drilled 16 holes on 23 million acres. There was almost unanimity that we should encourage more drilling in the pet-4 reserve to take the pressure off Beaufort Sea which is going to have a blowout and wipe out God knows what the way the Interior Department is going. Do we want to preclude an amendment which encourages drilling in pet-4 and postpone drilling in the Beaufort Sea where there is no technology?

Mr. STEVENS. No; the conference committee can put NPRA back. It is in the House bill. It will be within the scope of the conference.

Mr. TSONGAS. We can discuss this all night long. I cannot agree in good conscience to anything other than what we agreed to in that room. I have five amendments which will include the Hart-Culver concerns, and I wanted to be free to do what I think is right and the people I represent think is right on those amendments and not to have agreed to something here the details of which are very vague in my mind.

I just would feel irresponsible agreeing to that, and the Senator can decide what he wants to do on the basis of that. I am not trying to be irresponsible. The Senator knows how I tried to deal with him throughout the whole process.

Mr. STEVENS. I understand that. I leave the matter to my colleague from Alaska. That was not my understanding

in the majority leader's conference room. I thought we were dealing with amendments that were germane to S. 9 and I so stated before the argument started, and it was pointed out by the Parliamentarian it might be inconsistent with the precedents of the Senate.

Mr. DURKIN. We can do anything but amend the Constitution by unanimous consent.

Mr. STEVENS. I understand that, and that is what I was trying to do.

Mr. DURKIN. Could I propose a resolution of this, that we will not offer H.R. 39 as a substitute either in toto or in five installments and we will not be precluded from trying to attach any one of the four protective systems to any geographic area of Alaska, whether it is in S. 9 or H.R. 39?

I think we are protected and you are protected, and it is laid on the record. We just do not want to be surprised.

You know, you heard the story, about the guy playing cards. He has an ace, three, five, and seven and he wins the pot. The guy says, "Well, look at the sign 'Old Cat beats anything in the house.'"

So 3 hours later he has bet the wife, the cattle, the ranch, and he has ace, three, five, and seven and he loses to a pair of deuces. The other guy says to him, "Look at the other sign, 'Old Cat only wins once a night in this place.'"

We just do not want to get involved in such a situation.

Mr. TSONGAS. I would just point out for the record that that is a Massachusetts anecdote.

Mr. STEVENS. I find myself in the position of having argued for a time agreement for some time but not being entirely secure in the outline of this time agreement in terms of the fact that we may face entirely new areas that are not within the Senate bill.

Again, my colleague from Alaska, Senator GRAVEL—it is a good question, if he wishes to proceed and get the agreement, then I think it is an agreement and it is going to make the job much tougher because until we see those amendments we do not know what we are talking about.

Mr. GRAVEL. Let me just say that I have no motivation at all to proceed with the bill. I am the last one to come in the room, so I feel there is no question but that we are in jeopardy. If a bill is passed, I appreciate the Senator's concern.

Mr. STEVENS. I would really like to see the Senator's amendments, and I will say to my good friend from West Virginia I think I have a genuine disagreement or misunderstanding on the germaneness rule, and I started this discussion on that basis, and that is apparently where we are hung up. If we could make the agreement contingent upon our seeing those five amendments, with the opportunity to vitiate the agreement if we have basic concerns later on either side, it would be all right with me.

You have not seen mine either, but I can assure you mine are germane, and I think you know what they are. But I do not know what is going to happen in any new areas. We could be looking at a whole new configuration of these parks in areas that are not—four areas that are not—within the bill.

Mr. TSONGAS. Mr. President, if the Senator will yield, perhaps the resolution of this would be to agree subject to the parties' seeing the amendments of the other parties when we come back and have a session, but with the understanding that we would vitiate the agreement only—well, there is no point in getting to that.

Mr. ROBERT C. BYRD. Yes, I think it should be "only." I do not think we ought to open up a lot of doors by which the agreement could be vitiated. There is genuine concern about the contents of these amendments. If we could condition it on that——

Mr. TSONGAS. Yes. The concern is about the amendments being substantive not, perhaps, a nit-picking procedure, and there is, perhaps, nothing that I would offer that has not been talked about long before this session began.

Mr. ROBERT C. BYRD. Could we carefully state the condition on which the agreement might be vitiated so that we could proceed?

Mr. STEVENS. So far as I am concerned I would like to have the right to vitiate any agreement if the amendments offered by the Senator from Massachusetts go beyond the concept of dealing with the areas that are covered by the Senate bill to the extent that I think it becomes a bill that, if passed, would not go to conference. I do believe that you could do it on the basis where we would end up with a bill here that the House would take and we would not get to conference at all. Those areas we deleted make the bill conferential, and it means they would be resolved in conference. That is where I want this bill to be written, in conference, if at all possible.

I am prepared to enter into an agreement. I want to work it out with the Senator, but I am sure he can see if we end up with a bill that is entirely acceptable to the Alaska Coalition and to the administration but is going to not get through conference we do not have any chance. There are some things in the House bill we would like to see in the Senate bill. They are not in there because we knew we would have those to discuss in conference.

Mr. DURKIN. Mr. President, will the Senator yield? That is why I think what I have proposed, that we will agree not to replace H.R. 39 in five installments, and you agree not to foreclose—not to apply the germaneness rule to any geographic area in any one of the four protection systems, because under what you are saying you can end up in conference, and the only issue that would be in conference would be whether it is the Yukon Wildlife Refuge or Porcupine National Forest, and nothing else would be within the scope of the conference.

Mr. STEVENS. No, I understand. I think the amendments the Senator from Massachusetts is going to offer—and we have been over it enough to know the boundaries and the boundaries of the Senate bill or the House bill and the original coalition bill, it seems to me that is what we ought to be dealing with, not whether we are going to create additional areas that go beyond the bill that is before the Senate.

