

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/270

701 SCOMM22: ALASKA LANDS FILE 1977-78

1 together with his recommendation as to whether the scenic
 2 highway studied should be established, and which of the
 3 lands described in subsection (a) should be included therein.
 4 The President shall advise the President of the Senate and
 5 the Speaker of the House of Representatives of his recom-
 6 mendations with respect to creation of one or both of the
 7 scenic highways, together with maps thereof, a definition of
 8 boundaries thereof, an estimate of costs, recommendations on
 9 administration, and proposed legislation to create such a
 10 scenic highway, if creation of one is recommended.

11 (e) The lands withdrawn under subsection (a) of this
 12 section shall remain withdrawn until such time as the Con-
 13 gress acts on the President's recommendation, but not to
 14 exceed two years after the recommendation is transmitted
 15 to the Congress.

16 AUTHORIZATION FOR APPROPRIATION

17 SEC. 1003. There are hereby authorized to be appro-
 18 priated such sums as may be necessary to carry out the
 19 provisions of this Act for fiscal years beginning after the
 20 fiscal year 1978.

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

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE I-IV---FOUR SYSTEMS DESIGNATIONS

-----NO ACREAGES LISTED

-----WILL DEVELOP MODERATE ACREAGE (50-80 MILLION)

-----WILL SEEK TO DRAW BOUNDARIES WHICH INCLUDE ONLY
THOSE TRULY NATIONALLY SIGNIFICANT AREAS AND WHICH
MINIMIZE CONFLICTS WITH OTHER SIGNIFICANT RESOURCES
SUCH AS MINERALIZED AREAS.

-----AREAS WOULD NOT TAKE AWAY ANY VALID STATE OR NATIVE
SELECTIONS.

-----BECAUSE PROPOSED REFUGES INVOLVE SO MUCH POTENTIAL
OIL AND GAS SEDIMENTARY BASINS AND BECAUSE SECRE-
TARY OF INTERIOR HAS NOT USED HIS AUTHORITIES TO
LEASE FOR THESE RESOURCES ON EXISTING REFUGES IN
ALASKA, THE BILL REQUIRES SECRETARY TO ESTABLISH
SPECIFIC OIL AND GAS LEASE PROGRAM ON DESIGNATED
REFUGES IN ALASKA.

-----THE BILL AUTHORIZES A TRADE OF SUBSURFACE RIGHTS
ON APPROXIMATELY 3% OF THE EXISTING ARCTIC GAME
RANGE FOR STATE LANDS ADJACENT PROPOSED PARK OR
REFUGE AREAS. EXPLORATION AND POSSIBLE DEVELOPMENT
WOULD BE UNDER SURFACE REGULATIONS OF THE SECRETARY
OF THE INTERIOR.

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE V-----WILDERNESS

-----NOT ENOUGH KNOWN ABOUT RESOURCES OR POSSIBLE
MANAGEMENT PLANS ON PROPOSED FOUR SYSTEMS LANDS
TO DESIGNATE "INSTANT" WILDERNESS AT THIS TIME.
NATURAL RESOURCES WILL NOT BE ENDANGERED IF WE
WAIT SEVERAL YEARS TO MAKE WILDERNESS DETERMINATIONS;
THIS WAS THE ORIGINAL MORTON PROPOSAL.

-----ONE EXCEPTION TO THIS IS SOUTHEAST ALASKA WHERE
FOREST SERVICE PLANNING PROCESS NEARING COMPLETION.
AFTER THE INFORMATION ALL IN AND ANALYZED THIS SPRING
AND AFTER GETTING COMMENTS FROM CONCERNED GROUPS AND
INDIVIDUALS IN SOUTHEAST, I PROPOSE TO COME BACK AND
ADD IN WILDERNESS OR WILDERNESS STUDY AREAS IN THE
TONGASS FOREST IN MY D-2 BILL.

-----INCLUDED IN BILL ARE SPECIAL MANAGEMENT GUIDELINES
FOR WILDERNESS TO ALLOW FOR ACCESS AND CABIN USES
WHICH ARE PRESENTLY GOING ON, PLUS POTENTIAL AQUACUL-
TURE DEVELOPMENTS.

-----IT IS VERY UNFORTUNATE THAT THE DEPT OF AGRICULTURE
BOWED TO POLITICAL PRESSURES AND JUMPED THE GUN ON
THEIR WILDERNESS RECOMMENDATIONS FOR SOUTHEAST. THEY
CUT THE MARGIN ON AVAILABLE TIMBER YIELD SO CLOSE AS
TO ENDANGER THE JOBS AND WHOLE ECONOMY OF SOUTHEAST.

PROPOSAL BY SENATOR MIKE GRAVEL FOR A FEDERAL-
STATE LAND USE PLANNING COMMISSION

TITLE VI

- THE COMMISSION WOULD BE ESTABLISHED UPON THE PASSAGE OF STATE LAW DEDICATING STATE LAND FOR JURISDICTION UNDER THE COMMISSION.
- ALL FEDERAL LAND NOT INCLUDED IN CONSERVATION SYSTEMS OR MILITARY RESERVES WOULD BE PLACED UNDER THE COMMISSION
- THE STATE WOULD LEGISLATE A PROCESS BY WHICH PRIVATE NATIVE CORPORATION LANDS COULD BE VOLUNTARILY PLACED UNDER THE COMMISSION'S JURISDICTION AND RECEIVE CERTAIN ADVANTAGES SUCH AS PROPERTY TAX DEFERMENT.
- THE COMMISSION WOULD BE COMPOSED OF 9 MEMBERS: 1 CHAIRMEN JOINTLY APPOINTED BY PRESIDENT AND GOVERNOR, 4 FEDERAL MEMBERS BY PRESIDENT, AND 4 STATE MEMBERS BY GOVERNOR. 1 FEDERAL MEMBER AND ONE STATE MEMBER WOULD BE NATIVE IF 80% OR MORE OF CORPORATION LAND DEDICATED.
- MEMBERS WOULD BE FULL-TIME AND SERVE STAGGERED 4-YEAR TERMS
- FUNCTIONS AND AUTHORITIES OF THE COMMISSION WOULD INCLUDE:
 - DEVELOPMENT OF LAND USE PLANS AND LAND CLASSIFICATIONS FOR VARIOUS LAND USES;
 - INSURING THAT FEDERAL, STATE, AND LOCAL PLANNING AND LAND USES ARE HARMONIOUS
 - COORDINATE IMPLEMENTATION OF AIR AND WATER POLLUTION LAWS, COASTAL ZONE MANAGEMENT LAW, AND OTHER ENVIRONMENTAL LAWS;
 - DETERMINE LOCATION OF TRANSPORTATION AND UTILITY SYSTEM RIGHTS-OF-WAY ACROSS FED, STATE, AND PRIVATE LANDS;
- VETO POWER WOULD BE RETAINED BY THE GOVERNOR AND THE SECRETARY OF INTERIOR OVER THEIR RESPECTIVE LANDS. EITHER THE STATE OR THE SECRETARY WOULD HAVE VETO OVER NATIVE CORPORATION LANDS.
- ON-THE-GROUND MANAGEMENT WOULD BE RETAINED BY THE NORMAL FEDERAL (BLM) AND STATE (DNR) AGENCIES.
- LANDS UNDER THE COMMISSION WOULD BE WITHDRAWN FROM ALL ENTRIES AND APPROPRIATIONS PENDING CLASSIFICATION BY COMM.
- THE COMMISSION WOULD TERMINATE AFTER 10 YEARS UNLESS RENEWED BY CONGRESS.

TITLE VII--SUBSISTENCE

-----PROVISIONS VERY SIMILAR TO THE COMPROMISE PUT TOGETHER
IN THE HOUSE SUBCOMMITTEE WHICH RECEIVED WIDE AGREEMENT
OR ACCEPTANCE BY THE MANY SIDES OF THE ISSUE.

-----THE STATE WOULD RETAIN PRIME RESPONSIBILITY FOR FISH
GAME MANAGEMENT.

-----WHEN FISH AND WILDLIFE RESOURCES WERE SCARCE, SUBSISTENCE
USERS WOULD BE GIVEN PREFERENCE IN USING THOSE RESOURCES

-----SUBSISTENCE USERS WOULD BE DEFINED ON THE BASIS OF
RESIDENCE AND DEPENDENCE ON THE RESOURCES, NOT RACE OR
ETHNIC BACKGROUND.

-----ALL LANDS, INCLUDING NATIONAL PARK LANDS, WOULD BE OPEN
FOR SUBSISTENCE USES. ACCESS BY CUSTOMARY MEANS, INCLUD-
ING MOTORIZED VEHICLES, WOULD BE PERMITTED ON ALL LANDS.

-----THE STATE WOULD CREATE A SYSTEM A REGIONAL BOARDS AND
LOCAL ADVISORS. REGIONAL BOARDS WOULD HAVE PRIMARY
RESPONSIBILITY, SUBJECT TO STATE OVERVIEW, FOR DEVELOP-
MENT OF FISH AND WILDLIFE POLICIES AND REGULATIONS.

