

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

700 SCOM122: ALASKA LANDS FILE 1977-78

STEERING COUNSEL POLICY POSITION - CONGRESSIONAL REVIEW

As presently constituted, HR39 over-emphasizes the use of Congress as a final arbiter in Alaska land use decisions and under-emphasizes the administrative process. Clearly, it is sometimes appropriate to have Congress oversee major federal administrative actions. It is not, however, appropriate for Congress to review and approve each and every land use decision covering federal lands in Alaska.

Overuse of congressional review will always pose a threat to the private citizen or small businessman who does not have an established lobbying capability in Washington. For example, under the current version of HR39, an Alaskan miner can satisfy all of the requirements imposed by the President and the Department of the Interior to unlock a claim for exploration and extraction, but may be defeated in Congress if either the larger unit of the mining industry or the environmental community oppose the withdrawal.

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

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

The U.S. Geological Survey is scheduled to release its most current Alaska mineral potential maps -- known as its "Level II" survey -- in January. The United States Bureau of Mines has recently completed its information-gathering and drafting of its most current mineral potential data covering Alaska. (Currently the Bureau of Mines cannot release this data due to an alleged ^{delete} shortage of funds necessary to transcribe the information onto maps and map overlays.)

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

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

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

A BILL.

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Forest Systems, to create a Federal-State Land Use Planning Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska Lands Conservation and Management Act."

SEC. 2 (a) In order to preserve for the benefit, use, education, and inspiration of present and future generations certain natural lands and rivers in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the areas described in Title I are, subject to valid existing rights, hereby declared to be units of the National Park System; the areas described in Title II are, subject to valid existing rights, hereby declared to be units of the National Wildlife Refuge System; the areas described in Title III are, subject to valid existing rights, hereby declared to be units of the National Wild and Scenic Rivers System; lands described in Title IV are, subject to valid existing rights, hereby declared to be added to units of the National Forest System; and lands designated in Title V are, subject to valid existing rights, hereby declared to be units of the National Wilderness Preservation System.

(b) It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, resident and nonresident wildlife species; to preserve in their natural state unaltered ecosystems; to protect the resources related to subsistence needs; to protect and preserve the historic and archeological heritage of Alaska and the nation; to preserve wilderness resource values and related recreational opportunities; and to maintain opportunities for scientific research in undisturbed ecosystems.

(c) It is also the intent of Congress to provide a management system for the lands which are not located within the conservation system units designated in the Act which will be provide a mechanism for making sound land use decisions on lands owned by one or more governmental or private entities but which contain common resources requiring complementary management decisions and actions.

(d) It is also the intent of Congress to encourage the use and appreciation of the various conservation system units designated by this Act by the public. To the extent that it is compatible with the resources and values for which the unit was established, access and facilities to accommodate visitors and recreationists to and within the designated units would be developed in connection with the management plans for the areas.

~~and nonresident wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities within large arctic and subarctic wildlands and on freeflowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems.~~

(c)(1) Areas established in titles I and II, ^{+IV} of this Act shall, subject to valid existing rights, comprise the lands, waters, and interests therein within the boundaries generally depicted on the maps bearing the following designations:

The boundaries of areas added to the National Park and Wildlife Refuge Systems shall, in coastal areas, not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

(2) The maps described in subsection (c) of this section shall be on file and available for public inspection in the office of the Secretary of the Interior (hereafter referred to as the "Secretary"), or the Secretary of Agriculture with regard to the National Forest System.

legal description of each change in land management status effected by this Act in the four national conservation systems, including the National Wilderness Preservation System, shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate, and each such description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in each such

legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Secretary. Whenever possible, boundaries shall follow hydrographic divides or embrace other topographic features in all cases where straight line map boundaries approximate such features. Following reasonable notice in writing to the Congress of his intention to do so, the Secretary of Interior and the Secretary of Agriculture may make minor adjustments in the boundaries of the areas added to or established as units of the National Park, Wildlife Refuge, Wild and Scenic Rivers, and the National Forest Systems by this Act.

TITLE I-NATIONAL PARK SYSTEM

~~Part~~ Establishment of New Areas

SEC. 101. (a) The following areas are hereby established as units of the National Park System and shall be administered by the Secretary under the laws governing the administration of such lands and under the provisions of this Act:

- (1) Wrangell-St. Elias Park and Preserve, containing approximately _____ acres of Federal lands;
 - (2) Gates of the Arctic Park, containing approximately _____ acres of Federal lands;
 - (3) Lake Clark Park and Preserve, containing approximately _____ acres of Federal lands;
 - (4) Kobuk Valley Monument, containing approximately _____ acres of Federal lands;
 - (5) Cape Krusenstern Monument and Preserve, containing approximately _____ acres of Federal lands;
 - (6) Aniakchak Monument and Preserve, containing approximately _____ acres of Federal lands;
 - (7) Yukon-Charley National Rivers, containing _____ acres;
- ADDITIONS TO EXISTING AREAS

SEC. 102. (a) The following units of the National Park System are hereby expanded:

- (1) Mount McKinley National Park by the addition of _____ acres of Federal land;
 - (i) the park is hereby redesignated as "Denali National Park, and
 - (ii) the mountain known as Mount McKinley shall hereafter be known as "Denali". Any law, regulation, map, document, or record of the United States in which such mountain is designated or referred to under the name Mount McKinley shall be held to refer to such mountain under and by the name of "Denali."
- (2) Katmai National Monument by the addition of _____ acres of Federal land, and the monument is hereby redesignated as "Katmai National Park" ;

ADMINISTRATIVE PROVISIONS

SEC. 103. (a) The Secretary shall administer the lands, waters and interests therein added to existing units, or established by the foregoing sections of this title as new units, of the National Park System in accordance with the provisions of law applicable to the National Park System, except that the taking of fish and wildlife may be permitted under the provisions of Title VII of this Act, and transportation and utility rights-of-way may be granted by the Secretary across units of the National Park System under the provisions of Title X of this Act.

(b) All valid Native selections or nominations of lands within the boundaries of the Gates of the Arctic National Park or

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the Wrangell-St. Elias National Park, as established under this Act, are hereby recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and Title VIII of this Act.

TITLE II--NATIONAL WILDLIFE REFUGE SYSTEM

Establishment of new areas

SEC. 201. The following areas are hereby established as units of the National Wildlife Refuge System, and shall subject to valid existing rights, be administered by the Secretary pursuant to the provisions of law governing the administration of such units and under the provisions of this Act:

- (1) Selawik Refuge, containing approximately _____ acres of Federal lands;
- (2) Koyukuk Refuge, containing approximately _____ acres of Federal lands;
- (3) Innoko Refuge, containing approximately _____ acres of Federal lands;
- (4) Shishmaref Refuge, containing approximately _____ acres of Federal lands;
- (5) Kanuti Refuge, containing approximately _____ acres of Federal lands;
- (6) Kaiyuh Refuge, containing approximately _____ acres of Federal lands;
- (7) Alaska Marine Resources Refuge, containing approximately _____ acres of Federal lands;

ADDITIONS TO EXISTING REFUGES

SEC. 202. The following units of National Wildlife Refuge System are hereby expanded:

- (1) Arctic National Wildlife Range by the addition of approximately _____ acres of Federal lands.
- (2) Clarence Rhode National Wildlife Range and Hazen Bay National Wildlife Refuge by the addition of approximately _____ acres of Federal lands; furthermore, the Clarence Rhode National Wildlife Range and Hazen Bay National Wildlife Refuge are hereby redesignated as the Yukon Delta National Wildlife Refuge.
- (3) Cape Newenham National Wildlife Refuge by the addition

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of approximately _____ acres of Federal lands;

(4) Kenai National Moose Range by the addition of approximately _____ acres of Federal lands;

ARCTIC NATIONAL WILDLIFE RANGE EXCHANGE

SEC. 203. The subsurface estate of approximately 280,000 acres of land described on the map numbered _____ within the existing Arctic National Wildlife Range are hereby removed from the Range. After concurrence by the Governor of the State and the Secretary _____ acres of lands selected, tentatively approved for patent, or patented to the State which are located adjacent to one or more of the areas designated in Title I or II of this Act shall be conveyed to the Federal Government or retained in Federal ownership and shall be added to the respective unit designated in Title I or II. Upon concurrence of these State lands by the Governor and the Secretary, the subsurface estate of those lands described in this section within the Arctic National Wildlife Range shall be conveyed to the State of Alaska.

of the Secretary to grant leases for the exploration and development of oil and gas resources on units of the National Wildlife Refuge System, oil and gas leases have not been let for all intents and purposes on refuge system lands in Alaska. Furthermore, the Congress finds that with strict regulations governing surface uses within refuge system lands oil and gas exploration and possible development could occur with minimal and acceptable impact on the resources and values for which the unit was established.

(b) The Secretary shall initiate a leasing program for oil and gas resources of lands designed in this Title. In his determination of those lands for which leases would be let he shall seek the recommendations of representatives of the oil and gas industry, conservation groups, the State of Alaska, local governments, Native corporations, and other interested parties. The Secretary shall prescribe such regulations as may be reasonably necessary to insure that exploration and development occurs in a manner which does not result in significant adverse impacts on the resources or values for which the refuge unit was established.

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Additions to the National Wild and Scenic Rivers System

SEC. 301(a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1247(a)) is amended by adding the following new paragraphs at the end thereof:

- (16)
- (17)
- etc.

(b) Detailed boundaries and development plans referred to in this section shall be established and prepared within one year of enactment of this Act. Such boundaries shall include an area up to one mile from either side of the mean high water level of the river segments designated in Section 301(a)

(c) The units designed in this section would be managed by the federal agency designated as manager of the lands adjacent the designated river.

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TITLE IV--NATIONAL FOREST SYSTEM

SEC. 401. The following units of the National Forest System are hereby expanded:

- (1) Tongass National Forest by the addition of _____ areas, containing _____ acres of Federal lands;
- (2) Chugach National Forest by the addition of _____ areas, containing _____ acres of Federal lands;

**TITLE V--DESIGNATION OF WILDERNESS AREAS
AND WILDERNESS STUDY AREAS WITHIN
UNITS OR ADDITIONS TO UNITS OF THE
NATIONAL FOREST SYSTEM**

SEC. 501. In furtherance of the purposes of the Wilderness Act, and subject to valid existing rights, the following lands are hereby designated as wilderness and, therefore, as components of the National wilderness Preservation System:

- (1) Within the Tongass National Forest the following areas are hereby designated:
 - (i) the area known as _____ comprised of _____ acres of land
 - (ii) the area known as _____ comprised of _____ acres of landetc.