Mr. DURKIN. Mr. President, will the Senator yield? What about, say, we come in with a refuge amendment and sweep in the entire North Slope in the amendment, Pet 4 all the way to the Canadian border. Under what you are asking that would be nongermane except as it related to areas already in S. 9.

Mr. STEVENS. I am sure the Parliamentarian will tell you that if you extended it to cover the whole of the Arctic it would be germane, but if you created contiguous areas, areas not within the Senate bill under my interpretation they would not be germane, the new areas not covered by the Senate bill, the individual areas, would not be germane.

Mr. TSONGAS. Is the Senator concerned about a particular amendment?

Mr. STEVENS. I am particularly concerned about all NPRA. I think the Senator from Washington would agree that if we have separate legislation, the President has recommended a course of action concerning it. We left it out intentionally and the House put it in intentionally, and I do think that is a conferential item, and the kind of item that ought to be considered between the two Houses and not foreclosed here by an amendment which makes the NPRA a part or something like that, of a wildlife refuge.

Mr. TSONGAS. Does the Senator have potential objection to that one issue?

Mr. STEVENS. It is primarily that issue and also the question of the interior forests and what would happen to those interior forests. I have no idea what your amendment does with that.

Mr. TSONGAS. That makes two of us.

Mr. STEVENS. I just think it would be better if we had the right to—let us enter an agreement—you have not seen my amendments either. They might send you up the wall. But I do not think they will because I think we want to get the matter in conference.

Mr. TSONGAS. I think at this point we either have to be operating on good faith and show each other our amendments and then see where we are—the disadvantage that I have is that you know Alaska much better than I do by definition, and for me to enter into an agreement with considerably less knowledge, representing an entire movement that has spent years on this, not knowing what I am talking about I just do not think is proper. That is the basis for my hesitation.

Mr. DURKIN. What about letting it go over until morning?

Mr. STEVENS. Take the Susitna River. It was included in the House bill and not included in our bill, and we have a very vital interest in the Susitna River. If we do not find it in the House bill we are not going to face it as a wild and scenic river. It will be in conference, however, because it is in the House bill, and it would apparently be germane in the House bill, an amendment in the House

bill, since the Senate rules pertain to germaneness over House bills. We could argue over individual issues that were settled in over 60 committee meetings during the past 3 years.

Mr. DURKIN. I think we have made a lot of progress. I think we have the framework.

Mr. STEVENS. Can we not get the time agreement subject to a conference? I do trust my friend from Massachusetts. As a matter of fact, we have never failed to reach a final amicable resolution of what is a fair balance. After you see ours and I see yours, we will sit down with the Parliamentarian and work it out on the basis of a comity as it is fair. I am not seeking to rewrite the Senate rules, either.

But I do not think we ought to face every one of those issues that we created to have confidential items with the House on a basis that wipes out our conference.

Mr. DURKIN. Well, Ted——

Mr. ROBERT C. BYRD. Mr. President, may we observe the Senate rules? I do not want to throw a thorn in this. But could we address the Chair and address Senators in the third person?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The majority leader's point is well taken.

Mr. GRAVEL. I think we are precisely close to an agreement. What has been propounded by the majority leader is satisfactory, that it could be vitiated if there is disagreement on the issue of germaneness to the amendments submitted by all parties, that that should be done as soon as possible in the next 30 days, and that would be the only grounds for a vitiation of the agreement. That seems adequate. No one is giving up a thing. We will see everybody's amendment. If there is a germaneness dispute, and it is only to the ground of germaneness, then we could vitiate the agreement. Does that come close?

So, if the Senator from Alaska looked at your amendment and said, "This, in my mind, is not germane," that vitiates the agreement. But at least we have made a step in the right direction. And there is no doubt to what the majority leader wanted to do and that was only to have a vitiation as a result of one particular item.

Mr. TSONGAS. Will the Senator yield?

Mr. GRAVEL. Yes.

Mr. TSONGAS. My concern is what happens if we get to a point where an amendment could be objected to on the issue of germaneness and yet be clearly within the spirit of the negotiations for the past year plus.

Mr. GRAVEL. Then my colleague is back to the point where there has not been a clear case of good faith, and that somebody is using a device to thwart the realization of this agreement. Other than that, we can make some progress tonight on this. And if, later on, there is acrimony, then this agreement will be vitiated.

At least we are starting out with the desire to do that. As has been stated by my colleagues, in the past these areas have been accommodated by the goodwill of the people involved.

Suppose, in my case, people are suspicious that I might want to sabotage this. I will look at your amendments and say, "To me, they are not germane." That kills the agreement.

But I am prepared to exercise an agreement, because I feel all parties will act in good faith. They may not.

Mr. TSONGAS. If I could have the agreement that we could be subject to a response that says: "Yes, we expected these amendments. We have been discussing it for a year and a half. It is proper that you bring it up. We have got to get the issues resolved," but there is a germaneness problem."

Mr. STEVENS. Will the Senator yield?

Mr. TSONGAS. Yes.

Mr. STEVENS. Could we have the agreement and the understanding with the Senator from Massachusetts that we will all submit the amendments to the Parliamentarian within 30 days and we will have his decision as to whether the amendments are germane to the House bill, are they germane to the Senate bill, and the ones that would not be germane to Senate bill but are germane to the House bill will be the subject of a conference? If they clearly violate the spirit of the conversation we have had here tonight, if that is the determination, then the majority leader or minority leader can vitiate the agreement.

Mr. DURKIN. Mr. President, reserving the right to object, what sort of a framework do you contemplate? Would the ruling of the Parliamentarian be subject to appeal?

Mr. STEVENS. I am just saying if the majority leader and the minority leader, based upon the advice of the Parliamentarian think these amendments would violate the agreement, they may vitiate the agreement. They may not, too. They may determine to go ahead with it. But we will leave it to their option on the basis of the comity and if they feel that either of us is seriously grieved by the procedures that have been followed——

Mr. DURKIN. Reserving the right to object, you say the Susitna is not in the Senate bill?