-----THE SECRETARY WOULD MONITOR STATE SUBSISTENCE PROGRAM
AND COULD SUSPEND PROGRAM IF SUBSISTENCE PROVISIONS NOT
BEING FOLLOWED. STATE WOULD HAVE AMPLE HEARING OPPORTUN-
ITIES AND TIME TO CORRECT PROGRAM.

-----FEDERAL FUNDS WOULD BE AUTHORIZED AND GRANTED TO THE
STATE TO OFF-SET THE EXTRAORDINARY COSTS TO SET UP AND
RUN THIS SPECIAL SUBSISTENCE PROGRAM

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE VIII--STATE AND NATIVE LAND CONVEYANCE

-----ADOPTS LANGUAGE DEVELOPED BY NATIVE COMMUNITY FOR
MORE OR LESS INSTANT CONVEYANCE OF ALL VALIDLY SELECTED
NATIVE LANDS TO WHICH THEY ARE ENTITLED UNDER THE PRO-
VISIONS OF ANCSA.

-----ADOPTS LANGUAGE DEVELOPED BY THE STATE FOR SPEEDY
CONVEYANCE OF STATE LANDS, INCLUDING ALL THOSE SELECTED
TO DATE AND THOSE REMAINING TO BE SELECTED IN THE
FUTURE.

-----WOULD ALSO AMEND STATEHOOD ACT TO ALLOW LONGER TIME
FOR STATE SELECTIONS (IN REALITY WOULD ONLY BE A SMALL
AMOUNT WHICH COULD BE USED TO TIDY UP MISC. OWNERSHIP
PATTERNS IN YEARS TO COME), AND ALSO CLEAR UP OTHER
SELECTION PROBLEMS.

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE IX--TRANSPORTATION AND UTILITY CORRIDORS

- DUE TO THE VERY LARGE AREAS PROPOSED FOR FOUR SYSTEMS,
DUE TO THE JUXTAPOSITION OF THESE AREAS TO STATE AND
NATIVE LANDS, AND
DUE TO THE PRESENT UNCERTAINTIES AND UNKNOWNNS INVOLVED IN
POSSIBLE FUTURE RESOURCE DEVELOPMENTS IN ALASKA,
IT IS NECESSARY TO ESTABLISH A MECHANISM BY WHICH TO
ESTABLISH TRANSPORTATION AND UTILITY CORRIDORS ACROSS
FOUR SYSTEM LANDS WHICH MAY BE NEEDED IN THE FUTURE.
- EXISTING FEDERAL POLICIES AND REGULATIONS SIMPLY CAN NOT
BE RELIED ON OR ARE NOT ADEQUATE TO DEAL WITH THESE KINDS
OF FUTURE NEEDS, THUS THE LAND USE PLANNING COMMISSION
ESTABLISHED IN TITLE VI WOULD TAKE THE LEAD IN THIS CASE.
- THE COMMISSION WOULD CONDUCT STUDIES OF ALL PROPOSED
TRANSPORTATION OR UTILITY SYSTEMS WHICH MAY BE PROPOSED.
BASED ON WHAT THEY DETERMINED TO BE THE MOST PRUDENT AND
FEASIBLE ALTERNATIVE THEY WOULD GRANT RIGHTS-OF-WAY ACROSS
LANDS UNDER THEIR JURISDICTION. WHERE THE ROUTE WOULD
CROSS FOUR SYSTEMS LANDS , THEY WOULD MAKE SPECIFIC RE-
COMMENDATIONS TO THE SECRETARY INVOLVED. UNLESS THE
SECRETARY ISSUED SPECIFIC FINDINGS SHOWING THAT THE ROUTE
WOULD RESULT IN SIGNIFICANT ADVERSE HARM TO THE PARTICULAR
NATURAL RESOURCES INVOLVED AND THAT THERE EXISTED ANOTHER
PRUDENT AND FEASIBLE ALTERNATIVE WHICH AVOIDED THESE IM-
PACTS, THE SECRETARY WOULD GRANT THE RECOMMENDED RIGHT-OF-
WAY.

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE X--ADMINISTRATIVE PROVISIONS

-----ADOPTS MUCH OF THE LANGUAGE OF THE HOUSE SUBCOMMITTEE
WHICH WAS WIDELY AGREED TO.

-----AUTHORIZES LAND AQUISITION BY DONATION, TRADE, PURCHASE.
INHOLDINGS CAN NOT BE CONDEMNED.

-----PROVISION OF ACCESS TO AND IN UNITS OF FOUR SYSTEMS

-----ESTALBISHED ALCAN HIGHWAY VISITOR CENTER

-----PROVIDES FOR LOCAL HIRE IN MANAGEMENT OF FOUR SYSTEMS

-----CALLS FOR DEVELOPMENT OF MANAGEMENT PLANS FOR UNITS

-----AUTHORIZES PURCHASE OF ISOLATED ARCHEOLOGICAL SITES

SENATOR GRAVEL'S DRAFT D-2 BILL--TITLE OUTLINE

TITLE XI--MISCELLANEOUS

- CALLS FOR SPECIAL STUDY OF DEVELOPMENT OF VISITOR ACCESS AND FACILITIES ON SOUTH SIDE OF PROPOSED DENALI (MT. MCKINLEY) NATIONAL PARK.
- WITHIN TWO YEARS OF ACT, SECRETARY WOULD REPORT ON ECONOMIC, ENVIRONMENTAL, AND ENGINEERING COSTS, PLANS AND FEASIBILITY OF RANGE OF DEVELOPMENTS
- \$2 MILLION IS AUTHORIZED FOR STUDY
- \$500 MILLION IS AUTHORIZED FOR CONSTRUCTION OF MASS TRANSIT SYSTEM FROM ANCHORAGE, VISITOR CENTER, AND TRAMWAY.
- USING MY BILL, S. 929, A NEW CATEGORY OF NATIONAL TRAILS WOULD BE ESTABLISHED, NATIONAL HISTORIC TRAILS, AND THE IDITAROD WOULD BE DESIGNATED AS A NATIONAL HISTORIC TRAIL
- THE SECRETARY OF INTERIOR WOULD BE AUTHORIZED TO CONVEY UP TO 5 ACRES TO INDIVIDUALS WHO OCCUPIED LAND AS A PRIMARY PLACE OF RESIDENCE PRIOR TO ANCSA PASSAGE AND UP TO PRESENT WHICH MAY BE INCLUDED IN FOUR SYSTEMS LAND
- WOULD ALLOW STATE OR OTHER LANDS TO BE DONATED OR ACQUIRED FOR KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK
- CALLS FOR A SCENIC HIGHWAY STUDY ALONG DENALI HIGHWAY BETWEEN PARKS HIGHWAY AND GLENNALLEN AREA.

MINERALS

-----DID NOT INCLUDE A SPECIAL TITLE IN BILL FOR MINERAL PROVISIONS.

-----SPECIAL PROVISIONS DEVELOPED THUS FAR BY HOUSE, AND ADMINISTRATION HAVE BEEN A NIGHTMARE OF COMPLEXITIES AND HAVE NOT BEEN WORKABLE.

-----MUCH OF THE PROBLEM CAN BE SOLVED BY NOT PLACING VALUABLE MINERALIZED AREAS IN FOUR SYSTEMS LANDS.

-----SOME MINERALIZED AREAS WILL UNDOUBTEDLY BE "LOST" WITHIN FOUR SYSTEM DESIGNATIONS AND WE SHOULD NOT KID OURSELVES INTO THINKING THAT SOME SEVEN-STEP PROCESS ENDING IN CONGRESS WILL ENABLE THE MINERALS TO BE DEVELOPED WITHIN A NATIONAL PARK--CONGRESS HAS ALREADY SPOKEN TO THAT TYPE ISSUE IN THE MINING IN THE PARKS ACT, WHICH DESPITE OUR EFFORTS TO EXCLUDE THE NICKEL DEPOSITS IN GLACIER BAY, SHUT THE DOOR ON US.

-----HOWEVER, THE LEGISLATION SHOULD CALL FOR CONTINUED EXPLORATION IN ALL AREAS TO GIVE US A CLUE AS TO WHAT WE HAVE; OBVIOUSLY HOWEVER, PRIVATE INDUSTRY WILL BE VERY RELUCTANT TO EXPLORE IN AREAS WHICH ARE CLOSED TO CLAIM STAKING AND WE SHOULD RECOGNIZE THIS. THUS, USGS AND CONTRACT WORK WILL PROBABLY HAVE TO BE RELIED ON.

-----IN THE CASE OF OIL AND GAS, MY BILL DIRECTS THE SECRETARY TO INITIATE A LEASE PROGRAM ON WILDLIFE REFUGE LANDS WHERE HE CURRENTLY HAS UNUSED AUTHORITIES.