SEC. 502. In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall review each area designated by this section as to the suitability or nonsuitability of such area for preservation as wilderness and report his findings to the President and to Congress within three years after enactment of this Act:

- (1) Within the Tongass National Forest the following areas are hereby designated for study:
 - (i) the area known as _____ comprised of _____ acres of land;
 - (ii) the area known as _____ comprised of _____ acres of land;

ADMINISTRATIVE PROVISIONS

SEC. 503. (a) The provisions of this section are enacted in recognition of the unique character of the wilderness in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska.

(b) Such measures may be taken as the concerned Secretary finds are necessary for the control of fire, insects, and diseases, subject to such conditions as he deems desirable to maintain the wilderness character of the area.

(c) Customary use of aircraft, motorboats, and snowmobiles where such use has already become established, shall be permitted to continue in areas designated as wilderness, subject to such restrictions as the concerned Secretary determines necessary to maintain the wilderness character of the area.

(d) Within national forest wilderness areas designated by this Act, the Secretary of Agriculture shall permit the taking of fish and wildlife on lands under his jurisdiction in accordance with applicable laws of the United States and the State of Alaska. Subsistence activities described in Title VII of this Act, including access by motorized vehicles shall also be permitted within wilderness areas designated under this Act.

(e) Previously existing public use cabins within national forest wilderness areas designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary of Agriculture deems necessary to preserve the wilderness character of the area. Also subject to such restrictions, the Secretary is authorized to permit the construction and maintenance of new cabins and shelters with wilderness areas designated under this Act for the purpose of protection of public health and safety, for the protection and preservation of the wilderness character of the area, or to meet minimum requirements for the administration of the area.

(f) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purpose of the areas.

(g) In any case where State-owned or privately owned land or mining claim land is completely surrounded by national forest lands ~~within national forest wilderness areas~~ designated by this Act as wilderness areas, the State or private owner or interest holder shall be given such rights as may be necessary to assure adequate access to such State-owned, privately owned land, or ~~privately~~ mining claim.

(h) In accord with principles of sound fisheries management, the appropriate Secretary is authorized to permit research, fish stocking, enhancement, rehabilitation and development activities and

the development of fish aquaculture and research sites within wilderness areas designated by this Act, ~~and the Secretary is authorized to~~ ~~study, restore, augment, or sustain~~ fish populations. Structures for any such research or fish aquaculture sites shall consist of only facilities essential to these operations. Such facilities shall be constructed in such manner as to minimize impact on the natural environment and the wilderness values for which the area was established. The Secretary of Agriculture is authorized to allow the State and/or holder of a permit for fish enhancement program or development reasonable access, including possible motorized access, for necessary fish and wildlife management activities. In addition, such reasonable access shall be provided for the evaluation of sites needed for fisheries research, enhancement, rehabilitation, and development and for the construction, operation and maintenance of authorized projects.

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**TITLE VI -- ALASKA FEDERAL-STATE LAND USE
PLANNING COMMISSION**

Sec. 601. (a) Following designation under Alaska State law of all lands patented or tentatively approved for patent to the State to be cooperatively managed with designated Federal lands, there is hereby established the Alaska Federal-State Land Use Planning Commission (hereinafter referred to as the "Commission").

(b) In addition to the designated State lands, the Commission shall have jurisdiction over all public lands in the State of Alaska under the management of the Bureau of Land Management, including the National Petroleum Reserve in Alaska.

(c) With the approval of the Commission, lands for which patents or interim conveyances have been issued to Native corporations under the terms of the Alaska Native Claims Settlement Act may be placed under the jurisdiction of the Commission pursuant to the procedures and conditions which shall be enacted by the State of Alaska.

Sec. 602. (a) (1) The Commission shall, subject to the provisions of Section 101, be composed of nine members as follows:

(A) One member appointed, after consultation with and concurrence by the Governor of Alaska, by the President of the United States, with the advice and consent of the

Senate, who shall be Chairman of the Commission;

(B) Four members appointed by the President of the United States, with the advice and consent of the Senate;

(C) Four members appointed by the Governor of the State of Alaska with the advice and consent of the State Legislature.

(2) Upon the first vacancy of a position under subparagraph (B) and subparagraph (C) (whether created by expiration of a member's term or otherwise) occurring on or after the date on which 80 per centum or more of all lands for which patents or interim conveyances have been issued have been dedicated by Native corporations for jurisdiction under the Commission, the President and the Governor, in filling those vacancies, shall appoint a Native (as that term is defined in the Alaska Native Claims Settlement Act) to fill the respective vacancy, and thereafter, as long as such lands remain so dedicated, at least one of such members appointed pursuant to subparagraph (B) and subparagraph (C) of subsection (a)(1) shall be a Native.

(b) (1) The Chairman shall be compensated at a rate to be determined by the president not to exceed the rate provided for GS-18 of the General Schedule under Section 5332 of Title 5, United States Code.

(2) All other members of the Commission shall be compensated at a rate to be determined by the President,

after consultation with and concurrence by the Governor of Alaska, not to exceed the rate provided for GS-16 of such General Schedule.

(3) Upon vouchers approved by the Chairman, all members of the Commission shall be reimbursed for necessary expenses incurred by them in carrying out their duties under this Act.

(c) The Commission, with the approval of the Chairman, is authorized to obtain the services of experts and consultants in accordance with Section 3109 of Title 5, United States Code.

(d) Members ^{appointed pursuant to Sec. 602(a)(1)(B)&(C)} shall serve for a four-year term except that, of the initial members appointed pursuant to subparagraph (B) of subsection (a)(1), two members shall be appointed for two-year terms, and of the initial members appointed pursuant to subparagraph (C) of subsection (a)(1), two members shall be appointed for two-year terms. A vacancy in the membership shall not affect the Commission's powers but shall be filled in the manner provided in paragraph (2) of subsection (a). Any person appointed to fill a vacancy involving an unexpired term shall serve for the duration of that term. Except to the extent otherwise provided in subsection (a), members may be reappointed to serve additional terms. The Chairman appointed pursuant to Sec. 602(a)(1)(A) shall serve at the pleasure of the Governor and the President.

(e) Six members of the Commission shall constitute a quorum, except that the Commission may establish a

lesser number for purposes of subsection (g).

(f) All Commission meetings shall be public and shall be duly noticed at least fifteen days prior to the date when the meeting is to take place.

(g) The Commission, or on its authorization, any subcommittee or member thereof, may hold such hearings, take such testimony, receive such evidence, and print such reports as are deemed necessary to carry out the functions specified in this Title.

(h) The Chairman shall have the authority, in accordance with regulations prescribed by the Commission, to create and abolish employments and position, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension and retirement rights of Commission employees; and to procure needed office space, supplies and equipment.

(i) The principal office of the Commission shall be located in the State of Alaska.

(j) The federal government shall pay only 50 per centum of the costs and other expenses incurred in each fiscal year by the Commission in carrying out its duties under this Act.

(k) The Commission is authorized to use the services, equipment, personnel and facilities of Federal departments and other agencies, with or without reimbursement. Each department and agency of the Federal government shall cooperate

fully in making its services, equipment, personnel and facilities available to the Commission.

(l) The Commission is authorized to accept donations, gifts and other contributions and to utilize such donations, gifts and contributions in carrying out its functions under this Act.

(m) The Commission shall keep and maintain complete accounts and records of its activities and transactions, and such accounts and records shall be available for public inspection.

(n) The Commission shall, on or before March 1 of each year, prepare and submit to the President, the Governor of Alaska, ^{the Legislature} and the Congress an annual report summarizing its activities during the preceding calendar year, together with its recommendations.

Sec. 103. (a) It shall be the function of the Commission:

(1) to review resource inventories prepared by the managing agencies and other affected or concerned Federal and State agencies on lands under the jurisdiction of the Commission; and to initiate and conduct other such inventories and resource studies as may be needed;

(2) to develop comprehensive land use plans with respect to lands under the jurisdiction of the Commission;

(3) to make land classifications pursuant

to such plans, and to approve and to supervise the regulation of uses in accordance with such plans and classifications;

(4) to assure that such classifications would specifically identify lands which are suitable and open for the following primary uses:

- (A) oil and gas/^{and other fuel mineral} exploration and possible development;
- (B) ^{Non-fuel} mineral exploration and possible development;
- (C) human habitation, permanent and seasonal;
- (D) agricultural and aquaculture development;
- (E) timber harvesting;
- (F) tourism/recreational development;
- (G) primitive or wilderness use;
- (H) fish and wildlife habitat; and
- (I) other resource uses as may be appropriate.

(5) to assist in the development and review of land-use plans for lands selected by Native corporations under the terms of the Alaska Native Claims Settlement Act which may not be designated for jurisdiction by the Commission; ~~to assist in the development and review of land-use plans for State lands not designated for jurisdiction by the Commission;~~ and to assist in the development and review of land-use plans of municipal governments;

(6) to review existing withdrawals of Federal public lands and recommend to the President and Congress such additions to or modifications of such withdrawals as the Commission deems appropriate;

(7) to make recommendations to the President and the Governor regarding the programs and budgets of the Federal and State agencies responsible for the administration of the public lands of the United States and the State of Alaska;

(8) to make recommendations, from time to time, to the President, Congress and the Governor and the Legislature of the State of Alaska as to changes in laws, policies and programs relating to the public lands which the Commission deems necessary or desirable;

(9) to make recommendations to the appropriate officers of the governments of the United States and the State of Alaska to develop general plans which would insure that economic growth and development are orderly, planned and compatible with State and national economic, social and environmental objectives;

(10) to make recommendations to appropriate officers of the United States, the State of Alaska and municipal officials to improve coordination and consultation between the Federal, State and municipal governments in making resource allocations and land use decisions;

(11) to coordinate the implementation by Federal and State agencies the provisions of the following laws as they may affect lands under the jurisdiction of the Commission:

- (i) Federal Water Pollution Control Act as amended;
- (ii) Clean Air Act as amended;
- (iii) Solid Waste Disposal Act;
- (iv) National Environmental Policy Act of 1969;
- (v) Coastal Zone Management Act of 1972 as amended;
- (vi) Safe Drinking Water Act;

In order that Commission may review all pertinent actions in regard to the above mentioned laws, to insure that conflicts do not occur between the rules, regulations, or policies of the various federal and state agencies involved with the implementation of these laws, and to insure that uses being permitted under these laws are consistent with the overall land use plans and classifications developed by the Commission for particular lands under their jurisdiction, the federal agencies authorized with the administration of the various provisions of the above-described laws shall provide the Commission with copies of all orders, notices, or other material initiated by the agency concerning the implementation of the above-mentioned laws affecting any lands under the jurisdiction of the Commission.