Mr. STEVENS. No, it is not. It is in the substitute of the Senator from Massachusetts.

Mr. DURKIN. And if the Senator from Massachusetts or anyone else would offer an amendment to make the Susitna a wild and scenic river, is it your opinion that it would be nongermane under the agreement that is propounded?

Mr. STEVENS. It would depend on the way it is done, really. Because the wild and scenic rivers are a series of rivers and the Susitna could be connected in a manner that would make it germane.

Mr. DURKIN. Say the dam site, the place where you have contemplated putting the dam, and we made that a wild and scenic river or a national park with the highest decree of protection, is it your view of this unanimous-consent agreement that that would be nongermane because it is not addressed in any way?

Mr. GRAVEL. Wait a minute. You are pushing me on that. You are getting into the merits of the situation. The Congress has already acted to authorize this dam site and the State is expending millions of dollars on this project. The Federal Government has already expended unusual sums. And now to act to preclude the people of Alaska, in this period of an energy crisis, to not enjoy a renewable resource is really preposterous.

Mr. DURKIN. Will the Senator yield? You know, we damn near got killed looking at that dam site flying in that little plane.

Mr. ROBERT C. BYRD. Mr. President—go ahead and finish your sentence.

Mr. DURKIN. The Susitna was brought up. I am not arguing about the Susitna itself. But we are sort of like the blind man feeling the brown bear, not quite sure what we are up against. And we do not want to foreclose the ability to offer an amendment involving any one of the four prospective units or systems to any geographic area in the State of Alaska. We will agree that we will not replace H.R. 39 in five installments.

Mr. GRAVEL. Will the Senator yield? With the suggestion I made, not even tying it down to the Parliamentarian, if you wanted to move to vitiate the agreement because you felt that there were things happening on the basis of germaneness of the amendments, then you could do that. There is really no diminution of any individual's prerogatives in this agreement, except that if we do go forward in the spirit of comity to try to arrive at something, to accommodate the difficulty of leadership.

You could do the same thing as I could do if you want to vitiate it later on these grounds.

Mr. DURKIN. Will the Senator yield? Maybe the majority leader could help me answer this question. If we do that, do we really have a unanimous-consent agreement or do we have an agreement to try to reach an agreement?

Mr. ROBERT C. BYRD. I think you would have an agreement that could be vitiated on certain conditions.

Mr. STEVENS. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Does the majority leader feel uncomfortable with the suggestion I made that the final decision would be made by the leadership? I have discussed the matter with the Senator from Massachusetts. I think he and I have the same feeling; and that is if the final decision would be such that we feel that somehow or other we have been totally betrayed by the system, we want out. But it would have to be a total betrayal to get to that point. And I trust the leadership to make that judgment and he apparently would, also.

Is that agreeable with you? We have an agreement subject to being vitiated by the leadership if they feel we are so disturbed that it might affect the future operation of the Senate?

Mr. DURKIN. What is your definition of "total betrayal"?

Mr. STEVENS. That was the concept of my friend from Massachusetts and I felt very akin to those words.

Mr. TSONGAS. If the Senator from

Alaska would delete the word "total" and accept the word "betrayal," I think we have an agreement we can all live with.

Mr. STEVENS. The condition is that we have gotten an agreement, subject to being vitiated by the minority leader and majority leader, if they are convinced any one of the parties involved has really been misled by this concept.

Mr. DURKIN. Reserving the right to object, I do not want to have this more involved than we already have it, but I am not sure what the procedure to vitiate is, what the form is for deciding whether it can be vitiated or not, and the framework that the trier of the fact, if you will, will utilize to determine whether there has been betrayal to cause vitiation.

Mr. TSONGAS. If the Senator will yield, if we ended up in a situation where I offered my five amendments, and those were no surprise to anyone, particularly in view of their being discussed for these many months, and they were presented to the Senator from Alaska who said, "No; you cannot have one of these for purely parliamentary reasons in the process," that process would so undermine this environmentalist effort that I could see that I could not proceed in good faith and I could go to the majority leader and say that the spirit of the last 13 months has been betrayed. I would ask him to honor my request to vitiate the agreement. We have been through a number of amendments and a number of controversies and have been able to work them all out. Here we are discussing a hypothetical. I hope that since we have gone this far, we can continue on.

Mr. STEVENS. I am prepared to accept that. The majority and the minority leader together can authorize committees to sit in the afternoon, they can do a lot of things contrary to the rules, if they both agree. They both would have to agree to do this. I do not see any reason why we cannot give that power to them.

Mr. ROBERT C. BYRD. Well, if it is agreeable to all parties.

Mr. DURKIN. While we are waiting for Senator GRAVEL, can I ask another question of Senator STEVENS?

Mr. ROBERT C. BYRD. Yes.

Mr. DURKIN. Under the agreement to vitiate if somebody cries foul, what about if there is a totally different treatment of Misty Fiords?

Mr. STEVENS. It would not surprise me that it would be germane. Misty Fjords is in the bill. You can rename it or refigure it, or do almost anything you want with it. It would not be a new area. But if you went to some other islands in southeastern not covered by this bill, subject to existing contracts for cutting, and you said you wanted to make that into the Purple Fjords, then I would say you had violated the spirit of this agreement.

Mr. DURKIN. What about if we proposed that the Admiralty Islands be a wilderness; would that be germane?

Mr. STEVENS. When we talk about S. 9, we are talking about the Senate committee version, I assume we agree with that, as reported to the floor of the Senate. It is in S. 9. It would be germane to do whatever you wished to do with the Admiralty Islands. That does not foreclose me from being as vociferous as I can about what you might propose.