STATE LEGISLATIVE NEEDS TO COMPLEMENT
FEDERAL LEGISLATION ESTABLISHING AN
ALASKA FEDERAL-STATE LAND USE PLANNING
COMMISSION

- DESIGNATION OF ALL STATE LANDS AS LANDS TO BE COOPERATIVELY
MANAGED UNDER THE JURISDICTION OF A FEDERAL-STATE LAND USE
PLANNING COMMISSION.
- IDENTIFICATION OF A SYSTEM BY WHICH NATIVE CORPORATION
LANDS AND PERHAPS OTHER PRIVATELY OWNED LANDS COULD BE
DEDICATED UNDER THE JURISDICTION OF THE COMMISSION. SUCH
INCENTIVES AS TAX DEFERMENTS COULD BE INCLUDED. A TWO-
YEAR STUDY OF A POSSIBLE STATE PROPERTY TAX SHOULD ALSO BE
INCLUDED.
- IDENTIFICATION OF A SYSTEM BY WHICH STATE MEMBERS WOULD BE
APPOINTED, CONDITIONS OF APPOINTMENT, PAY, ETC.
- AUTHORIZATION AND APPROPRIATION OF FUNDS NECESSARY TO COVER
ONE-HALF THE COST OF THE COMMISSION.
- FORMALIZATION OF SYSTEM OF OBTAINING INFORMATION, SERVICES,
AND INPUT FROM VARIOUS STATE AGENCIES TO THE COMMISSION.
- TO REQUIRE THE SUBMISSION OF ALL LOCAL GOVERNMENT PLANS TO
THE COMMISSION FOR COMMENT AND APPROVAL.
- TO REQUIRE THE SUBMISSION OF ALL RULES, ACTIONS BY STATE
AGENCIES REGARDING AIR AND WATER POLLUTION LAWS, COASTAL
ZONE MANAGEMENT AND OTHER ENVIRONMENTAL LAWS TO THE COMMISS-
SION. THE STATE AGENCIES SHOULD BE REQUIRED TO MODIFY
POLICIES, ACTIONS, ETC., WITHIN LEGAL REQUIREMENTS, IN
RESPONSE TO COMMISSION COMMENTS AND RECOMMENDATIONS. WHERE
APPROPRIATE, AUTHORITIES ASSIGNED TO THE STATE UNDER VARI-
OUS ENVIRONMENTAL LAWS SHOULD BE ASSIGNED TO THE COMMISSION
- IF NECESSARY, AUTHORIZE THE APPLICATION OF LEASE SYSTEMS
FOR ALL LAND USES ON STATE LANDS.
- TEMPORARILY WITHDRAW ALL STATE LANDS FROM DISPOSAL OR ENTRY
PENDING STUDY AND CLASSIFICATION BY THE COMMISSION.
- REQUIRE TERMINATION OF STATE PARTICIPATION IN COMMISSION
10 YEARS FOLLOWING CREATION UNLESS REAFFIRMED BY LEGISLATURE

United States Senate

WASHINGTON, D.C. 20540

February 24, 1978

Dear Fellow Alaskan:

As you may know, I released draft language of a compromise (d)(2) bill during my recent visit to Alaska. Enclosed is a copy of this language along with a title-by-title summary of the major provisions.

I have to emphasize that this is a draft. Its purpose is to address the major issues which have been discussed in the (d)(2) debate, and it draws heavily on much of the language which has been developed to date by several of the major interest groups. However, important items and provisions may well have been omitted, and considerable refining is undoubtedly necessary. I hope you will look over this material and provide me whatever thoughts, comments, or substitute language you may have.

One large item which is not addressed in this draft is acreage. Because acreage has become the instant indicator for evaluating the environment/development orientation and relative "goodness" of a proposal, I have purposely not yet developed an acreage "position" in order that the many other vital provisions a (d)(2) bill can be given adequate attention.

One issue which I consider paramount in the (d)(2) debate is that of cooperative management. In Title VI of the enclosed bill, I have addressed the development of a Federal-State Land Use Planning Commission in considerable detail. I would hope you would pay particular attention to this title and provide your thoughts. I am convinced this proposal offers tremendous opportunities for the state and the nation in dealing with the complex land uses and management which will face the State for years to come, long after the (d)(2) land issue has been addressed by Congress.

In addition to comments on these titles, I would also welcome specific proposals you may have for specific (d)(2) areas. Any maps showing proposed boundaries would be extremely helpful.

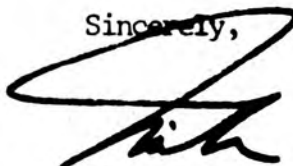
Because the Senate Energy and Natural Resources Committee now plans to hold hearings on (d)(2) legislation at the end of March or the beginning of April, I am hoping to submit a formal bill around the middle of March in order that it may receive full consideration by the Committee. Thus,

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please submit any comments or language you may have as soon as possible so that I will have time to incorporate them into my bill.

With best wishes,

Sincerely,

A handwritten signature in black ink, appearing to be 'Mike Gravel', written in a cursive style.

Mike Gravel

SCOMM

#22:43



Citizens for Management of Alaska Lands, Inc.

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THE ALASKAN (D)(2) LANDS -- A SUMMARY

The phrase "(D)(2) lands" is seen in the local and national press, heard on radio and television and in debates in the halls of Congress. Yet some Alaskans and most other Americans do not know what these lands are, or their significance to the entire nation. Although questions about (D)(2) lands cannot be answered completely in a short statement, CMAL, Citizens for Management of Alaska Lands, Inc., has prepared the following summary of the (D)(2) issue.

WHAT ARE THE (D)(2) LANDS?

These are the roughly 80 million acres withdrawn under Section 17(D)(2) of the Alaska Native Claims Settlement Act for possible . . . "addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems." 'How much land is to be placed in each system' is the question before Congress.

WHERE ARE THE (D)(2) LANDS?

Lands are widely scattered throughout Alaska, with scenic mountain lands mainly in the Brooks Range, the Wrangell Mountains, and the Alaska-Aleutian Ranges; the hilly and lowland areas in northeastern Alaska, and in the Yukon and Kuskokwim River systems.

HOW LARGE IS 80 MILLION ACRES?

It's big!! It would make more than 37 Yellowstone National Parks or two-thirds of California -- or more than the combined areas of New York, Pennsylvania and New Jersey.

WHAT ARE THE RESOURCE VALUES?

Everything. Some of the (D)(2) lands are among the most scenic lands in the world. The low wet lands are breeding grounds for wild fowl; hilly country has caribou, moose, bear, wolves and other wildlife values. The (D)(2) lands also contain millions of acres of commercial quality timber, millions of acres of virgin tillable soils, and major resources of copper, molybdenum, gold, silver, antimony, strategic minerals such as chromium, nickel, tin and very probably uranium, oil and gas. And, while it is often forgotten, people are our main resource. Many of the (D)(2) lands are near areas of chronic under-employment and, while no one has advocated forced development, the possible loss -- or gain -- of thousands of new private jobs has to be considered in the decision.

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THE ALASKAN (D)(2) LANDS -- A SUMMARY

Page Two

WHAT IS THE PROBLEM?

The problem is to determine how an exceptional series of wild lands -- some with an obvious prime value, some with multiple values -- will be managed.

HOW SHOULD THE PROBLEM BE RESOLVED?

Several approaches have been proposed. One extreme, that originally proposed by the "Alaska Coalition", a group of national preservation oriented groups with a small representation of Alaskans in their ranks, would have placed 147 million acres in *WILDERNESS* classification, with over 100 million acres of that being placed in National Parks, Wildlife Refuges and Wild and Scenic Rivers. Together with existing withdrawals, this proposal would place an area larger than the state of Texas out of bounds for all development and for most human uses. Several of the other proposals are also biased against man's use of Alaska land. In contrast, CMAL favors the use of "land for peoples' needs". CMAL seeks a consensus on unique lands which most Alaskans and other Americans agree deserve protection; it is also identifying lands with a variety of values which should be managed under a multiple-use philosophy. Alaskans and, indeed, all Americans must be concerned -- our state and national economy, our way of life, is involved, so great is the magnitude of the problem.

WHAT CAN BE DONE ABOUT THE PROBLEM?

You do not have to live in Alaska to be concerned about this issue or to express your opinion. And, many former residents of Alaska should be concerned too, just as Alaskans of today are. Individual citizens should immediately write their Representatives or Congressmen, wherever you live, to express your concern and to urge these officials to support multiple use management for most of Alaska lands and resources.

If you want more information about the D-2 issue, about CMAL or if you want to assist in this important effort, contact the CMAL office nearest you.

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STATEMENT OF POLICY OF CITIZENS FOR MANAGEMENT OF ALASKA LANDS

Citizens for Management of Alaska Lands, Inc. (CMAL) is a broad-based coalition of Alaskans and others interested in the wise use of Alaska lands and resources. Its philosophy, to the extent it can be expressed simply, can be paraphrased as "land for peoples' needs".