Prior to the finalization of any rule, regulation, stipulation, policy or other action affecting uses of lands under the jurisdiction of the Commission, any federal agency authorized to implement terms or provisions of the above-mentioned laws shall solicit and receive comments on the proposed action from the Commission. The agency or Department shall take whatever actions or make modifications as are reasonable and in keeping with the provisions of the above-mentioned laws to obviate conflicts or problems which the Commission may identify in its comments.

(12) to determine the location of specific routes or corridors which would serve identified regional, statewide or national transportation or utility needs; approve rights-of-way across lands under its jurisdiction and make specific recommendations to the appropriate ~~Federal/~~~~by/~~~~State~~ ~~officer/~~~~or/~~~~private~~ landowner where such rights-of-way would cross lands not under the Commission's jurisdiction, and in

connection therewith the Commission shall evaluate alternative routes and modes and shall seek to recommend prudent and feasible routes and corridors which minimize environmental impacts.

(b) With respect to the uses under paragraph (4) of subsection (a), the Commission shall have the authority to pursue such uses on a lease basis under such terms as it may prescribe or under applicable provisions of the public land laws.

(c) With respect to all Federal lands subject to the jurisdiction of the Commission, the Secretary may veto a decision of the Commission. With respect to all State lands subject to the jurisdiction of the Commission, the Governor of Alaska may veto a decision of the Commission. With respect to any lands owned by Native corporations subject to the jurisdiction of the Commission, either the Secretary or the Governor may veto a decision by the Commission.

(d) Federal, State and Native corporation lands under the jurisdiction of the Commission shall continue to be managed by the respective agencies established under Federal and State law, and in the case of corporation lands, by the respective corporation owner, provided that uses shall be regulated in accordance with classifications made by the Commission. Except to the extent that they would be inconsistent with a Commission classification or the provisions of this Act, land use management decisions made by an agency shall be in accordance with the laws

and regulations which generally govern the functions of such agency.

(e) Lands under the jurisdiction of the Commission shall be withdrawn from all forms of disposition or appropriation under Federal or State public land laws, including mining and mineral leasing laws, until a land use plan has been completed for the particular area by the Commission and classifications imposed in regard to permissible land uses.

(f) In performing the functions described in Section 103 (a) the Commission shall hold public hearings in the specific locale or region for which specific land use plans, classifications or actions are being proposed or considered.

Sec. 104. Notwithstanding any other provision of law, Federal participation in the Joint Federal-State Land Use Planning Commission for Alaska, established in Section 17(a) of the Alaska Native Claims Settlement Act, shall cease 180 days following the date of enactment of this Act or upon establishment of the Commission provided for in Section 101 of this Title, whichever first occurs. Immediately upon termination of Federal participation, all unexpended funds appropriate to the Joint Commission and all property shall be returned, as appropriate, to the United States and the State of Alaska, unless the Commission provided for in Section 101 of this Title has been established, in which case all Federal funds and property shall be transferred to the Commission.

Sec. 605. (a) On or before the ^{one-year} ~~fourty-day~~ period immediately preceding the date of the expiration of the ten calendar year period following the date on which the Commission takes effect, the Secretary of the Interior ^{and the Commission} shall report to the President and the Congress with respect to the Secretary's views and recommendations concerning the desirability or non-desirability of continued Federal participation in the Commission.

(b) Unless otherwise hereafter provided by law, Federal participation in the Commission shall terminate upon the expiration of the ten calendar year period following the date on which the Commission takes effect.

Findings

Sec. 721. The Congress finds and declares that-

(1) The continuation of subsistence uses by Natives of Alaska on the public lands and on their Native lands is essential to their physical, economic, and cultural existence.

(2) The continuation of subsistence uses by some other residents of the State of Alaska on the public lands is essential to their physical, economic, and traditional existence.

(3) The situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply persons dependent on subsistence uses.

(4) Continuation of subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, and by increased accessibility of

(E) In order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act, and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and over management of the public lands to protect and continue subsistence uses on public lands by Alaska Natives and other Alaska residents.

(F) The national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by the inhabitants of Alaska require that an administrative structure be established for the purpose of enabling people who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife (including habitat) and of subsistence uses on the public lands in Alaska.

Policy

Sec. 702. It is hereby declared to be the policy of Congress that-

(1) It is the purpose of this title to ensure that management policies on the public lands in Alaska will cause the least adverse impact possible on rural people who traditionally and consistently depend upon

constraints of sound biological management and the purposes for which conservation system units are established, designated, or expanded by or under this Act, the purpose of this title is to provide the opportunity for people engaged in a genuinely subsistence-oriented lifestyle to continue to do so if they desire and to allow such people to decide for themselves their own degree of subsistence dependency and the rate at which acculturation or adjustment to a nonsubsistence way of life may take place.

(2) Subsistence use of wildlife and other renewable resources shall be the first priority consumptive use of all such resources on the public lands of Alaska, and where it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife resource or the continuation of subsistence uses of such resource, the taking of such resource for subsistence uses shall be given preference on the public lands over recreational, sport, or other consumptive uses.

(3) Except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with

Corporations, appropriate State and Federal agencies,
and other nations.

Definition

Sec. 723. As used in this Act, the term "subsistence uses" means customary and traditional uses in Alaska of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles including clothing, or for the customary trade or barter among subsistence users for personal or family consumption. *Such uses may provide nominal cash supplement.*

State Regulation

Sec. 724. (a) Except as otherwise provided by this Act and other Federal laws, during an interim period of 18 months beginning on the date of the enactment of this Act, the State of Alaska is authorized to regulate, in a manner not inconsistent with the policies set forth in section 722, the taking of fish and wildlife for subsistence uses on the public lands in Alaska. If the State fails to accept such authority, the Secretary shall regulate such taking during such period in a manner not inconsistent with such policies.

(b) At the end of the 18-month interim period, the State of Alaska is authorized to regulate, in a manner consistent with the provisions of this Act, the taking of fish and

If the State fails to accept such authority, the Secretary shall regulate such taking in a manner consistent with the provisions of this Act, including applicable provisions of this section concerning State regulation.

(c) If the State wishes to exercise the authority conferred under paragraph (b) of this section, then within 18 months after the date of the enactment of this Act, the Governor of the State of Alaska shall submit to the Secretary a State program which shall include at least the following elements:

~~(1) A management plan which has as its central elements (A) the maintenance of the continued viability of the populations of fish and wildlife species on the public lands, and~~ (1) a system capable of monitoring subsistence and other consumptive uses of such species to ensure that timely and appropriate State action will be taken to carry out the purposes and policies of this title.

(2) The establishment of not less than five or more than twelve fish and game management regions which, taken together, shall include all public lands where the State is exercising regulatory authority under this title. After consultation with the Secretary, the Native Corporations, rural residents, and other

time determine the number and boundaries of such regions taking into account the exterior boundaries of Native Corporations, State fish and game management unit boundaries, ecosystems, the migration and movement of fish and wildlife utilized for subsistence purposes, the boundaries of boroughs, cities, towns, and unincorporated municipalities, and other relevant factors.

(3) A State law or regulation which-

~~((A) provides for the regulation of the taking of fish and wildlife on the public lands by a professionally staffed State agency which has an administrative structure compatible with the provisions of this section and which has adequate enforcement authority;~~

(A) provides priority for subsistence uses over other consumptive uses of fish and wildlife on the public lands; and

(B) provides that, when it is necessary to restrict the taking or other consumptive uses of subsistence resources in order to protect the continued viability of such resources or the continuation of subsistence uses of such resources, restrictions and limitations on and priorities for

basis of the following criteria: (i) customary and direct dependence upon the resource as the mainstay of one's livelihood, (ii) local residency, and (iii) availability of alternative resources.

(4) A system of local and regional fish and game councils within each management region referred to in paragraph (3). Each such council shall be composed of residents of the concerned region and shall have the following functions:

(A) Reviewing, developing, and evaluating proposals for regulations, policies, management plans, and other matters relating to the conservation and utilization of fish and wildlife in such region.

(B) Providing a forum for the expression of opinions and recommendations by persons interested in any phase of fish and game conservation and utilization.

(C) Maximizing local and regional participation in the fish and wildlife decisionmaking process.

(D) Preparing a subsistence management plan for ^{or a general fish+wildlife management plan which includes subsistence} ~~such region~~ ~~such region~~. The plan shall be updated annually and shall contain (i) an identification of current and anticipated subsistence uses of fish and wildlife in

anticipated subsistence needs for fish and wildlife in such region, (iii) a subsistence management strategy for fish and wildlife resources of such region, and (iv) proposals for policies, standards, guidelines, and regulations necessary to implement the plan.

(5) The ~~assignment of~~ ^{provision of} adequate and necessary staff to the regional councils and the distribution of all available, relevant technical and scientific support data to the local and regional councils.

(6) A requirement that the State agency referred to in paragraph (3)(A) or any other rulemaking authority shall adopt recommendations of the regional councils concerning the taking of fish and wildlife within their respective regions unless any such recommendation is not supported by substantial evidence, is violative of recognized principles of sound fish and wildlife management, or would be detrimental to the satisfaction of local subsistence needs.