Again, I am trying to avoid getting new areas in here and, in effect, making this bill a bill that covers areas we have not even prepared studies on. We have areas that have been suggested by the coalition and we have not even studied them. They are coming up with new ideas for new parks and new wildlife refuges that none of us have discussed. I think that would be unfair, if we came in with something that none of us has reviewed and we had no idea as to what was going on. Some of those are NPRA, incidentally. They have ideas of new refuges that we have not even looked at. That is all I am saying, for us to talk about existing areas, and the expansion, redefinition, reclassification. Those are entirely germane.

But I do not want to face the problems of having entirely new concepts come on the floor of the Senate that we are not prepared to meet. That is what I would say would be unfair from my point of view. I do not think the Senator from Massachusetts feels contrary to that, but I do think that there are some who do confer with my good friend who might suggest such an avenue of approach.

Mr. ROBERT C. BYRD. So what is the condition, if I can ask the distinguished acting minority leader? What is the condition by which the agreement could be vitiated?

Mr. STEVENS. If after consultation with the parliamentarian one of us raises the question of a departure from the understanding, and the majority and minority leader are convinced together that that is the case, the majority leader could vitiate the agreement. We might not even call it up under those circumstances.

Mr. ROBERT C. BYRD. One further question: When the Senator says, "all of us"——

Mr. STEVENS. I am talking about those of us who are involved, the Senator from Washington, the Senator from Oregon, the Senator from Massachusetts, the Senator from New Hampshire, and the two Senators from Alaska.

Mr. ROBERT C. BYRD. Very well. Is that agreeable?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair and I thank all Senators.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the order is for the Senate to convene at 9 a.m. tomorrow morning, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Are there any orders for the recognition of Senators other than the order for Senator HARRY F. BYRD, JR.?

The PRESIDING OFFICER. That is the only order.

Mr. ROBERT C. BYRD. I thank the Chair.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM FEBRUARY 13 TO FEBRUARY 19, 1980

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a House concurrent resolution. I ask that it be stated by the clerk, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The second assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 276) providing for an adjournment of the House from February 13 to February 19, 1980.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 276) was agreed to.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess for 12 hours and 31 minutes until the hour of 9 o'clock tomorrow morning.

There being no objection, the Senate, at 8:29 p.m., recessed until tomorrow, Friday, February 8, 1980, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 1980:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The following-named persons to be Members of the National Commission on Libraries and Information Science for terms expiring July 19, 1984:

Helmut A. Alpers, of Connecticut.
Carlos A. Cuadra, of California.
Margaret S. Warden, of Montana.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

(The following transcript is from the Press Conference held by Senators Ted Stevens and Mike Gravel on the evening of February 7, 1980, following Senate concurance on a time agreement for the Alaska lands bill): -

TED STEVENS: We want to tell you about an agreement we just entered into on Alaska lands on the Senate floor.

MIKE GRAVEL: Ted will speak for both of us on the details of the agreement.

STEVENS: We've entered into an agreement under which the Alaska lands bill S.9 can be called up on the floor any time after July 4th by call of the Majority Leader. Under that agreement Senator Gravel will serve as a member of the conference committee. The bill will be called up under a time limitation which will give five hours to Senator Gravel, five hours to Senator Tsongas, five hours to Senator Jackson and five hours to Senator Hatfield and myself. There will be five amendments offered by Senator Tsongas on which there is a two hour limitation. Thos are amendments in the first degree that are subject to amendment. Three amendments to be offered by Senator Gravel, three amendments to be offered by myself and three amendments to be offered by Senator Jackson also subject to a two hour time limit and they are also subject to amendment. We have further agreement that Senator Tsongas may offer his substitute amendment if he wishes to do so after those amendments are disposed of. There will be no other amendments in order, and the amendments must all be germane. There is a question as to whether they must be totally germane to the Senate bill or the House bill. That is to be resolved. If on the basis of having provided the amendments (all of us must file our amendments within 30 days -- not the amendments to the amendments, but the basic amendments must be filed within 30 days) and if the Majority and Minority Leader find that any of the amendments that are offered substantially violate the understanding that we've reached...that we're dealing basically with amendments that are germane to the bill itself, then they may vitiate the agreement, or as a matter of fact, the Majority Leader is not compelled to call up the bill.

The bill will not be called up before July 4th and the amendment, in a nature of a substitute by Senator Tsongas, will not be subject to any amendments.

GRAVEL: This is an agreement at this point which probably will stick, but as pointed out by Senator Stevens, there is the opportunity, that if there is a germaneness problem, and there's a feeling of a loss of faith by the various participants, the Majority Leader, Senator Byrd, and undoubtedly Senator Stevens as Acting Minority Leader would then viciate this agreement. I doubt that would be the case.

STEVENS: That is strictly a Minority Leader (Senator Baker) power. It would take two of them to viciate the agreement. Although Senator Byrd is not compelled to call up the agreement, he may call it up any time after July 4th. But it was sort of a surprise that we were able to reach an agreement.

We have been negotiating for some time. As I've said Senator Byrd has been quite anxious to get an agreement on the bill, and he got all the parties together in his Majority Leader's office and this was the agreement that was outlined and tentatively agreed to. It has been concurred in by Senator Jackson, as the Chairman of the Energy Committee, and by Senator Hatfield as the ranking Republican on that committee. It means that we are going to face a very tough fight, because it is obvious that these amendments that will be offered by Senator Tsongas will change the complexion of S. 9 if they are adopted.

GRAVEL: Also it gives us ample time to prepare and with the climate changing with respect to energy it may improve our position by then. But the critical thing is that it gets it into the latter part of the session which gives us, as a small state, more leverage then we would have certainly during the months of February, March, April, May and June. That leverage, of course, can be very important to us.

QUESTION: When do these amendments have to be presented?

STEVENS: They have to be presented within 30 days (I'm glad you asked that question).

GRAVEL: To be examined by all the parties.

QUESTION: Within 30 days of right now?

STEVENS: Yes.

QUESTION: And they'll be brought up when the bill is on the floor?