CMAL believes in the multiple-use concept, wherein land can be managed to produce both the basic needs -- such as food and shelter -- and important, yet secondary, needs -- such as recreation. CMAL believes that this concept make sense for the bulk of Alaska's land which has strong multiple-values or potentials, as it allows use of the land to produce the greatest good for the greatest number. Incorporated in this belief is the understanding that surface transport access to the lands must be assured so that these multiple values can be realized.

By recognizing that peoples' needs also include solitude and aesthetic values, CMAL is also in favor of preservation of certain wild lands whose uniqueness is widely acclaimed in units of the National Park and Wildlife Refuge systems. It proposes, however, that all the resource values be professionally evaluated and inventoried, so there is a clear understanding of benefits and costs of those lands placed in restricted withdrawals.

It is the policy of CMAL that stable land ownership and management practices be paramount to any decision relating to Alaska's land and resources. Thus, there must be no doubts about Alaska's State-hood and Native entitlements, as new land decisions are made.

Finally, CMAL believes that the vast area of Alaska -- if dynamically managed to take into account changing needs of man -- can play an increasingly important role in the national destiny with room for recreation, wildlife, timber, energy and food production, mining and human habitat.

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CITIZENS FOR MANAGEMENT OF ALASKA LANDS, INC.

D-2 AND H.R. 39

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MISSION: Educate and Persuade
Defeat H.R. 39
Back or create a Legislative "vehicle" to properly settle the D-2 issue with a balanced approach.

TARGETS: Congressmen, either directly or through their staffs, their influential constituents and associates.

STRATEGY: Concentrate on 3 issues nation wide: Energy, Recreation and Jobs. These are the "Achilles Tendons" of H.R. 39. Obviously, many Congressmen have specific interests such as mining, forest products, etc. Where applicable we will zero in on these.

TACTICS: Create an organization and plan to identify the most likely Congressmen and bring to bear the most influential forces in each case.

ORGANIZATION: Modest full time staff. Lobbyist, media, etc., on a retainer/consulting basis. Use retained (and other) professional lobbyist as a "brain trust" to access the Congressmen, then use all our natural allies (Trade Associations, Individual Company Washington Representatives, Labor Leaders, etc.) to educate and persuade.

TIMING: This is an 18 month battle with the House being ahead of the Senate in its deliberations.

BUDGET: A budget has been structured to follow the strategy and tactics. It is a large amount spread over 18 month period. We want to concentrate on getting the job done and not spend our time raising money so we have devised a pledge system to supplement large one-time donations. In this manner, the monthly donation is more palatable for the donor and it gives CMAL a chance to plan its cash-flow.

For further information contact the CMAL office nearest you.

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CMAL RECOMMENDATIONS FOR PRINCIPAL

CONCEPTS IN D-2 LEGISLATION

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A. LANDS WHICH SHOULD BE IMMEDIATELY DESIGNATED WITHIN THE FOUR SYSTEMS AND LANDS WHICH SHOULD BE PLACED INTO HOLDING PATTERNS PURSUANT TO SECTION 17 D-2 LEGISLATION.

1. Areas receiving serious consideration for four system designation within which there is no known resource conflict and about which there is sufficient information concerning resource values should be immediately designated within the four systems. None of these areas should be made instant wilderness areas, although qualifying areas could be put into wilderness study status for future consideration under the Wilderness Act of 1964.
2. Where substantial conflicts exist between or among resources in an area receiving serious consideration for four system designation or where there is insufficient information known about the resource values of such an area, it should be placed into holding pattern status.
3. The holding pattern areas should be managed by the BLM until they are designated by Congress. Interim management policy for these holding pattern lands should be established by a Federal Commission. The Commission should also be responsible for reviewing each area's resource values and making a recommendation to Congress for designation of the area within the four systems. Recommendations for each of the areas should be made within a time certain so that its status is known within the holding pattern areas during the Commission's interim management period unless environmental damage to the area is demonstrated to the satisfaction of the Commission.
4. Areas receiving serious consideration for four system inclusion which have multiple use values and contain commercial forest land ought to be designated as National Forests. In order of priority the following areas should be designated as National Forests: the Porcupine; Yukon Flats; the Yukon Charley; the Yukon Kuskokwim, the Forty Mile and the Wrangell Mountains.

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CMAL Recommendations

Page Two

CLARENCE P. KRAMER, President

LANGHORNE A. "Tony" MOTLEY
Executive Vice President
Washington, D.C.

VERNON R. WIGGINS
Executive Director
Anchorage, Alaska

**B. LANDS WHICH SHOULD NOT BE PLACED IN THE FOUR SYSTEMS
THROUGH SECTION 17 D-2 LEGISLATION.**

1. Southeast Alaska should not be considered as part of D-2 legislation. Instead, land allocation decisions regarding the Tongass National Forest should only be made after completion of the Tongass Land Use Management Planning Process.
2. Reasonable access routes (determined in part by economic practicality) should be guaranteed to all lands within the State of Alaska and lands should not be selected for inclusion within the four systems if their inclusion would place an undue burden upon such access.
3. State and Native land selections should be given priority and should not be pre-empted by S17(d)(2) selections. Congress should direct the BLM to proceed forthwith in making full conveyance of their lands to the State of Alaska and the Alaska Natives.
4. Lands should not be selected for inclusion within the four systems if the "prevention of significant deterioration" provisions of the Clean Air Act or Clean Water Act would prevent adjacent State or private lands from being fully utilized.
5. Lands having agricultural potential should not be selected for inclusion within the four systems.

C. OTHER PROVISIONS

1. Subsistence definitions should be made on a non-racial basis with management to be by the State.
2. Fish and Game management should be done by the State.

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- - -MARCH 1978- - -

WASHINGTON UPDATE

In a voice vote on Feb. 7th, the Alaska Lands and Oversight Sub-committee approved version No.3 of HR-39 and sent it to the full House of Representatives Interior and Insular Affairs Committee. The action came swiftly with Seiberling and Udall riding the wave of intervention from the White House. The full House Interior Committee, which is chaired by Rep. Morris Udall, author of the original legislation, is scheduled to take the Bill under consideration on Tuesday March 2, and according to Washington sources, the committee is scheduled to complete consideration and mark-up of the bill in seven straight days.

CMAL's D.C. representative, Tony Motley says, "It's too close to call," referring to how the expected series of votes in the committee might go. "Right now, it's a toss up and only the several Congressmen in the middle know how they are going to vote. We expect that any vote could go either way by one or two votes," said Motley.

Whether the full Committee will accept Rep. Lloyd Meeds' bill as a substitute for Udall's HR-39 or whether they will stay with Udall's bill is the key to the issue from here on out. It is clear, however, that with the limited time being allowed by Udall for consideration of the issue by the Committee, the legislation will not receive the in-depth study that it merits and which is needed to fully demonstrate the travesty HR-39 will do to public lands in Alaska. Rep. Don Young remains hopeful and optimistic that the members of the Interior Committee will fairly and objectively evaluate the issue. Cong. Young recently stated that the biggest thing wrong with the HR-39 bill as it passed the Subcommittee is the size of the wilderness areas. He says that he plans to seek an amendment to the bill when it goes to the full committee for a provision to allow the State to select land inside the boundaries of the conservation units as set out in HR-39 but outside the 80 million acres frozen by the Federal government for possible inclusion in the D-2 legislation. Young says that about 10 million acres would be involved.

INTERNA- TIONAL BUSINESS MAGAZINE

The Jan/Feb issue of *INTERNATIONAL BUSINESS* Magazine, published in Seattle by Louis R. DesPres, is devoted entirely to Alaska and the State's resources. The issue, entitled "Alaska - America's Frozen Assets," includes articles by many notable Alaskans covering such topics as transportation, native corporations, minerals, timber, oil and gas and other resources. It also deals in depth with the D-2 lands issue. DesPres, in his editorial comment states, "This edition of IB might better be titled 'The Environment and World Trade,' and use Alaska as a symbolic example of the war now being waged between ultra-developers on the one side, ultra-environmentalists on the other. In Alaska this battle is called the D-2 Land issue; in the other states and countries it has a different ring, but the issues are always the same.

Frankly, as we travel around the world in our editorial role, we see many developing countries which are prospering through development, yet concerned over their environmental rights. It is frightening to see America failing to keep up the pace." (cont.)

CMAL is non-profit corporation whose membership includes private citizens of Alaska, business interests, labor organizations and representatives of more than twenty-two (22) specific interests - all of whom have a stake in and care about what happens to the peoples' land in Alaska. The single goal of CMAL is achievement of an equitable settlement of the D-2 lands issue - a settlement which is clearly in the best interest of all Americans (including Alaskans). Membership in CMAL is open to any person, association or business interest which believes in... "the wise use of Alaska lands." Contact a CMAL office for membership information or for information about CMAL's program on the D-2 lands issue.