(7) A requirement that if a recommendation of a regional council is rejected by the State agency referred to in paragraph (3)(A) or any other rulemaking authority, such agency or authority shall make findings of fact detailing the basis for its failure to adopt the

(d) The Secretary shall issue a certificate of approval for the State program and publish such program in the Federal Register if he finds that such program complies with the provisions of this section and is well adapted to achieve the purposes and policies of this Act. If the Secretary is unable to make such finding, he shall so notify the State and shall afford the State an opportunity to modify its program under a procedure similar to the procedure set forth in section 705. If the State fails to submit a State program within the 18-month period established in section 704(b), the State shall be deemed to have failed to accept the authority to regulate the taking of fish and wildlife on public lands in Alaska granted by this section.

Enforcement Duties of Secretary of the Interior

Sec. 705. (a) After issuance of a certificate of approval under section 704(d) of this title, the Secretary of the Interior shall monitor the implementation of the State program. If the Secretary determines that the program or its implementation is not in compliance with the requirements, purposes, or policies of this Act, he shall so notify the State and shall indicate changes in its program or its implementation which he considers necessary to bring the State into compliance.

In his review the Secretary shall consult with the local and regional councils referred to in Section 704(c)(4).

(b) Following any such notification of deficiencies in the State's program by the Secretary, the Secretary shall afford the State a hearing pursuant to the Administrative Procedures Act. If, after such hearing, the Secretary is not satisfied that the State is compliance with the provisions of this Act he shall issue a final notification to the State specifically indicating those provisions which he deems the State not to be in compliance with and indicating specific actions he believes the State need take to be in compliance with the provisions.

(c) If, after a reasonable opportunity, the State fails to make the changes in its program or its implementation as indicated by the Secretary of the Interior under subsection (b) of this section, the Secretary may temporarily suspend, in whole or in part, the certificate of approval issued under Section 704(d). Following any such temporary suspension, the Secretary shall afford the State an opportunity to appeal such temporary suspension. Within 30 days after receipt of such appeal, the Secretary shall afford the State a hearing pursuant to the Administrative Procedures Act, and within 30 days after such hearing, shall make his final decision of such appeal. If the Secretary

the requirements, purposes, and policies of this Act, he shall revoke his temporary suspension. If the Secretary finds the State is not in such compliance, he may suspend the certificate in whole or in part. Upon any such suspension, the Secretary of the Interior (or, as to lands under his jurisdiction, the Secretary of Agriculture) shall assume, in accordance with the requirements, purposes, and policies of this Act (including applicable provisions of section 704 pertaining to State regulation), responsibility for the regulation of taking of fish and wildlife on the public lands to which such suspension applies, until such time as the Secretary revokes such suspension or certifies that the State is in compliance with respect to such public lands.

(d) Notwithstanding any other provision of law, the Secretary, after adequate notice and public hearing, may temporarily close any of the public lands in Alaska (including those within a conservation system unit) or any portion thereof to subsistence or other uses when necessary for reasons of public safety or to assure the continued viability of one or more fish or wildlife species.

Cooperative Arrangements

Sec. 706. The Secretary is authorized to enter into cooperative agreements or otherwise cooperate with other

Federal agencies, the State of Alaska, Native corporations, and other appropriate persons and organizations (including, through coordination with the Secretary of State, and other nations) to effectuate the purposes and policies of this title.

Subsistence and Land Use Decisions

Sec. 707. In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the subsistence needs of the persons who would be affected, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency-

(1) gives notice to the appropriate local and regional councils described in section 704(c)(4) if such councils have been established,

(2) gives notice of, and holds, a hearing in the vicinity of the area involved, and

subsistence uses is necessary and unavoidable.

Access

Sec. 708. The Secretary shall ensure that persons engaged in traditional or customary subsistence activities shall have appropriate access to subsistence resources on the public lands.

Snowmobiles and Motorboats

Sec. 709. Notwithstanding any other provision of this Act or other law, the Secretary shall permit appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes, on the public lands, subject only to such reasonable regulations as are necessary to prevent abuse, waste, or damage to terrain or other natural values.

Research

Sec. 710. The Secretary of the Interior and the Secretary of Agriculture shall each undertake research on fish and wildlife and subsistence activities on the public lands, seek data thereon from subsistence users, consult such users frequently, and make findings concerning such research available to the State of Alaska, the local and regional councils described in section 724(b)(5), subsistence users, and other appropriate persons and organizations.

Sec. 711. Within five years after the date of the enactment of this Act and every two years thereafter, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the current status of fish and wildlife and subsistence and other uses of those resources on the public lands. The report shall include the following:

(1) An evaluation of the performance of the State of Alaska, if the State is then regulating the management and taking of fish and wildlife under this title.

(2) The status of fish and wildlife populations on the public lands.

(3) The number of persons engaged in subsistence uses and in other uses of fish and wildlife on the public lands.

(4) The status of subsistence uses in the economy and culture of rural Alaska.

(5) Any comments on the report made by the State of Alaska, the local and regional councils described in section 704(c)(4), and other appropriate persons and organizations.

(6) A description of those actions taken, or which

continuation of subsistence activities on the public lands, as well as recommendations for any legislation the Secretary deems desirable.

The report shall be published in the Federal Register and made available to the public.

Regulations

Sec. 712. The Secretary of the Interior and the Secretary of Agriculture shall each prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

Other Laws

Sec. 713. Nothing in this title shall be deemed to modify or repeal the provisions of the Fur Seal Act of 1966 (16 U.S.C. 1151 et. seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et. seq.), the Bald and Golden Eagles Protection Act (54 Stat. 250; 16 U.S.C. 668), the Fish and Wildlife Act of 1956 (70 Stat. 1119), the Migratory Bird Treaty Act (16 U.S.C. 701 et. seq.), or the Airborn Hunting Act (P.L. 92-159, as amended).

Limitations

Sec. 714. (a) Nothing in this title shall be construed as granting any property right in any fish, wildlife, or other resource of the public lands in Alaska.

(b) Nothing in this title shall be construed as permitting any subsistence use of the resources of any portion of the public lands (including any unit of the National Park System) where any such use was prohibited on the date of the enactment of this Act.

Sec. 715(a). Upon the issuance of a certificate of approval described in Section 704(d) of this Title, the Secretary is authorized to reimburse the State agency described in Section 704(c)(3)(A), from funds appropriated for the Department of the Interior, for costs relating to the implementation of the State program. Sums paid under this section shall be in addition to any grants, payments or other sums to which the State is entitled under existing law. The purpose of such reimbursements shall be to assist the State in developing and implementing the State program described in Section 704. Such reimbursements shall not exceed 50 per centum of the costs of the program's development, implementation or support, as verified in such statement as the Secretary determines to be an adequate, accurate account.

(b) No reimbursements shall be paid under this Section for any costs incurred by the State during the period of a temporary or other suspension of the State program under Section 705.

(c) Total payments to the State under this Section shall not exceed the sum of \$5 million in any one fiscal year.

(d) The Secretary shall periodically review the financial aspects of implementation of the State program, and shall advise the Congress at least once in every ten years as to the sufficiency of funds authorized by this Section to the proper implementation of the State program.

(e) In the event that adequate funds, are not ^{appropriated} ~~appropriated~~ for a particular fiscal year, the Secretary and the State shall, after public hearing, prioritize the requirements of this Title consistent with the policy and purposes of the Title and the availability of funds.

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Conveyance of Core Township, Lands

Sec. 201. (a)(1) Except to the extent that conveyance of a surface estate would be inconsistent with section 22(1) of such Act there is hereby conveyed to and vested in each Village Corporation (other than those Village Corporations to which the provisions of paragraph (2) of this subsection apply) for a village which has, by the date of enactment of this Act, been determined to be eligible for land pursuant to the Alaska Native Claims Settlement Act all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn for that village pursuant to section 11(a)(1)(A) or section 16(a) of such Act in which all or any part of that village is located.

(2) There is hereby conveyed to and vested in each Village Corporation which has, by the date of enactment of this Act, elected to acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act all right, title, and interest of the United States in and to

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those estates in a reserve set aside with respect to such Corporation referred to in such section.

(?) There is hereby conveyed to and vested in the appropriate Regional Corporation all of the right, title, and interest of the United States in and to the subsurface estate to which each Regional Corporation is entitled under the Alaska Native Claims Settlement Act by reason of the vesting of title under paragraph (1) of this subsection.

(b) As soon as possible after the date of enactment of this Act, the Secretary shall issue to the Native Corporations referred to in subsection (a) interim conveyances or patents to the lands identified in such subsection, but title shall be deemed to have passed on the date of enactment of this Act, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent under subsection (b) of this section or under such Act. For purposes of sections 14(c), 14(f), and 22(g) of the Alaska Native Claims Settlement Act, interim conveyances and patents issued pursuant to this Act shall have the same effect as if issued pursuant to sections 14(a) and 14(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native

Corporations arising from conveyances under this Act shall be resolved in the same manner as described in section 12(e) of the Alaska Native Claims Settlement Act with respect to disputes over land selection rights and the boundaries of Village Corporations.

(d) With respect to all conveyances made by sections 801 and 802 of this Act, the provisions of the first two sentences of section 14(g) of the Alaska Native Claims Settlement Act, pertaining to valid existing rights, apply as if such conveyances were made under the Alaska Native Claims Settlement Act.

Other Conveyances to Native Corporations

Sec. 802. (a) If a Native Corporation qualified to receive land under the Alaska Native Claims Settlement Act wishes to utilize the expedited conveyance procedure of this section, then, within 180 days after the date of enactment of this Act, such Corporation shall file with the Secretary a document or documents which shall identify such Corporation's priorities for the conveyance of all their entitlement to lands under the Alaska Native Claims Settlement Act, other than those lands to which the provisions of section 801(a) of this Act apply.

(b)(1) Within 180 days after the filing of a priority identification by a Native Corporation under subsection (a) of this section, the Secretary shall-

(A) determine the extent to which each land selection contained in such priority identification is valid under the Alaska Native Claims Settlement Act; and

(E) subject to the provisions of subsection (c) of this section, determine the amount of such Corporation's total land entitlement under such Act, excluding land entitlements of such Corporation to which the provisions of section 821(a) of this Act apply.