GRAVEL: Yes, and the amendments will be brought up when the bill is called up on the floor right after July 4th. Assuming that there is nothing of national import that takes a higher priority.

QUESTION: What is it that changed things around today?

GRAVEL: Senator Byrd and I had a meeting and from that meeting he contacted Ted, and then contacted Scoop (Senator Jackson). The question was how was it precipitated today?

I had made an agreement with Senator Byrd earlier in the week that I would get back to him after I talked with Senator Stevens and with Secretary Andrus. I accomplished that, then got back with Senator Byrd today. He agreed that after the 4th of July would be acceptable to him, and that it would be acceptable to him that I would serve on the conference. So after he left me, he went over to see Senator Stevens to see if that was acceptable to Senator Stevens. It obviously was. Then they both talked with Senator Jackson, I believe, and Senator Byrd then called a meeting to bring in Senator Tsongas and the other parties, as many as could be secured, for a meeting in his office. Then from there it went to the floor. So from that first meeting it sort of just pulled together very rapidly.

QUESTION: What's the advantage of having the Tsongas (substitute) voted on second? Doesn't this really give Tsongas two shots at S.9? I mean he can amend it, and if he's not happy with the bill he can bring his bill up?

STEVENS: Senator Tsongas has the right to offer his substitute if he wishes to do so. I've thought all along we could beat the Tsongas substitute. It would foreclose a conference and I really don't think the Senate is prepared to do that. He wanted to offer his amendments separately. I told him first that I wouldn't agree to that. It was at the suggestion of Senator Byrd, I think that that be approached. But he doesn't have any great advantage by being able to offer the the substitute last, as I see it now. That may change, but I don't think so, because he touches the Arctic Wildlife Range, and he touches many of the areas in the state that are very vital to resource development. I think Senator Gravel and I are in agreement that as this develops right now, considering the great interest in national security, I just don't see us passing a substitute that would totally foreclose access to the Arctic Wildlife Range. As a matter of fact, some of the amendments that I am considering would open that Range further.

GRAVEL: The only thing that I'd add to that is that the spirit of the agreement is that everybody will have a clean shot at what they are trying to accomplish. So it's going to come down to whether you have the votes for the issues you are committed to.

QUESTION: Senator Tsongas said he has five amendments, four protected areas, could we go over those?

STEVENS: We haven't seen the amendments, but we generally know what he wants to do. I think everybody knows what he wants to do: He wants to change the Arctic Wildlife Range, the Gates of the Arctic, the Wrangells, Southeastern, and some of the general provisions of the bill.

GRAVEL: Plus we have recognized, even without consulting each other that we both chimed in and each wanted three amendments. I don't kow what amendments I am going to be offering, but since Senator Tsongas had five, I figured if we had six between us that we were safe.

QUESTION: And he'll be able to amend your amendments and you'll be able to amend his amendments?

GRAVEL: Yes, everything is to the first degree.

STEVENS: We have an understanding that the procedure that would shut off amendments would not be followed. It is possible to offer an amendment in the first degree, and then offer an amendment in the second degree and prevent any other amendments in the second degree from being considered by the nature of the perfecting amendment, which in effect would be totally a substitute, so that the amendment would not be open for amendments.

Now we have an understanding that that would not be done in this case and we will be able to offer perfecting amendments to one another's amendments in the first degree. The real point is we now have our work cut out for us. There's no question about that. It would have been a lot simpler if we could have faced the Tsongas substitute, and then faced S.9 to go into conference. But it's still possible I think with the change of climate for us to improve this bill. That's what we are going to try to do.

QUESTION: What is it that changed your mind? You said a few days ago that you wanted an up and down vote on Tsongas, but that you didn't want individual environmentalist amendments to S. 9. Was it that Tsongas wouldn't buy that idea? Why is it that you've changed your mind on this?

STEVENS: It's the apparent agreement we have to put this bill off until after the 4th of July. I've been very fearful, as you know, that we are facing a motion to take up the bill without any limitation at all in the very near future...and it was apparent there has been tremendous pressure on the Majority Leader coming from the Administration and others to call this bill up. And if we couldn't get an agreement I think we would have faced the question of calling the bill up. If the bill was called up without any agreement, we wouldn't have had any protection at all. We've got a semblance of protection now in terms of the way we got it lined up. We have the ability to offer amendments too.

GRAVEL: We were both surprised that we could get it that far into the Congress. That gives us considerable more leverage than we'd have right now.

QUESTION: I thought the whole idea of delaying a vote until the end of a year though, I thought you get leverage from that because you wouldn't have to go along with a time agreement?

GRAVEL: The time agreement bought us time, in this particular case, so it's a trade-off. The only thing at risk, really, and this is what Senator Stevens is working on with his viciating agreement, and that was something would pass the Senate that would be totally acceptable to the House and they would just grab it like that, and then it's law. There's no way we can circumvent that risk. But by the same token now with being able to examine the amendments, if there's something that is tricky that we think is not germane, then the whole think can be brought back to square one. I sort of doubt that will happen. Tsongas, et al, certainly have led us to believe, and I think they intend that, that this issue will go to conference and that does give us certainly another step before there is a final determination of the result.

QUESTION: So basically on his honor, he won't bring up NPR-A of Susitna?

GRAVEL AND STEVENS: (together) No, no, no, there's more than that.

STEVENS: I think he may bring up NPR-A or Susitna. The question is how is it brought up? If it's brought up so that it opens up issues we haven't faced before, areas we haven't studied, and they propose uses that are inconsistent with the general discussions we've had in the past, I think that would be a violation of our agreement. They want to fight us on whether Susitna ought to be a wild and scenic river just as such, I think we could do that. But if we get a situation where Sussitna is so lumped in with a whole series of wild and scenic rivers that we wouldn't have a fair chance to delete it then I think we would have been misled. That's the basis thing. I think we can win Susitna on an up and down vote on a straight issue. We just don't want to get into a position where we don't have a chance to protect our vital interests.