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Copies of the IB magazine can be obtained from newsstands in Alaska or ordered through International Business, 14842 First Avenue South, Seattle, Washington 98168. IB is the official publication of World Trade Associates, Inc.

WHAT THE
OTHER
SIDE
IS SAYING

The preservation extremists supporting passage of HR-39 are appealing for national support to "Save Alaska from Alaskans." In a recent mailing under the banner of the Alaska Coalition ("To Preserve Alaska's National Interest Wildlands") they seek support to fight back against those who would defeat or delay Congressional action on Rep. Udall's bill. "Without your help," they say to their readers, "Congress may not meet the legislative deadline of December 1978, and the Alaska wilderness will go unprotected."

An editorial in the Anchorage Times, Jan. 5th, commenting on the Coalition's mailer, reflects that it is curious how the environmental extremists elements are so quick to classify as "stalling" a proposal to study and determine the best use of the millions of acres that would be locked up before the action is taken, when at the same time they are quick to use the "study" technique as a stall when they want to stop a project with which they do not agree.

(CMAL Editor's comment: *It all depends on whose ox is being gored!*)

GUY
MARTIN'S
ADVICE

Guy Martin, former Commissioner of Natural Resources for the State of Alaska in the Hammond administration and now an Assistant Secretary of the Department of Interior, told a Seattle Chamber of Commerce meeting recently that, "those who choose to resist instead of negotiate in settling the size of Alaska's D-2 package will lose out in the end." Martin further stated, "Those who choose controversy . . . will reap what they sow."

Martin's words were like a bolt of lightning when they were reported in the Alaska press. People from all over the State contacted the CMAL office in Anchorage and expressed amazement that a former Alaska State official would make comments which were perceived by many as threats to Alaskans and advice to "lay back and play dead."

CMAL President Clarence Kramer and CMAL Executive Vice President Tony Motley attended the Seattle Chamber meeting and responded to Martin's comments. "Martin did his usual, clever job of confusing his audience on the issues," said Kramer. Motley refuted Martin's statements that there are 7 million "new acres" in the Carter Administration's D-2 proposal for inclusion in the National Forest land management system. "The actual figure is 2.075 million acres" said Motley. Motley continued, "At best, this shows an alarming lack of knowledge by Martin of what is in the Bill, at worst, a serious misrepresentation."

For any who might wonder, CMAL is not going to follow Mr. Martin's advice or knuckle under to his threatening words. Mr. Martin, having at one time been an Alaskan, should know all too well that people in the State do not take the D-2 issue lightly and that Alaskans take extremely serious such veiled threats issued by government "bureaucrats." One caller to the CMAL office noted, "Martin has for eight years been on all sides of issues like this, but now we know finally where he stands."

ANDRUS
EXTENDS
TIME FOR
NATIVE
SELECTIONS

Interior Secretary Andrus has extended the deadline for some Native land selections in Alaska until March 20, 1978. Andrus said the extension was necessary because unresolved policy decisions could affect the nature in which these selections are allowed. The lands involved are part of the 2 million acre allotment for cemeteries, historic sites, primary places of residence and for the Native corporations at Sitka, Kenai, Juneau and Kodiak.



Division for Management of Alaska Lands
NATIONAL HEADQUARTERS - Suite 220, 121 West Foreword
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ANNUAL MEETING

February 1, 1978 was the Annual Meeting of CMAL. Among the several items of business at the meeting was the election of Directors for 1978. The following persons were elected to serve as Directors....

ELECTION OF DIRECTORS

INTEREST REPRESENTED

At-Large
Construction Industry
Labor
Arts and Humanities
Real Estate Industry
Legal Profession
Labor
At-Large
Outdoor Recreation
Native Corporations
Tourism Industry
National Security
Oil and Gas Industry
Labor
Forestry Industry
Native Corporations
Banking and Finance
Agriculture
Transportation Industry
Labor
Mining Industry
Transportation Industry
Fisheries Industry
Local Government

DIRECTORS ELECTED

Clarence Kramer
Richard Pittenger
David McDonald
Jenny Hawley
Carol Maser
Robert Hartig
John Alexander
Frank DeLong
Tom Scarborough
Harvey Samuelson
William Sheffield
Anthony Watson
Jack Bertino
Robert Johnson
Donald Finney
Carl Marrs
Al Fleetwood
Sig Restad
Richard Wein
Dwayne Carlson
Charles Hawley
Ben Benediktsson
Paul Anderson
James Rolle

In addition to the Directors elected at the Annual Meeting, the two currently existing CMAL Chapter organizations in Alaska, Fairbanks, and Southeast, each have seven Directors' position on the Statewide CMAL Board. The following Directors represent their respective Chapter:

SOUTHEAST ALASKA CHAPTER, CMAL

Gregg O'Claray	Juneau
James Clark	Juneau
Joseph G. Wilson	Juneau
Pete Huberth	Juneau
J.P. Tangen	Juneau

(Editor's Note: The SE Chapter will be electing 2 new members shortly to replace the members sitting on the Statewide Board since the February 1 election.)

FAIRBANKS CHAPTER, CMAL

James Drew	Fairbanks
Terry Palczer	Fairbanks
Mary Lou Stealey	Fairbanks
Maxine Stanley	Fairbanks
Dr. John Morris	Fairbanks
James Kelly	Fairbanks
Rynnleva Wescott	Fairbanks

ANNUAL MEETING BOARD OF DIRECTORS ELECTION OF OFFICERS

The following officers were elected from the Board of Directors.

President	Clarence F. Kramer, Sitka
First Vice President	Richard M. Pittenger, Anchorage
Second Vice President	David A. McDonald, Anchorage
Secretary	Jenny L. Hawley, Anchorage
Treasurer	Carol Maser, Anchorage

The CMAL Executive Committee, which is charged with the responsibility of making the management and administrative decisions necessary to keep the organization operating smoothly, is composed of the five (5) officers elected above, plus the Presidents of the two Alaska Chapters, Gregg O'Claray of Southeast Chapter and James Drew of Fairbanks Chapter.



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STATE SELECTING LAND

The state of Alaska has identified some 40 million acres of primary interests lands from which it proposes to select the remaining 30-plus million acres of land entitled under the Alaska Statehood Act. The interest lands and the criteria used in identifying these lands are being explained at a series of public workshop-hearings sponsored by the Department of Natural Resources. The scheduled hearings during March are listed below.

Naknak	March 1
Bethel	March 8
McGrath	March 9
Galena	March 10
Rampart	March 11
Circle	March 12
Delta Junction	March 13
Juneau	March 20
Nome	March 22
Kotzebue	March 23
Barrow	March 30

The Anchorage hearing was held February 20. A group of about 35 persons appeared at the meeting and few of them voiced opinion or comment on the State's proposal. CMAL members are urged to attend the meeting in your area and make your feelings known. The State selection of its remaining entitlement is a matter that is potentially seriously affected by the D-2 legislation and there is considerable relationship between the State's proposed selection areas and the D-2 legislation currently being considered.

- - - - -

RECOMMENDED READING ON D-2

The January 23, 1978 issue of *BARRON'S* magazine (pg. 11) contains an excellent and very objective article on the effects of HR-39 upon the mineral industry in the country. It is written by Maureen D. Bailey, a freelance author who has gained her knowledge of Capitol Hill's terrain during her extensive writing on the metals industry.

All CMAL members are urged to obtain a copy of the article and study it thoroughly.

* * * * *

TOPICS, the official publication of the Nevada Taxpayers Association, is a monthly publication dealing with a variety of issues important to Nevada residents. The September and October 1977 issues contain an in-depth analysis of the development of public land policy in the United States. It is good reading for CMALites as it provides an excellent background to just how we come to find ourselves under the thumb of the federal land "bureaucrats." Write: Nevada Taxpayer Assoc., Box 633, Carson City, NV. 89701.

* * * * *

The March/April edition (not off the press at this writing) of *THIS ALASKA MAGAZINE* will feature a series of articles on the Alaska D-2 lands issue. It includes articles by CMAL Executive Director Vernon R. Wiggins, former Governor Walter J. Hickel, and Chris Lewis, Manager of Exploration for SOHIO/BP. *THIS ALASKA MAGAZINE* is published in Anchorage by A.T. Publishing, Inc. It can be purchased on the newsstands in Alaska or by writing A.T. Publishing at 4214 Spenard Road, Anchorage, Alaska 99503.

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DUES DUE

CMAL Annual Dues are due....we will be sending out dues statements to all members during the month of March. Fairbanks Chapter has already sent their statement out and the Southeast Chapter will be sending theirs shortly. All other members' statements will originate in the CMAL statewide office, Anchorage. We ask you to remember that CMAL's life blood is money....and we can't wage the war necessary to win unless we have your financial support. Be generous....renew your membership....make a contribution in addition to your membership dues and help with the fund raising effort. If you were generous last year....be even more so this year and increase your contribution.