Except as provided in paragraphs (2) and (3) of this subsection, ^{in section 802(b)} on the tenth day following the making of such determinations, all of the right, title, and interest of the United States in and to the lands to which such Corporation is entitled according to such determinations and in accordance with such priority identification shall vest in and be conveyed to such Corporation.

(2) In any case in which the Secretary determines under paragraph (1)(A) of this subsection that a land selection-

(A) which is contained in the priority identification of a Native Corporation filed under subsection (a) of this section, and

(B) which appears in such priority identification at a level where the cumulative total of acreages of valid land selections ranked above such selection does not exceed the amount of such Corporation's total land entitlement determined under paragraph (1)(B) of this

subsection,
is ~~valid~~^{invalid}, total amount of lands conveyed by paragraph (1) of this subsection shall be reduced by an acreage which equals the acreage of the land selection determined to be invalid.

(3) In any case in which the Secretary, before the conveyance of lands to a Native Corporation by paragraph (1) of this subsection, determines that a Native Corporation's land selection described in subparagraphs (A) and (B) of paragraph (2) of this subsection is subject to valid selections under the Alaska Native Claims Settlement Act by one or more other Native Corporations, the total amount of lands conveyed by paragraph (1) of this subsection shall be reduced by an acreage which equals the acreage of the land selection determined to be validly selected by such other Corporations.

(4) Any reduction made under paragraph (2) or (3) of this subsection shall be effective until-

(A) the concerned Native Corporation accepts the Secretary's determination in writing;

(B) a final decision is rendered upon any contest by such Corporation of the Secretary's determination; or

(C) a final settlement or final decision settling the concerned contest among such Corporation and other Native Corporations is rendered.

On the tenth day following the occurrence of any one of the

events listed in the preceding sentence, all right, title, and interest of the United States in and to the lands to which such Corporation is entitled as a result of such occurrence and in accordance with the priority identification filed by such Corporation under subsection (a) and the provisions of paragraph (1) of this subsection shall vest in and be conveyed to such Corporation.

(5) Within 90 days after the date of a conveyance under paragraph (1) or (4) of this subsection, the Secretary shall issue to the concerned native Corporation interim conveyances or patents to the lands subject to such conveyance, but title shall be deemed to have passed on the date of such conveyance, notwithstanding any delay in the issuance of this interim conveyances or patents.

(c) In any case in which the land entitlement of a Native Corporation under the Alaska Native Claims Settlement Act (other than the land entitlements of such Corporation to which the provisions of section 801(a) of this Act apply) has not been or cannot be precisely determined on the date of enactment of this Act, the Secretary shall determine such Corporation's minimum entitlement under the Alaska Native Claims Settlement Act and shall publish this figure in the Federal Register within 90 days after the date of enactment of this Act. Such minimum land entitlements shall be redetermined and any change therein published in the Federal

Register not less frequently than every six months thereafter. For purposes of subsection (b) of this section, the land entitlement under the Alaska Native Claims Settlement Act of any such Native Corporation shall be the most recent minimum figure published in accordance with this subsection until the total land entitlement of such Corporation is finally determined.

(d) Within 180 days after the date of each determination and redetermination made under subsection (c) of this section, the Secretary shall issue to the concerned Native Corporation interim conveyances or patents to those additional lands to which such Corporation, as a result of such determination or redetermination and in accordance with the priority identification made by such Corporation under subsection (a) of this section, is entitled under subsection (b) of this section, but title shall be deemed to have passed on the date of such determination or redetermination, notwithstanding any delay in the issuance of the interim conveyances or patents.

(e) When

Under the procedure under subsection (a) of this section, the Secretary shall, at the time he determines the entitlement and validity of priority selections pursuant to subsection (b)(1) of this section, reduce the total excess land selections of such corporation to twenty-five percent of the amount of remaining land entitlement to which the corporation has not yet received all right, title and interest of the United States. Upon subsequent receipt by such corporation of all right, title and interest of the United States to other lands toward fulfillment of its entitlement, the excess land selections of such corporation shall be reduced pro rata to maintain a total of excess selections of twenty-five percent of the remaining entitlement which has not yet been conveyed to such corporation.

(f) For purposes of this section and sections 801(c) and 803 of this title, the term "Native Corporation" means any Village Corporation, any Regional Corporation, and any native group as such term is defined in section 3(d) of the Alaska Native Claims Settlement Act.

Administrative Provisions

Sec. 823. (a) Any other provision of law to the contrary notwithstanding, no conveyance of lands by section 821(a) of this Act made to a Village Corporation shall be subject to any easement, except an easement required to be reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act.

(b) With respect to Native lands (other than those lands conveyed by section 821(a) of this Act) hereby or hereafter conveyed, the Secretary shall only reserve those easements which are of a type described in section 14(g) or 17(b)(1) of the Alaska Native Claims Settlement Act.

(c) Whenever, after conveyances have been made pursuant to this Act or the Alaska Native Claims Settlement Act, the Secretary determines that an easement not reserved at the time of conveyance is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act, he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act.

withdrawn for selection by the Corporation under the Alaska Native Claims Settlement Act and to which no valid third-party rights have attached. To the extent lands described in the preceding sentence are insufficient to satisfy the entitlement of the Corporation to additional land under paragraph (E) of this subsection, the Secretary shall make available for selection by the Corporation other lands of like kind and character from the nearest available public lands which are outside the boundaries of a conservation system unit.

(d) Offers for noncompetitive oil and gas leases pursuant to the Mineral Leasing Act of 1920, as amended, which were filed over-the-counter or by simultaneous drawing but not accepted or approved on or before January 1, 1970, on lands selected by and conveyed to Native Corporations as part of their entitlement under the Alaska Native Claims Settlement Act shall not constitute a valid existing right within the meaning of section 14(g) of such Act or under this Act.

(e) This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (P.L. 94-204; 89 Stat. 1145), and shall not impose any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

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Sec. 805 State of Alaska Land Selections and Conveyances.

(a) In furtherance and confirmation of the State of Alaska's entitlement to certain National forest and other Public lands in Alaska for community development and expansion purposes, Section 6(a) of the Act of July 7, 1958, 72 Stat. 339, as amended, hereinafter referred to as the Alaska Statehood Act, is amended in part by addition of the following provision immediately following the last sentence of said subsection: "The State is hereby provided a ten-year extension of the time limit originally specified in this Act, that is, until January 3, 1994, within which to select its land entitlement under this subsection in its entirety."

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

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

(2). The proviso regarding Presidential approval of land selections north and west of that line described in Section 10 of this Act is hereby repealed.

(c) The State of Alaska is hereby granted and shall be entitled to select until January 3, 1994, from surveyed or unsurveyed federal lands which are vacant, unappropriated and unreserved at the

time of their selection, those school indemnity lands to which the Territory of Alaska was entitled under Section 1 of the Act of March 4, 1915, as amended by the Act of March 5, 1952, and the Act of August 27, 1958, 72 Stat. 928; Provided, however, that this entitlement of the State to school indemnity lands is limited to lands in lieu of surveyed sections made unavailable for school reservation purposes by prior Federal disposal, appropriation or reservation for other purposes as of July 7, 1958, and shall not exceed 80,000 acres. The provisions of the Act of February 28, 1891 (26 Stat. 791, 43 USC Sec. 852), as amended, are made applicable to the selection and conveyance of indemnity lands granted by this subsection, insofar as such Act does not conflict with this subsection.

(d) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby ratified and confirmed, subject only to valid existing rights and to land conveyances made pursuant to lawful selections filed by Native village corporations on or before December 18, 1974, pursuant to Sections 12(a) or 12(b) of the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971), as amended, and the United States hereby confirms that all right, title and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval.

(1). Upon approval of land survey by the Secretary, such lands shall be patented to the State of Alaska.

(2). If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protection surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election.

(3). Future tentative approvals of State of Alaska Land Selections, when issued, shall have the same force and effect, and shall be treated in the same manner as those existing tentative approvals specified in this subsection.

(e) All valid State of Alaska land selections heretofore made pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights, conveyances made pursuant to lawful selections filed by Native village corporations on or before December 18, 1974 pursuant to Sections 12(a) or 12(b) of the Alaska Native Claims Settlement Act, 85, Stat. 688 (1971), as amended, and tentative approval and patent pursuant to Section 6(g) of the Alaska Statehood Act.

(1). Within one year after the date of passage of this Act, the Secretary shall issue tentative approvals to such State selections as required by section 6(g) of the Alaska Statehood Act, and pursuant to subsection (j) of this section. All right, title and interest of the United States shall vest in the State of Alaska upon issuance of such tentative approvals.

(2). Upon approval of land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3). If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election.

(4). Future ^{VALID} ~~land~~ State of Alaska Land Selections, when issued, shall be treated in the same manner as those existing State Land Selections specified in this subsection.

(f) The State, at its option, shall be permitted to file selection applications for lands which are not, on the date of their selection, available lands within the meaning of section 6 of the Alaska Statehood Act. Each such selection application shall remain in effect as long as the State's entitlement under the specific grant remains unfulfilled, and shall become an effective selection upon the date such lands subsequently become available within the meaning of said section 6. Selections by the State made prior to the adoption of this Act shall be treated in the same manner, subject only to valid existing rights and to the provisions of the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971), as amended.

(g) The State of Alaska may select lands exceeding by twenty-five per cent in total area the amount of State entitlement which has not been tentatively approved under each grant or confirmation of lands contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all selections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocs no larger than one township in size; Provided, however, that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced pro rata to maintain a maximum excess selection of twenty-five per cent of the entitlement which has not yet been tentatively approved to the State under each grant.

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

(2). Section 6(g) of the Alaska Statehood Act is amended in part by addition of the following provision immediately following the last sentence of said subsection: "As to all selections made by the State after January 1, 1979 pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where such a reduced selection size would result in a better land ownership pattern or provide for improved land or resource management opportunities."

(h) In furtherance of its entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title and interest of the United States in and to the following described vacant, unappropriated, and unreserved lands:

Description of Lands Listed Here

(i) Lands identified in subsection (h) shall be conveyed to the State subject to valid existing rights. All right, title and interest of the United States in and to such lands shall vest in the State of Alaska as of the date of this Act.