GRAVEL: Yes, so much a minor part of a big package that everybody's got to vote for politically.

QUESTION: Now that do you think this will do to the state effort, the resolution condemning S. 9?

GRAVEL: They can read the English language and can make up their own minds. I haven't been involved in that and don't intend to. I've made my views clear. I'm not happy where we're at, but I don't have any control to be where I'm at.

QUESTION: Does this mean that you're backing S. 9 now?

GRAVEL: No, I, let me state it again, I'm not here because I want to be here, I'm here because I've been forced to be here by circumstances beyond my control. I would rather have no legislation but that's you know, academic at this point in Alaskan history.

QUESTION: Did Andrus when you spoke with him reconfirm his threat to withdraw?

GRAVEL: No I don't think Andrus added to my decision-making process. I think a desire to work with Senator Stevens, and a surprise that we could secure this of time into the session. I think that's very critical to a final resolution. It gives us more leverage than we would have otherwise.

STEVENS: What Senator Gravel is saying, as I see it is, and I was surprised that we were able to get an agreement (because I didn't know really, Mike that you were ready to agree), but the impact of it is that by putting it off beyond the 4th of July (we will be out for a substantial period after the 4th of July. There's only two weeks there between the two conventions. We don't know whether it's possible to even get it up in that period, the last week of July)

GRAVEL: I think we go as late as after the 20th of July. In fact, I would guess that there is no way, just look at the recess calendar.

STEVENS: We've just agreed that we're out from the 3rd now and we come back in on the 20th.

GRAVEL: Well that settles that. Fourth of July (is) the 21st of July.

STEVENS: The earliest it could come up now is the 21st of July and as I said during that period are the two conventions. I have a reason to believe that there will be other issues that will be involved that probably might take the front burner there. I see it as probably coming up sometime after the recess for the Democratic convention which is in August.

GRAVEL: Then the earliest would be the 18th of August.

STEVENS: As I understood what was done by the agreement, I assume you mentioned the 4th of July. I didn't (says I did), I don't know where that came from...

GRAVEL: I did.

STEVENS: It means that the bill is pushed back there in the end of the session, and if we can get it to conference, and we don't like it from conference we have a great deal of leverage over it. That's the critical part.

QUESTION: In other words, if you weren't happy with the result, you could filibuster the conference?

GRAVEL: A lot easier than now.

STEVENS: The key now is -- get it to conference, and by putting off consideration of it until after that 4th of July recess, (it cannot be called up before that now) -- it has bought a lot of time. There is no question about that. Senator Gravel's approach has done that. It is contrary to what I wanted to do on the individual amendments, because I thought perhaps we might seat them down to the point where they would get a vote up or down on the Tsongas substitute, and only that, and then take S. 9 to conference. But we are both trying to do the same thing, and that's get down to the point where we might have our leverage restored to get a great deal more of what we want, or not get a bill at all. That, I take it, is still our goal.

GRAVEL: Right.

QUESTION: In other words, you're talking about a possible filibuster of the conference report?

GRAVEL: If everything goes to hell in a handbasket, there's no question. We now have that tactical position that makes it a lot easier at that point to do that (filibuster). We have no way to do it now.

STEVENS: If the bill was called up at this time without a time agreement, even with a filibuster, we could not have controlled it.

QUESTION: When do you think the bill could come up?

GRAVEL: Not until after July 21st. The key element is it gives us better leverage than we could have got right now. I'm surprised that we were able to get this much time.

STEVENS: I must say that date surprised me too, when we were talking about buying time, the furthest along I thought we'd get was May, but when somehow or other Mike talked them into not before the 4th, I think that changed the approach to a great extent.

QUESTION: Will this satisfy the Secretary of Interior?

GRAVEL: It would be very, very, difficult for the Secretary to affect a withdrawal with this kind of an agreement, I think he can interpret the fact that we have an agreement is movement prior to his deadline. So there is no reason to try and pressure the Congress anymore than he already has.

STEVENS: You should know that while we were talking Senator Tsongas was called off the floor by Secretary Andrus because apparently he was caught by surprise too. The impact of that was that he too entered into the agreement.

GRAVEL: He told me he was unahppy..and he said but that's the way it goes.

STEVENS: I think he wanted more time to define the types of amendments they were considering, and to try and work out an arrangement where we might not be able to amend their amendments...don't forget we perfected the rights to offer amendments to their amendments, and since we are going to have them in 30 days, that ought to be an interesting exercise. Particularly with the great interest in oil and gas and minerals here in the Senate, I think we can now develop some effective counter offensives, and that's why we reserved the right for these other three amendments.

QUESTION: Can anyone else offer amendments?

GRAVEL: There is a half-hour for other amendments that anybody else wants to offer. It isn't restricted to just us. But it's only a half-hour for anybody else.

QUESTION: For each amendment?

GRAVEL: Yes, for each amendment.

STEVENS/GRAVEL: Are there any other questions? Thank you very much.

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

STATE OF ALASKA
OFFICE OF THE GOVERNOR
ANCHORAGE

TO: Jay S. Hammond
Governor

FROM: John W. Katz
Special Counsel

SUBJECT: Refutation of statements concerning Alaska's energy potential.

DATE: January 30, 1980

For your information, I am enclosing a specific refutation of the statements of Patrick L. Dobey, a paid consultant for a national conservation group, concerning Alaska's energy potential.

This critique was prepared by Ross Schaff and Gar Pessel, geologists in the Division of Geological & Geophysical Surveys of the Department of Natural Resources. As their analysis indicates, Mr. Dobey's statements create a highly inaccurate and misleading impression respecting Alaska's energy resources. In turn, this impression could contribute to inaccurate conclusions concerning the impact of the Udall-Anderson bill on future exploration and development in Alaska, particularly on the North Slope. Because of this, we have taken steps to circulate the accompanying critique to members of the Senate and their staffs.