QUOTABLE
QUOTES
BY
JOHN
AND
MO

In the interest of illustrating to the Alaskan and American public what it is that Congressmen Seiberling and Udall really stand for, and in order that one can compare the public utterances of these two defenders of wilderness with their actions and deeds, CMAL is publishing a series of quotations from each of the two Congressmen.

We drew out the map and we have been in Alaska talking about it. If this is too much, tell us where it is too much and we will cut it back. -- Cong. Morris Udall, Shishmaref, Ak., August 18, 1977.

I am convinced there will have to be hunting allowed in some of the national parks, if we establish them up here. -- Cong. Morris Udall, Glenallen, Ak., August 13, 1977.

I have taken the view up here if we are going to lock up - I don't like that phrase particularly - but if we are going to place aside large areas and not know at the time we do it the total story of mineralization, we ought to be willing to provide some kind of flexible mechanism to unlock resources or have someone with the key to do it in an orderly fashion.

It is hard, once you put something in a national park or game refuge, to reopen it, as you fellows know. -- Cong. Morris Udall, Fairbanks, Ak., August 20, 1977.

You are going to have different rules. Alaska wilderness will have permitted uses that aren't permitted in Minnesota, New Mexico, Arizona. All we have to do is write it into the law when we establish it up here, that the rules will be different. -- Cong. Morris Udall, Glennallen, Ak., August 13, 1977.

At the same time, I think that in deciding what is in the national interest, we also have to take into account the multiple-use concept. And, certainly, that must be impacted into any legislation that we write. -- Cong. John Seiberling, Sitka, Ak., July 5, 1977.

So, I think, in the interests of everyone concerned, we should enact a bill that would provide for identifying resources, and develop a procedure for determining whether, if ever, they should be developed, at the same time settling the status of the land at the present time, so that everybody knows what the rules of the game are. And, I think that is one of the things that we want to try in this bill. -- Cong. John Seiberling, Atlanta, Ga., May 14, 1977.

We don't know all we need to know about the mineral resources of Alaska. I think everybody agrees that we just have barely scratched the surface. I think we need to set up somehow a process for making a complete inventory of those resources. -- Cong. John Seiberling, Chicago, Ill., May 7, 1977.

We must face the problems of access, mineral needs, timber needs, present and future jobs. And, we will. -- Cong. John Seiberling, Ketchikan, Ak., July 9, 1977.

So this is not an elitest bill. It is a bill looking ahead, and we certainly do not intend to shut down one single industry or block one single job in Alaska. -- Cong. John Seiberling, Sitka, Ak., July 5, 1977.

We are not bound by the Wilderness Act. We are writing a new law for Alaska. -- Cong. John Seiberling, Kotzebue, Ak., August 17, 1977.

INTERNATIONAL
BUSINESS
ON D-2

Mention is made above about the Jan/Feb issue of *INTERNATIONAL BUSINESS Magazine* and its coverage of the D-2 lands issue and Alaska resources. CMAL staff in reading the publication has observed a number of comments on the D-2 issue by notable persons. We think the comments and the concerns they reflect are indicative of the increasing level of knowledge developing on the D-2 issue. Below, we excerpted from the issue several comments of interest.

Today, Alaska labor and management work together against prohibitive legislation such as H.R. 39, . . .
Jess Carr, Secretary/Treasurer, Teamsters Local Union 959

* * * * *

The fundamental political issue (in the Alaska D-2 lands legislation) is the right of the Alaskan people and future generations of Americans to determine their own destiny versus arbitrary Congressional action to lock up Alaska's natural resources.
Hon. Ted Stevens, United States Senator, Alaska

* * * * *

We are lacking necessary information on the nonfuel mineral resources within the D-2 land . . . We do not have the information today - yet we are on the threshold of making legislative judgements determining the future recovery of hard rock minerals.
Hon. James D. Santini, U.S. Representative, Nevada

* * * * *

The supporters of D-2 are doing a disservice, not to Alaskans, but to the American people.
Hon. Walter J. Hickel, former U.S. Secretary of the Interior and former Governor of Alaska

* * * * *

The opportunity exists to either freeze much of Alaska's resources from economic development or to enhance greatly multiple-use management potentials of Alaska.
Hon. Dixy Lee Ray, Governor of the State of Washington

* * * * *

. . . I, for one, at this time, would be against D-2 as it is presently proposed by Congressman Udall.
James D. Hinchcliffe, General Manager, Continental U.S., Sea-Land Services, Inc.

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

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3. Summary of Meeds proposal
4. Summary of House H.R. 39 mark-up, January 23-27, 1978
5. Biographies of legislators and government officials with whom appointments have been made

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ISSUE-BY-ISSUE COMPARISON:
 -STEERING COUNCIL
 -H.R. 39 COMMITTEE PRINT
 -ANDRUS (ADMINISTRATION PROPOSAL)
-S. 1787 (STEVENS/HAMMOND/YOUNG BILL)

In order to demonstrate the relationship between the positions adopted by the Steering Council for Alaska Lands and the legislative initiatives taken by the other major constituencies, we have prepared this comparison. In each case, we have summarized the concepts and principles evoked by the sponsoring group and then have highlighted a few of the principal disparities. Because Congressman Meeds did not make his proposal public until January 16, his legislation is not included in this comparison. We have, however, provided you with a separate summary of the Meeds proposal and a comparison of its principles to those of the Steering Council.

The issues described in this summary appear in an approximate order of importance to the Steering Council.

I. State Selections

STEERING COUNCIL

The Council recommends amending the Statehood Act of 1958 to extend the State's deadline for land selections another 10 years until January 3, 1994. The State would also be permitted to select Federal lands which at the time of selection are vacant, unappropriated, or unreserved. The Council advocates conveyance of all tentatively approved State land selections plus any land selections incorporated into the Act. The State selections should be subject to all valid existing rights plus the land selections made by the native corporations. The Steering Council also advocates the legislative conveyance of native selected lands.

H.R. 39

Title VIII, Section 805 of H.R. 39's current Committee Print also provides that tentatively approved lands selected by the State under the Statehood Act shall be granted to the State as part of its entitlement. The Committee Print provides that State selections are subject to all land withdrawn under ANCSA, which also includes section 17(d)(2). The conclusion is that State selections are also subject to Federal selections, where the State has made selections on (d)(2) lands.

S. 1787

This bill provides that lands chosen by the State are to be conveyed subject to lands selected by the native corporations. The State will have the opportunity to select the land available to the native corporations if they relinquish their selection rights. For a time period beginning 90 days after enactment and for at least three years thereafter, the Secretary shall expand the pool of Federal lands available to the State for selection to include all Federal lands except those in conservation unit systems, lands selected by a native corporation under ANCSA, lands described in Public Land Order 5184 concerning the Yukon-Kuskokwim Delta, and lands reserved or withdrawn for purposes other than classification under 17(d)(1) of ANCSA. [Title 43, §4308]

ANDRUS

The Secretary recommended deletion of section 705 in the original draft of H.R. 39 which would have pre-empted all State selections made within proposed additions or proposed conservation system units. However, the Secretary did not draft a separate conveyance of State selections. Instead, the Secretary merely provides for the conveyance of the native selections. The Secretary's testimony indicates his leaning towards placing State selections third, behind native and d-2 Federal withdrawals.

SUMMARY

Both the Steering Council and H.R. 39 would convey to the State all lands that have been tentatively approved or that are incorporated in the Act. The Steering Council further proposes to extend the State's land selection deadline by another 10 years and to allow Alaska to apply for Federal lands which are vacant, unappropriated, or unreserved as of the date of the application. Secretary Andrus avoided addressing the selection issue directly by merely advocating deletion of the provision in H.R. 39 which would have revoked all State selections on either d-2 land withdrawals or other withdrawals for conservation system units. Andrus does, however, appear to favor (d)(2) Federal withdrawals coming before State selection of its remaining acreage under the Statehood Act.

Wildlife Management

STEERING COUNCIL

The taking of resident fish and game in conservation systems shall be regulated by the State according to existing State law. The scope of the State regulation shall include regulation of seasons, bag limits, means and method of taking, the determination of resource depletion, and the definition of subsistence use and local residency. If the wildlife or fish population is depleted, subsistence shall be preferred to other consumptive uses. This section does not mean that hunting and fishing will be permitted even if the resources are threatened.

COMMITTEE PRINT H.R. 39

The Committee Print continues the existing law with respect to the management of wildlife and fish. As a result, the Federal government regulates the taking of fish and game in all conservation system units, while the State retains control of the seasons, bag limits, and enforcement of the law. Generally, no hunting is permitted in National Parks but fishing may be. In Preserves, sport hunting may be permitted in particular areas but as a general rule not. The Secretary regulates the taking in wildlife refuges. The exception to the existing law is for subsistence use. The Federal government retains its traditional control over migratory birds, endangered species, and marine mammals.