(1). Within one year after the date of passage of his Act, the Secretary shall issue to the State tentative approvals to such lands as required by section 6(g) of the Alaska Statehood Act and pursuant to subsection (j) of this section.

(2). Upon approval of land survey by the Secretary, those lands identified in subsection (h) shall be patented to the State of Alaska.

(3). If the State elects to receive patent to any of the lands which are identified in subsection (h) on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election.

(j) Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified herein or otherwise selected under authority of the Alaska Statehood Act prior to the issuance of tentative approval, pursuant to the requirements of that Act and this section.

(k) The following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of "vacant, unappropriated, and unreserved" lands for the purposes of this Act and the Alaska Statehood Act:

(1). Withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act, 85 Stat. 688 (1971), as amended;

(2). Withdrawals pursuant to section 17(d)(2) of said Act;

(3). Withdrawals pursuant to section 11 of said Act, and which are not conveyed pursuant to sections 12, 14, or 19 of said Act;

(4). Classifications pursuant to the Classification and Multiple Use Act, 78 Stat. 987 (1974);

(5) Classifications or designations pursuant to the Federal Land Policy and Management Act, 90 Stat. 2743 (1976).

(1) Nothing in this Act shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976, P.L. 94-204, and sections 4 and 5 of the Act of October 4, 1976, P.L. 94-456.

ACTION TO ENFORCE: JURISDICTION

SEC. 806. For a period of three years after the date of enactment of this Act any appropriate Federal district court shall have jurisdiction to hear, consider, and decide any action brought by the State or by any Native Corporation to enforce the provision of this title and to award appropriate attorney and witness fees and other costs of litigation to the prevailing party.

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TITLE IX--TRANSPORTATION AND UTILITY RIGHTS-OF-WAY

SEC. 901(a) Notwithstanding any provisions of existing law to the contrary, the Secretary is hereby authorized to permit rights-of-way for a transportation or utility system across any lands designated under Title I, II, III, IV, or V of this Act.

(b) Upon receipt of any application for such transportation or utility right-of-way from any federal, state, or local agency, or any private person or organization, the Secretary shall afford the Commission established in Title VI of this Act the opportunity to review, study, and make recommendations on the application. *If, after receiving the recommendations from the*

(c) In accordance with the provisions contained in Title VI of this Act, the Commission shall make recommendations to the Secretary regarding the approval of rights-of-way for transportation and utility systems across lands designated under Title I, II, III, IV, or V of this Act. Should the Secretary not approve a right-of-way recommended by the Commission he shall issue detailed findings which shall include the following:

- (i) information indicating that the system subject to the application can not be constructed in a manner which would avoid significant damage or degradation to the natural resources and values for which the affected conservation system unit was established; and
- findings that*
(ii) the natural values for which the unit was established and which would be potentially damaged or degraded by

the applied for transportation or utility system outweigh those public interest benefits which may be associated with the development of the transportation or utility system; and

(iii) demonstration that there exists a feasible and prudent alternative to the applied for transportation or utility system which would result in less potential damage or degradation to the natural values of the conservation system unit involved or would be more compatible with the purposes for which the unit was established.

(d) Nothing contained in Section 603 (c) of Title VI relating to the veto authority of the Secretary over decisions of the Commission shall be construed as negating the Secretary's responsibilities under the terms of Section 901(c) of this Title.

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8 TITLE X—ADMINISTRATIVE PROVISIONS.

9 LAND ACQUISITIONS AND EXCHANGES

10 SEC. 1001. (a) Except as otherwise provided in this
11 Act, in order to carry out the purposes of this Act, the
12 Secretary is authorized to acquire by purchase, donation,
13 or exchange any lands within the boundaries of any con-
14 servation system unit. Land owned by the State, a political
15 subdivision of the State, ~~or~~ a Native Corporation, ^{or private owner} may only
16 be acquired for such purposes with the consent of the State,
17 political subdivision of the State, ~~or~~ Native Corporation, ^{or private}
owner.
24 (b) The owner of an improved property on the date
25 of its acquisition, as a condition of such acquisition, may

1 retain for himself, his heirs and assigns, a right of use and
2 occupancy of the improved property for noncommercial
3 residential or recreational purposes, as the case may be, for
4 a definite term of not more than twenty-five years or, in
5 lieu thereof, for a term ending at the death of the owner
6 or the death of his spouse, whichever is later. The owner
7 shall elect the term to be reserved. Unless the property is
8 wholly or partially donated, the Secretary shall pay to the
9 owner the fair market value of the property on the date
10 of its acquisition, less the fair market value on that date of
11 the right retained by the owner. A right retained by the
12 owner pursuant to this section shall be subject to termination
13 by the Secretary upon his determination that such right is
14 being exercised in a manner inconsistent with the purposes of
15 this Act, and it shall terminate by operation of law upon noti-
16 fication by the Secretary to the holder of the right of such
17 determination and tendering to him the amount equal to
18 the fair market value of that portion which remains
19 unexpired.

20 (c) For the purposes of this section, the term "improved
21 property" means: (1) a detached single family dwelling,
22 the construction of which was begun before January 1, 1977
23 (hereinafter in this section referred to as the "dwelling"),
24 together with so much of the land on which the dwelling is
25 situated, such land being in the same ownership as the dwell-

1 ing, as the Secretary shall designate to be reasonably neces-
2 sary for the enjoyment of the dwelling for the sole purpose of
3 noncommercial residential use, together with any structures
4 necessary to the dwelling which are situated on the land so
5 designated, or (2) property developed for noncommercial
6 recreational uses, together with any structures accessory
7 thereto which were so used on or before January 1, 1977.
8 In determining when and to what extent a property is to be
9 considered an "improved property", the Secretary shall take
10 into consideration the manner of use of such buildings and
11 lands prior to January 1, 1977, and shall designate such
12 lands as are reasonably necessary for the continued enjoy-
13 ment of the property in the same manner and to the same
14 extent as existed prior to such date.

15 The Secretary shall give prompt and careful con-
16 sideration to any offer made by the owner of any property
17 within a conservation system unit to sell such property, if
18 such owner notifies the Secretary that the continued owner-
19 ship is causing, or would result in, undue hardship.

20 (d) In acquiring lands for the purposes of this Act, the
21 Secretary is authorized to exchange lands (including lands
22 within the National Forest System) or interests therein (in-
23 cluding Native selection rights) with the corporations orga-
24 nized by the Native groups, Village Corporations, Regional
25 Corporations, and the corporations organized by Natives

1 residing in Juneau, Sitka, Kodiak, and Kenai, all as defined
2 in the Alaska Native Claims Settlement Act, and other
3 municipalities and corporations or individuals, the State
4 (acting free of the restrictions of section 6(i) of the Alaska
5 Statehood Act (72 Stat. 342)), or any Federal agency.
6 Exchanges shall be on the basis of equal value, and either
7 party to the exchange may pay or accept cash in order to
8 equalize the value of the property exchanged, except that if
9 the parties agree to an exchange and the concerned Secre-
10 tary determines it is in the public interest, such exchanges
11 may be made for other than equal value.

12 (f) All lands, water, and interests therein acquired by
13 the Secretary and located within the boundaries of any con-
14 servation system unit shall become part of such unit and sub-
15 ject to the laws and regulations applicable to such unit.

16 ACCESS

17 SEC. 1002. (a) The Secretary shall take such actions
18 within (or outside the boundaries of conservation system
19 units as may be necessary, including acquiring or providing
20 easements or other interests in lands in accordance with the
21 provisions of section 1201, to carry out any or more of the
22 following purposes:

23 (1) providing access to subsistence lands for pur-
24 poses of subsistence uses under this Act;

1 (2) providing access for purposes of administering
2 units of the National Park, National Wildlife Refuge,
3 National Forest, or Wild and Scenic Rivers Systems
4 established or expanded by this Act;

5 (3) providing public access to conservation system
6 units, consistent with the purposes for which the units are
7 established or expanded;

8 (4) ensuring continued public access to areas con-
9 veyed to the State, particularly in cases where such areas
10 are enclosed by one or more conservation system units,
11 in such manner as is established by this Act and is con-
12 sistent with the purposes for which the concerned conser-
13 vation system units were established or expanded; or

14 (5) ensuring continued access to areas conveyed to
15 the Native Corporations by those persons entitled to such
16 access.

17 (b) Except as otherwise provided in ~~section 1015~~ of
18 ~~the Wild and Scenic Rivers Act, section 607 (b), section~~
19 ~~716, or section 718 of this Act,~~ or any other provision of this
20 Act, in administering the conservation system units in
21 Alaska, the Secretary shall permit the continuation of cus-
22 tomary patterns of travel across such units. Such travel,
23 including the modes of travel, may be conditioned by
24 such reasonable regulations as the Secretary shall pro-
25 mulgate to assure that such travel is consistent with the

1 purposes for which such unit was established. Before
2 promulgating regulations under this section, the Secretary
3 shall give at least sixty days public notice of the proposed
4 regulations, including at least publication of the proposed
5 regulations in a newspaper or newspapers having general
6 circulation in each State judicial district in Alaska where the
7 unit or units affected by the proposed regulations are located,
8 and shall hold a public hearing or hearings concerning the
9 proposed regulations at one or more locations convenient to
10 the unit or units affected.

11 ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

12 SEC. 1003. Notwithstanding any acreage or boundary
13 limitations contained in this Act with respect to the con-
14 servation system units described in sections 201 (2), 201
15 (6), and 201 (10), the Secretary of the Interior may ac-
16 quire, by purchase, donation, or exchange any significant
17 archeological or paleontological site in Alaska located outside
18 of any such unit and containing resources which are closely
19 associated with such unit. If any such site is so acquired, it
20 shall be included in and managed as part of such unit. Prop-
21 erty ~~owned by a State or unit of local government~~ may be
22 acquired under this section only by donation or exchange.
23 Not more than seven thousand five hundred acres of land
24 may be acquired under this section for inclusion in a single
25 conservation system unit. Before acquisition of any property

1 in excess of one hundred acres under the provisions of this
2 section, the Secretary shall—

3 (1) submit notice of such proposed acquisition to
4 the Committee on Interior and Insular Affairs of the
5 House of Representatives and the Energy and Natural
6 Resources Committee of the Senate; and

7 (2) publish notice of such proposed acquisition
8 in the Federal Register.