If you have any questions or comments concerning the enclosed analysis, please let me know.

JWK/dw

cc: Lt. Governor Miller
Legislative Oversight Committee

P.S. Our other efforts to develop the energy issue via the lobby program appear to be going well, and I look forward to discussing recent developments with you when we next get together.

STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D.C.

Questions and Answers About Alaska's Energy Resources: A Refutation of the Statements of Patrick L. Dobey

January, 1980

INTRODUCTION

The following analysis was prepared by two of Alaska's foremost geologists (see accompanying biographical material). The analysis represents a specific refutation of statements made by Patrick L. Dobey, a paid consultant for a national conservation group. Certain proponents of the Udall-Anderson and Tsongas Alaska lands bills have sought to minimize the impact of the enactment of either of these measures on Alaska's energy resources, and Mr. Dobey's statements are designed to buttress this approach. However, as the following critique indicates, Mr. Dobey's analysis and conclusions are not supported by the facts, particularly new geological and economic information relating to the oil and gas potential of the Arctic National Wildlife Range and other areas of Alaska's North Slope.

In addition to the analysis contained herein, the State and other concerned parties have prepared issue papers and critiques which deal with other energy-related aspects of the Alaska lands legislation. These papers, which have been distributed previously or are now in process, demonstrate the detrimental implications of the Udall and Tsongas measures that would result from inadequate transportation and access provisions, a new and unworkable leasing system, land designations which would block important access or would preclude future exploration and development, and other factors. By contrast, the legislation reported by the Senate Committee on Energy and Natural Resources is shown to be far more favorable for the development of Alaska's energy resources, while protecting important scenic, wildlife, and other resources at the same time.

Question: Is it true that "geologists know that oil and gas occurs only in sedimentary basins, and that the boundaries of such basins are firmly established in Alaska"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.2.

Answer: A great amount of doubt exists about the exact boundaries of the sedimentary basins in Alaska. In the process of compiling a map of the potential oil and gas basins in Alaska, the Division of Geological and Geophysical Surveys consulted with geologists from industry and the USGS, and encountered a rather wide variety of opinions about the placement of basin boundaries.

For example, the boundary of a petroleum basin can be obscured by a so-called thrust belt, where older rocks are shoved over the edges of a pre-existing basin in a mountain-building process. The

search for oil and gas in such conditions is quite difficult, but significant amounts can be found, as seen in the overthrust play now occurring in the Rocky Mountains. Analogous conditions exist on the North Slope of Alaska, where the front of the Brooks Range has been thrust out, probably for tens of miles, over the basin edge.

Question: Is it true that "3% to 5% of the lands with high or favorable oil potential would be restricted from oil and gas exploration and development by the House passed bill"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.3.

Answer: Dobey's statement implies that if only 5% of the prospective land is affected, then only 5% of the potential resources are at stake. Such a statement disregards the facts concerning the resource potential assigned to various land areas in Alaska. The fact is that the lands in question include some of the most prospective oil and gas potential in Alaska, and the probabilities are that a very high percentage of that potential could be locked up by the House bill.

Resources are not distributed homogeneously throughout a basin, and for this reason, a resource potential cannot be treated as simply a function of the areas of land involved. For example, if the small amount of land involved in the Prudhoe Bay field had been withdrawn, one would have locked up a very high percentage of the onshore oil potential in Alaska. Our knowledge of the geology within the North Slope basin allows us to select certain areas, such as the Arctic National Wildlife Range, as having significantly higher potential than other areas.

Question: Is it true that "current geologic information" indicates that the Arctic National Wildlife Range does not have much petroleum potential, or is "very low" (citing Grantz and Mull)? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.4.

Answer: Dobey is quoting Grantz and Mull out of context, and fails to include qualifying statements and other more optimistic statements about the oil potential of ANWR in the report so as to create a totally misleading conclusion.

The statement about a "very low" potential related only to the older sequence of rocks in the basin (Ellesmerian), and represents only a very carefully qualified opinion. In fact, in the same paragraph, Grantz and Mull state that the "prospect for Ellesmerian petroleum deposits beneath the coastal plain east of Camden Bay cannot be conclusively evaluated from the existing data." Grantz and Mull also note, in their report, that "a range of options have been expressed for the potential of the coastal plain itself."

Question: Is it true that "the 1978 Grantz and Mull report is based upon 1977 high quality seismic reflection profiles along the coast and well data that were not available for all previous studies"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.4.

Answer: The seismic data in question was reconnaissance type work on the continental shelf done by an ocean-going vessel, and none of these lines were in close proximity to the coast because of the draft of the vessel. The seismic data that was acquired is useful for regional interpretations, but could not be construed as giving detailed information about the coastal zone or coastal plain of the Wildlife Range.

The statement implies that well data not available for previous studies was somehow not encouraging for the petroleum prospects in the Wildlife Range. The wells in question, in the vicinity of Point Thompson and Flaxman Island, immediately west of the Range, are, in fact, producing oil wells, and can be said to enhance the potential of the Range, because similar geology is likely to exist on the Range. Grantz and Mull refer to these specific wells, and recent discoveries in Canada in the following sentence:

> "If the reported Dome discoveries have relevance for the potential of the Wildlife Range, or if the Flaxman Island and Point Thompson discoveries are as large as their initial rates of flow during testing suggest, then the potential of the ANWR coastal plain could be significantly larger than indicated above."

Question: Is it true that "the total potential reserves of the Arctic Range (are) at 750 million barrels"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p. 5.

Answer: A resource estimate given in this form, with no qualification about the level of uncertainty in the estimate and no indication of the data base or estimation technique used to derive the estimate, might as well have been pulled out of thin air. Given the fact that the Wildlife Range has never been drilled, and there is no seismic data on which to base an estimate, any estimate of the resource potential of the Range would have to be subject to several orders of magnitude of uncertainty. To deliberately leave out such qualification is misleading and scientifically incorrect.