S. 1787

Same as the Steering Council [Title 43 §4304]

ANDRUS

The Andrus proposal does not change existing law for National Parks. The Secretary shall permit fishing and trapping and noncommercial hunting in National Park Preserves. He retains management authority with respect to

Wildlife Refuges so hunting or fishing can be prohibited if it is contrary to the refuge's purpose. The State government retains enforcement authority which includes regulation of seasons and bag limits. The limits cannot be more than the Federal rule. Andrus also recommends that an appropriate State agency be consulted when the State's authority is restricted. However, this provision does not mean that the State has a veto power.

SUMMARY

The Steering Council proposal delegates management to the State. The Committee Print provides that the taking of fish and game is subject to Federal law and is administered by the National Park Service, Fish and Wildlife Service, and the Secretary of the Interior. Thus, the Federal government manages the habitat while the State government enforces the broad policy set by the Federal government. The Federal government retains specific jurisdiction over migratory birds, endangered species, and marine mammals. The primary conflict between the Steering Council and other bills is the amount of State control over fish and wildlife management. Under existing law, State management of fish and game is permitted within the broad policy set by the Federal government. The Steering Council recommends delegating more management to the State.

Subsistence

STEERING COUNCIL

The Steering Council used the Administration's draft of the subsistence use provisions as its basis and made several changes. The State is given 18 months to establish a management program for subsistence uses of fish and wildlife resources. Program guidelines include the definition of subsistence use, factors in determining who is qualified for subsistence use, creation of local advisors to assist the State, and preference for subsistence use over other consumptive uses.

The Secretary of Interior has the authority to designate subsistence management zones. After consulting with the State, he may close any subsistence management zones for the following reasons: public safety, protection, management of lands and habitat, administration, or public use and enjoyment. Moreover, the Secretary has the power to revoke State management of subsistence zones in the event that the State fails to comply with the requirements. The Secretary must give the State notice and a reasonable period of not less than 120 days to rectify the reported deficiency. If the State refuses, then the Secretary must initiate a hearing. If the State fails to comply, the Secretary may close the zone or any portions thereof. The Secretary also has emergency authority to close the zones without notice or a hearing. But a hearing must be held within 120 days thereafter to determine the need to close the area.

Traditional means of subsistence access include snowmobiles, motorboats, and airplanes. Reasonable regulation is permitted to prevent damage to the terrain, to protect public land values and to fulfill purposes of the conservation system.

The State is authorized subject to Federal law, to manage and regulate the taking of fish and wildlife on Federal lands. If the State abuses its regulatory responsibilities, the Secretary may take over these functions.

The Secretary is directed to insure that each subsistence user has access.

The State shall regulate the taking of fish and wildlife on public lands within designated subsistence zones. Within a year after enactment of the d-2 legislation, the State submits a management program whose purpose is to maintain an optimum sustainable population of fish and wildlife. State law must also provide for the regulation of the taking of fish and wildlife and an appropriate enforcement agency. Regulations are to be promulgated which recognize the priority of subsistence users over consumptive users and which permit continued seasonal use of snowmachines, motorboats, and other means of transportation traditionally used for subsistence purposes.

S. 1787

Senator Stevens proposal provides that the State shall regulate the taking of fish and game on all public lands. If there is a depletion of fish and game, then subsistence users shall be given preference over other consumptive users. Local residents are to be given preference over nonlocal subsistence users. [Title 43 §4304]

ANDRUS

The Secretary's proposal is similar to that of the Steering Council, except that subsistence includes plant resources. The Administration also has two management boards instead of one.

More significantly, the appropriate Secretary is to designate subsistence management zones to include only those areas where subsistence uses were customarily occurring as of December 18, 1971. The location of these zones must also be consistent with the purpose of the unit. The appropriate Secretary may close the zones or any portion thereof for reasons of public safety, fish and wildlife management, administration, or public use and enjoyment of the area.

Subsistence on public lands will be effected through cooperative agreements with the native corporations, the appropriate State and Federal agencies, and the adjacent land owners.

Within the exterior boundaries of each of the 12 regional corporations, the Secretary of Interior shall designate a regional subsistence zone. After consultations with the State, native corporations, and other appropriate groups, the Secretary shall draw the regional zones according to the following criteria: relevant subsistence use patterns, movement and fluctuation of biological resources, ecosystems, wildlife migration patterns, State fish and game management units, and any other relevant factors.

Within each regional zone, the Secretary shall establish local subsistence zones. Again, the Secretary is directed to meet with the State, native corporations, and other appropriate groups to draw these boundaries. He shall consider the boundaries and locations of boroughs, cities, and towns in regional zones, State fish and game management boundaries, land selection and ownership patterns within that zone, areas where subsistence use occurs now, and other relevant factors.

Local subsistence boards are to be established within each local zone. The Board shall have five members elected for two years and three appointed members. The regional board shall include one person appointed by the local board, one person by the Governor, and one by the Secretary. The Alaska Subsistence Management Council shall consist of one member from each of the regional boards, one person appointed by the Alaska Federation of Natives, one person appointed by the Governor, and one person appointed by the Secretary of Interior, who shall serve as Chairman.

The regional boards shall monitor and review research activities related to fish and wildlife resources or subsistence uses. The local boards assist the regional boards in implementing the applicable regulations, e.g., who qualifies for subsistence use and who is a priority subsistence user. The Management Council monitors and coordinates activities of the regional boards and reviews the activities of the Secretary, and other State and local officials whose work is related to wildlife resources or subsistence use of those resources.

SUMMARY

The Steering Council supports subsistence management zones designated by the Secretary with the State managing and enforcing the subsistence rules. H.R. 39 provides for a bureaucratic hierarchy to govern subsistence through cooperative agreements. Secretary of the Interior will designate the local and regional zones which are managed with local and regional subsistence councils, plus an Alaskan Subsistence Management Council. State representation on these boards is small. The Federal government controls resident fish and game and H.R. 39 also has a cutoff date for subsistence users which precludes future subsistence lifestyle. While H.R. 39 takes much fish and game management control away from the State, the Andrus proposal closely resembles the Steering Council. Its major flaw is the inclusion of a subsistence use cutoff date.

**Access, Transportation
and
Utility System Corridors**

STEERING COUNCIL

The Steering Council would make no change in the existing law with respect to access in National Forests. Otherwise, a Land Use Planning Commission (whose creation is also recommended by the Steering Council in another provision) will have jurisdiction over access applications. The Commission itself or an individual party may apply for a right-of-way permit. The Secretary of Interior or the Secretary of Transportation receives the Commission's recommendation. If the Secretary does not veto the application, then the access permits will be issued by the Commission. The party requesting the access permit has a right of appeal to the Secretary if the Commission rejects the application.

The Steering Council further recommends that the access provision use the same criteria found in the Federal Aid to Highways Act for transportation system decisions. Furthermore, the Council recommends that existing procedures for permits for electrical transmission lines not be changed. However, other utility access will be obtained through the permit system discussed in the above paragraph.

COMMITTEE PRINT H.R. 39

As a general rule, areas in conservation system units will not be available for transportation or utility transmission systems. The exception is if the system is necessary for the purpose of the conservation system units or is a "minor transportation or utility transmission system". Minor is not defined in the Act. Permit for rights-of-way shall be filed with the Secretary of Interior and he has 180 days in which to make a decision. If the Secretary approves the minor access permit, it is issued. If it is a major transmission or utility system, the Secretary must approve and transmit his decision to the President with an Environmental Impact Statement. Major rights-of-way may be approved only if they are shown to be compatible with the purpose of the conservation unit. The President must then

review the application. If he approves, this decision is transmitted to Congress. Congress is given a limited period of time to approve or the permit dies. If Congress approves, the Secretary shall issue it with appropriate conditions or stipulations. Where the land for a right-of-way permit is more than 1 million acres in one conservation system unit, the Secretary may transfer public lands into the conservation system unit to make up the difference.

S. 1787

Under Senator Stevens bill, the Alaska Land Classification Commission shall take whatever action is necessary to guarantee public access across conservation systems. [Title 43 §4301]

ANDRUS

The Secretary makes little change in existing law with respect to granting rights-of-way for roads and utilities. He retains discretion to grant or disapprove permit applications for rights-of-way with respect to roads, electrical power, and communication facilities, as well as utilities. In a Park, roads are not permitted unless there is no feasible and prudent alternative and the road does not harm the natural values. The Secretary has broader authority to grant rights-of-way for electrical power and communication facilities as well as utility poles, so long as they are compatible with the public interest. With respect to Wildlife Refuges, it is easier to obtain a right-of-way permit because the right-of-way need only be consistent with the purpose of the refuge.

SUMMARY

The Steering Council proposal and the Committee Print of H.R. 39 differ on the decision-making process for rights-of-way permits. The Steering Council vests that decision with the Land Use Commission, with a right of veto in the Secretary. On the other hand, H.R. 39 specifies a long and complex process specifically designed to discourage access permits. Moreover, the procedures to obtain a right-of-way permit under H.R. 39 do not vary according to the conserva-

tion system. No mention is made with respect to Wilderness so presumably wilderness overlays will make access even tougher to get. These procedures are the same for all types of access - utility, minerals, or State economic development.