9 COOPERATIVE INFORMATION CENTERS

10 SEC. 1004. (a) The Secretary of the Interior is
11 authorized to establish, after consultation with other appro-
12 priate Federal agencies, on not to exceed one thousand
13 acres of ~~Federal~~ ^{State} land at a site adjacent to the Alcan High-
14 way, an information and education center for visitors to
15 Alaska. The Secretary, ^{and the Governor of the State shall jointly} shall seek participation in the pro-
16 gram planning, construction, and operation of the center
17 ^{and shall seek participation of} ~~from appropriate agencies of the State and~~ representatives
18 of Native groups in Alaska and may accept contributions of
19 funds, personnel, and planning and program assistance from
20 such State agencies, local agencies, Federal agencies, Native
21 representatives, and other persons for purposes of such plan-
22 ning, construction, and operation. Before establishing any-
23 such center on any such site, the Secretary shall notify the
24 appropriate committees of Congress of his intention to do so.
25 The Secretary, ^{and the State} shall administer the center and its facilities in:

1 accordance with the Act of August 25, 1916 (39 Stat. 535),
 2 and other provisions of law applicable to units of the National
 3 Park System and in accordance with such ^{State laws} special regulations
 4 as ~~the~~ may ^{be applicable,} promulgate.

5 (b) The Secretary of the Interior is authorized to
 6 establish in both Anchorage and Fairbanks, Alaska, an in-
 7 formation and education center for visitors to Alaska. The
 8 Secretary shall seek participation from the State, units of
 9 local government, and representatives of Native groups in
 10 Alaska and may accept contributions from State agencies,
 11 local agencies, Federal agencies, Native representatives, and
 12 other persons in the same manner and to the same extent as
 13 is authorized under subsection (a) in connection with the
 14 Alcan Highway Center. Before establishing any such center
 15 in any such city, the Secretary shall notify the appropriate
 16 committees of the Congress of his intention to do so. The
 17 Secretary is authorized to lease or acquire by purchase, dona-
 18 tion, or exchange such property in Anchorage and Fairbanks,
 19 Alaska, as may be necessary to carry out the purposes of this
 20 subsection, except that (1) any property owned by a State
 21 or local government may be acquired for such purposes only
 22 by donation or exchange; and (2) any property owned by
 23 any other person may be acquired for such purposes only
 24 with the consent of such person.

ADMINISTRATIVE SITES AND VISITOR FACILITIES

SEC. 1005. (a) In conformity with the management plans prepared under section 1008 and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish administrative sites and visitor facilities (1) within the unit, if compatible with the purposes of the unit and the other provisions of this Act, or (2) outside the boundaries of, and in the vicinity of, the unit. To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

(b) For the purpose of establishing administrative sites and visitor facilities under subsection (a) —

(1) The Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purpose.

(2) The Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land) which the Secretary determines is suitable for carrying out such purpose.

1 (3) The Secretary may construct, operate, and
2 maintain such permanent and temporary buildings and
3 facilities as he deems appropriate on land which is
4 within, or in the vicinity of, any conservation system
5 unit and with respect to which the Secretary has
6 acquired authority under this subsection to use the prop-
7 erty for the purpose of establishing an administrative site
8 or visitor facility under subsection (a), except that the
9 Secretary may not begin construction of buildings and
10 facilities on land not owned by the United States until the
11 owner of such land has entered with the Secretary into
12 agreements the terms of which assure the continued use
13 of such buildings and facilities to carry out the purposes
14 of this Act.

15 REVENUE-PRODUCING VISITOR SERVICES

16 SEC. 1006. (a) Notwithstanding any other provision
17 of law, the Secretary, under such terms and conditions as he
18 determines are reasonable, shall permit any person who, on
19 or before January 1, 1977, was engaged in adequately provid-
20 ing any type of visitor service within any area established or
21 added to a conservation system unit to continue providing
22 such type of service and similar types of visitor services
23 within such area if such service or services are consistent with
24 the purposes for which such unit is established or expanded.

25 (b) Notwithstanding provisions of law other than those

1 contained in subsection (a), in selecting persons to provide
2 (and in contracting for the provision of) any type of visitor
3 service for any conservation system unit, the Secretary, in
4 ~~the following order:~~

5 (1) shall give preference to the Native Corporation
6 which the Secretary determines is most directly affected
7 by the establishment or expansion of such unit by or
8 under the provisions of this Act; and

9 (2) shall give preference to persons whom he de-
10 termines, by rule, are local residents.

11 (c) As used in this section, the term "visitor service"
12 means any service made available for a fee or charge to per-
13 sons who visit a conservation system unit, including such
14 services as providing food, accommodations, transportation,
15 tours, and guides.

16 LOCAL HIRE

17 SEC. 1007. (a) The Secretary shall establish a program
18 under which any individual who, by reason of having lived
19 or worked in or near a conservation system unit, has special
20 knowledge or expertise concerning the natural or cultural
21 resources of such unit and the management thereof (as
22 determined by the Secretary) shall be considered for selec-
23 tion for any position within such unit without regard to

24 (1) any provision of the civil service laws or regu-

(b) (1) any provision of the civil service laws or regu-

1 lations thereunder which require minimum periods of
2 formal training or experience,

3 (2) any such provision which provides an employ-
4 ment preference to any other class of applicant in such
5 selection, and

6 (3) any numerical limitation on personnel other-
7 wise applicable.

8 Individuals appointed under this subsection shall not be
9 taken into account in applying any personnel limitation
10 described in paragraph (3).

11 (b) Within one year after the date of the enact-
12 ment of this Act, and annually thereafter during each of
13 the following ten years, the Secretary shall prepare and
14 submit to the Congress a report indicating the actions taken
15 in carrying out the provisions of subsection (a) of this
16 section together with any recommendations for legislation in
17 furtherance of the purposes of this section.

18 MANAGEMENT PLANS

19 SEC. 1008. (a) At any time within five years after
20 the date of the enactment of this Act or, in the case of any
21 conservation system unit established or expanded by title
22 III with respect to which a wilderness review is required
23 under section 604, at the same time the President submits
24 his recommendation concerning such unit under such section

1 ties (including the maximum number of individuals
2 who will be permitted to use such unit at any particular
3 time for any particular purpose) and a list of the loca-
4 tions where such activities will be permitted.

5 (3) A description of the areas of potential or pro-
6 posed development, indicating types of visitor services
7 and facilities to be provided, the estimated costs of such
8 services and facilities, and whether or not such services
9 and facilities could and should be provided outside the
10 boundaries of such unit.

11 (4) A plan for access to, and circulation within,
12 such unit, indicating the type and location of transpor-
13 tation routes and facilities.

14 (5) A description of the programs and methods
15 which the Secretary plans to use for the purposes of (A)
16 encouraging the recognition and protection of the culture
17 and history of the individuals residing, on the date of the
18 enactment of this Act, in such unit and areas in the
19 vicinity of such unit, and (B) providing and encouraging
20 employment of such individuals.

21 (6) A plan for acquiring land with respect to such
22 unit, including proposed modifications in the boundaries
23 of such unit.

24 (7) A description (A) of privately-owned areas,
25 if any, which are within such unit, (B) of activities

1. carried out in, or proposed for, such areas, (C) of the
2. present and potential effects of such activities on such
3. unit, (D) of the purposes for which such areas are
4. used, and (E) of methods (such as cooperative agree-
5. ments and issuance or enforcement of regulations) of
6. controlling the use of such activities to carry out the
7. policies of this Act and the purposes for which such unit
8. is established or expanded.

9. (8) A plan indicating the relationship between
10. the management of such unit and activities being carried
11. out in, or proposed for, surrounding areas and also indi-
12. cating cooperative agreements which could and should
13. be entered into for the purpose of improving such
14. management.

15. (d) In developing, preparing, and revising a plan
16. under this section, the Secretary shall take into consideration
17. at least the following factors:

18. (1) The specific purposes for which the concerned
19. conservation system unit was established or expanded.

20. (2) Protection and preservation of the ecological,
21. environmental, wildlife, cultural, historical, archeologi-
22. cal, geological, recreational, wilderness, and scenic char-
23. acter of the concerned unit and of areas in the vicinity of
24. such unit.

25. (3) Providing opportunities for native Alaskans

1 residing in the concerned unit and areas adjacent to such
2 unit to continue performing in such unit activities which
3 they have traditionally or historically performed in such
4 unit.

5 (4) Activities being carried in areas adjacent to,
6 or surrounded by, the concerned unit.

7 (5) *The need to provide facilities + access to accommodate appreciation of the Unit's values by the public.*
8 (e) In developing, preparing, and revising a plan under

9 this section, the Secretary shall hold at least one public hear-
10 ing in the vicinity of the concerned conservation unit, hold
11 at least one public hearing in a metropolitan area of Alaska,
12 and, to the extent practicable, permit the following persons
13 to participate in the development, preparation, and revision
14 of such plan:

15 (1) Officials of the Forest Service, the Environ-
16 mental Protection Agency, the Department of Energy,
17 the Alaska Coordinating Council, and other Federal
18 agencies whose activities will be affected by implementa-
19 tion of such plan.

20 (2) Officials of the State and of political subdivi-
21 sions of the State whose activities will be affected by
22 implementation of such plan.

23 (3) Officials of Native Corporations which will be
24 affected by implementation of such plan.

25 (4) Concerned local, State, and national organiza-
tions and interested individuals.

1 (f) During the period beginning on the date of the
2 enactment of this Act and ending on the date the final plan
3 described in subsection (a) is submitted to the committees
4 of the House of Representatives and the Senate referred to
5 in subsection (a), the Secretary—

6 (1) shall keep such committees advised of the
7 status of the plans described in subsection (a), of ac-
8 tivities being carried out under this section, and of any
9 information which the Department of the Interior has
10 pertaining to any conservation system unit; and

11 (2) shall, at least once every twelve months, sub-
12 mit to such committees a report indicating the status
13 of the plans described in subsection (a), particular
14 problems being encountered with respect to developing
15 such plans and managing conservation system units, and
16 the anticipated date of submission of such plans.