Question: Is it true that "it would take a field of at least one billion barrels on the North Slope to be economical"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.5.

Answer: Such a statement may have been correct a number of years ago, but it is not accurate in the context of current oil prices.

During the recent Beaufort Sea lease sale, economic studies made to determine leasing prices by the USGS and the State government indicated that the minimum economic field size for the sale area, which is offshore, was about 100 million barrels.

Question: **Is it true that "the chances of finding such a field (billion barrel) are 'very low'", and that "it makes more sense to spend limited exploration funds on more promising areas, such as the offshore areas and the National Petroleum Reserve-Alaska"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.5.**

Answer: The chances of finding a very large deposit of oil and gas are always low, since such occurrences are not common. However, in order to find such deposits, it is necessary to look in places where they have a reasonable chance of occurrence, and the Wildlife Range is clearly one of those places.

The drilling results in NPRA do not make that area "more promising" than the Wildlife Range. The offshore areas are a very large unknown. However, the environment offshore is much more hostile than onshore, and the economics of oil production on the continental shelf of the Beaufort Sea are much more forbidding than onshore. Therefore, it is difficult to say that a search for petroleum in the offshore is either more promising or more wise than exploration of the Wildlife Range.

Question: Is it true that the NPRA has a very high potential? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p.5.

Answer: The petroleum potential of NPRA has been the matter of some considerable amount of speculation, and estimates of the resource potential are constantly changing because of the continuing exploration program. Because the exploration has, to date, been unsuccessful, the resource estimates for NPRA are not especially high. The last published figure (105b study, 1978) shows an average value (about the 50% probability level) of 8.2 billion barrels of oil in place, of which about one-third might be producible.

Studies of the resource potential of the Wildlife Range have not been done using methods similar to those used in the 105b study of NPRA, and therefore, any direct comparison of the two areas in question is bound to be speculative and subjective in nature.

The geology of the Wildlife Range is more encouraging, from an exploration point of view, than NPRA. The younger sequence of rocks in ANWR, not present in NPRA, contains large amounts of oil just outside the Range in the Flaxman Island area, and in the MacKenzie area of Canada. For this reason alone, the resource potential of the Range is probably significantly greater than that of NPRA.

Question: Does "information available since 1977, however, drastically and dramatically change(s) the geological concepts and the oil and gas potential of the Arctic National Wildlife Range," and does "this latest information drastically downgrade(s) the Range's economic oil and gas potential"? "Energy and the Alaska Lands Bill," Patrick L. Dobey, p. 4, 5.

Answer: If anything can be construed as "drastically and dramatically" revising the oil and gas potential of the Wildlife Range, it would have to be the nature of the Canadian discoveries in the MacKenzie area. These discoveries have been made in the younger section of rocks that is also present in the Wildlife Range. Grantz and Mull devote a considerable discussion to the potential of these rocks, drawing analogies to the Canadian discoveries that had been made at the time of their report. Their method of averaging to determine the expected size of an oil field that might occur in the Range is not a particularly valid method of resource assessment, but the Canadian discoveries announced in 1979 would revise their figure sharply upward. One such discovery (Kopanoar, M-13) had a productive rate of 12,000 barrels a day, leading to a potential reserve of "billions of barrels" to quote the Dome news release.

The discoveries at Point Thompson and Flaxman Island, just west of the Range, and the bidding of industry in that area in the recent sale, point to the realistic high potential of the younger sequence of rocks in the Wildlife Range.

In addition, a recent report done jointly by the USGS and the State Division of Geological and Geophysical Surveys released November 30, 1979, contains "new geological information which reinforces the conclusion held by most industry and government geologists that the Arctic National Wildlife Range has the highest potential for oil and gas of onshore Alaska," according to Dr. R. G. Schaff, State Geologist for Alaska.

CONCLUSION: Dobey's statements quotes the Grantz and Mull report selectively and out of context so as to present a pessimistic picture of the oil and gas potential of the Wildlife Range, which result was not the intention of the authors. Dobey also makes categorical statements about the geology of the Range which are simply not supported by any known documentation, either in publications, or by his own analysis.

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Work Experience:

Dr. Schaff's experience in Alaska began in 1960 when he accepted an appointment as Assistant Professor of Geology at Alaska Methodist University, Alaska's only 4-year private university. Shortly after his promotion to Full Professor of Geology he accepted the position of Academic Dean of the University, a position he held until 1975. In 1975 he was appointed by Commissioner Guy Martin, now Assistant Secretary in the Department of Interior, to the position of State Geologist for Alaska. As such he directs the activities of the State's Geological and Geophysical Surveys, an agency responsible for the collection and analysis of data pertaining to oil/gas, water, coal, geothermal energy, minerals, and geologic hazards.

Periodically Dr. Schaff has worked as a consulting geologist and currently serves on the National Research Council, Committee on Alaskan Coal Mining and Reclamation.

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Work Experience:

Coal geology of Alaska, field geologist for J.A. Noble, a consultant working for U.S. Steel; three months in 1959

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Petroleum geologist and geophysicist for Richfield Oil Corp. and Atlantic Richfield Co. in Alaska. Included geologic field exploration in all major parts of Alaska; project chief with C.G. Mull on the North Slope (1963-1965); seismic interpretation on the North Slope and Beaufort Sea (1966-1970); regional geologic interpretation of the North Slope (1970).

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Petroleum Geologist with State Division of Geological and Geophysical Surveys. Geologic mapping and exploration of Brooks Range and North Slope, regional interpretation of North Slope subsurface geology, liason to NPRA exploration program; several publications on the geology of the Brooks Range and North Slope petroleum geology and regional geology. (in cooperation with USGS). WAE status with USGS, geologic and geophysical evaluation of Beaufort Sea leasing area. (1972-1979)

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