10 Sec. 1001. As soon as practicable after this Act takes
11 effect, a map and legal description of each conservation sys-
12 tem unit, including each wilderness study area and each
13 wilderness area, shall be filed with the Committee on Interior
14 and Insular Affairs of the House of Representatives and
15 with the Committee on Energy and Natural Resources of the
16 Senate. Each such map and legal description shall have the
17 same force and effect as if included in this Act, except that
18 correction of clerical and typographical errors in each such
19 legal description and map may be made. Each such map
20 and legal description shall be on file and available for public
21 inspection in the appropriate Offices of (1) the Director of
22 the National Park Service, (2) the Director of the United
23 States Fish and Wildlife Service, and (3) the Chief of the
24 United States Forest Service, and appropriate offices of the

1 Alaska field directors of such services. Whenever possible,
2 boundaries shall follow hydrographic divides or embrace
3 other topographic features in all cases where straight line
4 map boundaries approximate such features. Following pub-
5 lication of notice in the Federal Register and reasonable
6 notice in writing to the Committee on Interior and Insular
7 Affairs in the House of Representatives and the Committee
8 on Energy and Natural Resources in the Senate of his inten-
9 tion to do so, the Secretary may make minor adjustments in
10 the boundaries of any of the conservation system units.

11 MAJOR FEDERAL ACTIONS

12 SEC. ~~101~~¹⁰¹⁰. No action concerning any conservation sys-
13 tem unit in Alaska which is a major Federal action within
14 the meaning of section 102 (2) (C) of the National En-
15 vironmental Policy Act of 1969 may be taken by the Sec-
16 retary unless, in addition to meeting the other requirements
17 of such Act, a report explaining in detail the action (and
18 the basis and reasons therefor) and an environmental impact
19 statement concerning such action, have been submitted to
20 the Committee on Interior and Insular Affairs of the House
21 of Representatives and the Committee on Energy and Nat-
22 ural Resources of the Senate at least sixty days prior to
23 the commencement of such action.

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TITLE XI--MISCELLANEOUS

MT.MCKINLEY (DENALI) STUDY AND
DEVELOPMENT

SEC. 1101. (a) The purpose of this section is to initiate a study process leading to the construction of visitor facilities in and near the expanded Denali National Park designated in Title I of this Act. It is findings of Congress that due to the superlative natural scenery associated with the expanded Denali National Park, the close proximity of this area to most of the residents of Alaska and to major transportation systems utilized by out-of-state visitors to Alaska, & the present lack of access and facilities in or near the designated additions to this unit on the south side that it is deemed necessary and desirable that authorization be made for study and construction of visitor facilities to, adjacent, and within the southern addition to the Denali National Park designated in Title I of this Act.

(b) The Secretary is authorized to enter into cooperative agreements with the State, local governments and local organizations for the purpose of conducting studies and making recommendations regarding the location, design and other factors relating to the development of facilities necessary for the provision visitor services and accommodations to, adjacent and within the Denali National Park area.

(c) Within two years of passage of this Act, the Secretary shall submit a report to Congress containing detailed

proposals for development of visitor facilities and services to, adjacent, and within the designated Denali Park unit. Such report shall include the following:

- (1) the findings of an economic evaluation indicating the potential visitation and market which facilities should and could be developed for;
- (2) The findings of a transportation study indicating the cost and feasibility of development of a mass transportation system connecting the unit to Anchorage, Alaska, the cost and feasibility of development of ^aroad connecting a new development site with the existing State highway system, the cost and feasibility of connecting a new development site with the existing Alaska Railroad, the cost and feasibility of the development of an airport near the unit;
- (3) the findings of an engineering study indicating the cost and feasibility of developing an interpretive center, lodging facilities, related recreational facilities (including trails and a downhill ski area), a tramway and related viewing facilities and other related visitor facilities at or surrounding a site principally located within Denali State Park adjacent the designated expanded unit. Such a study should provide a range of costs and facilities designed to accommodate up to 10,000 overnight visitors and residents with the facilities necessary to accommodate

visitors and residents on a year-round basis.

(4) the findings of environmental study indicating potential impacts of facility development, actions which would mitigate any adverse impacts on the values for which the unit was established, and plans/for such environmental considerations as sewage disposal, domestic water supply, local climatological information, avalanche or earthquake hazards and other such environmental components;

SEC. 1102. (a) There is hereby authorized to be appropriated the amount of two million dollars (\$2,000,000) to carry out the provisions of Section 1101 of this Act for fiscal years beginning after the fiscal year 1978.

(b) There is hereby authorized to be appropriated the amount of \$500,000,000 for the construction of mass transit system connecting Anchorage, Alaska, with a visitor center and development site in or near the Denali National Park designated in Title I of this Act, construction of visitor center associated with related visitor facilities within Denali State Park, and the construction of a tramway to provide visitor access from a visitor center and other facilities within Denali State Park to an observation site within Denali National Park.

IDITAROD NATIONAL HISTORIC TRAIL

SEC. 1103. (The language to create a new system of historic trails within the National Trails System and to designate the Iditarod as a national historic trail would come from S.929 sponsored by Senator Gravel) .

SEC. 1104.(a) It is the findings of Congress that under the terms of the Alaska Native Land Claims Settlement Act provision was made for reconveyance of lands to occupants of land located within areas selected and conveyed to Native corporations regardless of prior legal rights, that residents on lands withdrawn under Section 17 (d)(2) of the Alaska Native Claims Settlement Act were denied an opportunity to gain legal title to their primary places of residence, and furthermore, that such residents are not inconsistent with designations of these lands within national conservation systems in Alaska.

(b) The Secretary is authorized to convey to any person, upon application within one year from the date of enactment of this Act, the surface estate, not to exceed 5 acres of land, of land occupied by such person as a primary place of residence for a period of time exceeding 5 years commencing prior to enactment of the Alaska Native Claims Settlement Act of 1971 and continuing to the time of enactment of this Act which may be included within the boundaries of units designated in Title I, II, III, or IV of this Act. The Secretary shall make such conveyances unless he finds ~~that such conveyances would result in~~

Possibility of the exchange in Arctic
Wildlife Range. Hard to imagine,
given the perceptions reported in D.C.
that anyone will sit still for this.
Sierra Club will come unhinged
over it, regardless of the trade off
proposed.

Learning out specific acreage a good
idea

Requirement of a leasing program
with specifics might be a good idea.

Return to portions of original Norton
proposal regarding study is good

Establishment, or continuation of the
TSLUPC is good

Subsistence uses in Nat. Parks might
cause trouble

that such conveyances would result in direct, significant adverse impact on the values for which the unit was established.

5 **KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK**

6 ¹¹⁰⁵ SEC. ~~1002~~. The second sentence of subsection (b) (1)
7 of the first section of the Act entitled "An Act to authorize
8 the Secretary of the Interior to establish the Klondike Gold
9 Rush National Historical Park in the States of Alaska and
10 Washington, and for other purposes", approved June 30,
11 1976 (90 Stat. 717), is amended to read as follows: "Lands
12 or interests in lands owned by the State of Alaska or any
13 political subdivision thereof may be acquired only by dona-
14 tion or exchange, and notwithstanding the provisions of
15 subsection 6 (i) of the Act of July 7, 1958 (72 Stat. 339,
16 342); commonly known as the Alaska Statehood Act, the
17 State may include the minerals in any such transaction."

18 **NAVIGATION AIDS AND OTHER FACILITIES**

19 ¹¹⁰⁵ SEC. ~~1003~~. Within the conservation system units, rea-
20 sonable access to, and operation and maintenance of, existing
21 air and water navigation aids and related facilities and exist-
22 ing facilities for weather, climate, and fisheries research and
23 monitoring shall be permitted in accordance with the laws
24 and regulations applicable to the National Park, Wildlife
25 Refuge, National Forest, and Wild and Scenic Rivers Sys-

4 **Sec. 1903.** (a) Subject to valid existing rights, all public
5 lands within an area, the centerline of which is the centerline of
6 the "Denali Highway" between Cantwell and Paxson and the
7 "Richardson Highway" between Paxson and Gakona (as
8 those highways are depicted on the official maps of the De-
9 partment of Transportation of the State of Alaska) and the
10 boundaries of which are parallel to the centerline and one
11 mile distant therefrom on either side, are hereby withdrawn
12 from all forms of entry or appropriation under the mining
13 laws and from operation of the mineral leasing laws of the
14 United States.

15 (b) During the three year period beginning on the date
16 of enactment of this Act, the Secretary shall study the
17 desirability of establishing a Denali Scenic Highway to con-
18 sist of all or part of the lands described in subsection (a)
19 of this section. In conducting the studies, the Secretary,
20 through a study team which includes representatives of the
21 National Park Service, the State, and of each Regional
22 Corporation within whose area of operation the lands de-
23 scribed in subsection (a) are located, shall consider the
24 scenic and recreational values of the lands withdrawn under
25 this section, and the importance of providing protection to

1 those values, as well as the desirability of providing a
2 symbolic and actual physical connection between the national
3 parks in south-central Alaska and the desirability of enhanc-
4 ing the experience of persons traveling between those parks
5 by motor vehicles. Members of the study team who are not
6 Federal employees shall receive from the Secretary per diem
7 (in lieu of expenses) and travel allowances at the rates pro-
8 vided for employees of the Bureau of Indian Affairs in
9 Alaska in grade GS-15.

10 (c) In conducting the studies required by this section,
11 the Secretary shall consult with the State, with each Village
12 Corporation within whose area of operation lands described
13 in this section are located, and with the owners of any lands
14 adjoining the lands described in subsection (a) concerning
15 the desirability of establishing a Denali Scenic Highway.
16 The Secretary, through the National Park Service, shall
17 also give such public notice of the study as he deems appro-
18 priate, including at least publication in a newspaper or
19 newspapers having general circulation in the area or areas
20 of the lands described in subsection (a), and shall hold a
21 public hearing or hearings at one or more locations con-
22 venient to the areas affected.

23 (d) Within three years after the date of enactment of
24 this Act, the Secretary shall report to the President the
25 results of the studies carried out pursuant to this section