Existing Rights: Access

STEERING COUNCIL

The Steering Council has resolved that the protection of valid existing rights requires that reasonable access be guaranteed to all existing claims, which includes mining claims and mineral leasing rights in conservation system units.

COMMITTEE PRINT H.R. 39

Valid existing mineral rights and all mining claims within conservation system units must be valid in order to be afforded access. In order to be considered valid, all mining claims must be recorded with the Secretary of Interior within three years of enactment or earlier if required by the Mining in the Parks Act or the Federal Land Policy Management Act of 1976.

The Act makes no mention of providing for reasonable access to existing mining claims or mineral claims or leases. The provision states "holders of valid existing mineral claims and leases on public lands may carry out activities related to the exercise of rights under such claims or leases only under such regulations that shall be promulgated by this Secretary to assure appropriate protection of such conservation system unit consistent with the purposes of which such unit was established." [Title II, Section 901]

However, Chairman John Seiberling has offered to introduce a substantive amendment which would guarantee development access for all the valid existing mineral claims and mineral leases. Such guarantee is necessary because otherwise access to claims or leases within conservation systems can be denied by administrative decision. Seiberling's amendment has not yet been introduced.

S 1787

Senator Stevens bill protects valid existing rights within conservation system units. It further provides "the Commission shall take such action as may be necessary to guarantee the need of public access across lands designated pursuant to this Act." The location and mode of access shall be according to land use plans developed by the Commission. [Title 43 §4301]

ANDRUS

The Secretary of Interior makes all withdrawals subject to valid existing rights. However, it incorporates the rules and regulations pursuant to the Mining in the Parks Act, 16 U.S.C. §1 and the regulations promulgated by the Bureau of Land Management for the development of public lands, 43 CFR 3100 et seq. The test used is whether access would be consistent with the purposes for which the conservation system unit was established. In wilderness areas, development access could easily be construed to be inconsistent with the purposes of that unit.

SUMMARY

The Steering Council supports reasonable access to guarantee the value of existing mining claims and mineral leasing rights. The Committee draft of H.R. 39 requires the Secretary to regulate all development of claims or mineral leases contained within conservation system units. Without the Seiberling amendment, no provision is made for access to mines or mining leases. The Secretary of Interior merely incorporates existing public land law with respect to National Parks and Wildlife Refuges. This places the question of access and rights-of-way within the discretion of the Secretary without any guarantee of protection. The Administration proposal also fails to provide an access guarantee to holders of existing rights.

Minerals

STEERING COUNCIL

The Steering Council recommends no mining in National Parks, except for existing claims. The Steering Council further recommends that the lands with identified mineral potential not be included in National Parks. Oil and gas leasing and hardrock mineral exploration and development should be permitted in National Park/Preserves subject to reasonable regulation. The Council's Fifth System shall be open for mining unless specifically closed by the Land Use Commission. Regulations and requirements shall be comparable to those written under the BLM Organic Act of 1976. Valid existing rights are upheld in all systems and reasonable access should be guaranteed. In the event that a particular access route is more expensive, but preferable on environmental grounds, the land owners shall be compensated for the additional costs of using the alternate access route so long as the original access route is feasible and was applied for in good faith.

COMMITTEE PRINT H.R. 39

Access for the development of strategic and critical minerals within conservation system units excludes Wilderness areas. Access is possible within some National Preserves and Wildlife Refuges plus all Wilderness areas in the National Forests except Admiralty Island. Approximately 25% of the land in H.R. 39 is allegedly open for extraction and development.

The bill establishes a complex bureaucratic and legislative process to explore, extract, or develop critical minerals within the permitted conservation system units. The permit applicant applies to the Secretary, who makes preliminary decision in 90 days. If he approves that permit, the President has 9 months to act on the Secretary's recommendation. If the President approves the permit, Congress then has 120 days in which to approve or the application dies. If Congress approves, then the Secretary of Interior has another 120 days to promulgate regulations for exploration, extraction, or development of those minerals. Specific findings must be made in order to grant the permit and an environmental impact statement is required.

Senator Stevens proposal upholds existing rights and provides that exploration and development for minerals shall be governed by the provisions of the Mining Act and the Mineral Leasing Acts of 1920 and 1947. A location lease system under the general mining laws shall govern exploration and development of minerals. [Title 43 §4302]

ANDRUS

The Secretary provides that the Mining Act and the Mineral Leasing Act shall not apply to newly established Parks Monuments, and Wild Rivers and that these areas shall be withdrawn from all mineral exploration, entry, and location and leasing. Location and entry for hardrock minerals shall not be permitted in Wildlife Refuges but the Secretary has discretion to permit oil and gas leasing if it is compatible with the refuge. Additionally, the Secretary proposes two mineral study zones in the Wrangell/St. Elias National Preserve. Studies will determine mineral potential and whether exploration and extraction is possible without damaging the Preserve.

SUMMARY

The Steering Council's position will permit more mineral exploration and development than H.R. 39. The Council would use existing law in National Forests and Wildlife Refuges to permit mineral exploration and development without doing substantial damage to the area. The Council would change existing law for Park Preserves and lands within a Fifth System to permit additional exploration and extraction. H.R. 39 prohibits exploration and extraction in Parks, Monuments, Wilderness Areas, and limits it substantially in Wildlife Refuges. There is no provision for mineral exploration or extraction in Wilderness Study Areas so the rules of the managing agency control. Thus, no mineral exploration will be permitted in wilderness study areas except if managed by the Forest Service. The unlock provision to permit mineral development is unworkable. The Administration position is slightly closer to the Council than H.R. 39 but is still far more restrictive than the position taken by the Council. Among the principal differences is the Administration's refusal to allow hardrock mineral exploration or development in refuges.

**Fifth Systems
and
Land Use Commissions**

STEERING COUNCIL

The Steering Council favors a fifth public land classification system. These lands shall include some or all of the remaining, unreserved Federal lands, lands designated by the State, and lands from the private sector. These lands shall be managed by the Land Use Commission which shall also be created pursuant to this Act. The Commission will have the authority to plan and coordinate the classification of public lands, and to designate land managers and to provide management guidelines.

COMMITTEE PRINT H.R. 39

This bill commits public lands to the traditional four conservation systems. It creates an Alaska Advisory Coordinating Council to conduct studies and advise the Secretary and other Federal agencies as well as the State and the native corporations on ongoing plans and proposed land and resources. Within 10 years after the effective date of the d-2 legislation, the Council ends unless specifically extended by Congress.

S. 1787

Senator Stevens proposes a fifth land system entitled "Federal Cooperative Lands". The location of the lands put into this system determines the land manager (e.g., the National Park Service, the Fish and Wildlife Service, or the U.S. Forest Service). Furthermore, the State may also designate lands for this category. However, to be considered Alaska Cooperative Lands, a substantial amount of State land must be placed in this cooperative classification. If the State does commit a substantial amount of State land a Cooperative Land Use Committee is formed. This Committee will be created to inventory all lands within its jurisdiction, develop comprehensive land use plans, and make land classifications. [Titles 23, 39, 40, and 42]

ANDRUS

Like H.R. 39, the Secretary limits the classification of public lands to the traditional four conservation systems. However, he also recommends the creation of the Alaska Cooperative Planning Commission whose functions include the studies, advising the Secretary and other Federal agencies, as well as the native and State corporations about ongoing plans and proposed land and resource uses.

SUMMARY

The Steering Council proposes a type of fifth public land system whereas H.R. 39 and Secretary Andrus limit d-2 legislation to the traditional conservation systems. All propose a Land Use Commission but the responsibility assigned to that Commission varies. The Steering Council provides that the Commission shall coordinate and plan the classification of lands. Whereas, under H.R. 39 and under the Administration's position, the Commission is merely advisory.

**Fishing, Aquaculture
and
Wilderness**

STEERING COUNCIL

The Steering Council has recommended that the appropriate Secretary be authorized to permit fish stocking, enhancement, and development activities plus the development of agriculture sites in wilderness areas.

COMMITTEE PRINT H.R. 39

H.R. 39 specifies that the Secretary of Agriculture will be authorized for fish stocking activities and development of only small aquaculture sites within National Forests Wilderness Areas.

S. 1787

Senator Stevens bill does not address the issue of fish stocking activities or aquaculture sites directly. Instead, the State is given the authority to regulate the taking of fish and game plus all related activities on all lands subject to d-2 legislation.

ANDRUS

Like H.R. 39, the Andrus proposal does not directly address the question of fish and aquaculture activities in wilderness areas. Instead, the Andrus proposal requires "the Secretary shall direct the fish and wildlife services to participate where appropriate in fish and wildlife studies and resource planning on units authorized by this Act as components of the National Parks and Wild and Scenic River systems". No special jurisdiction is given to the State or to the Federal government with respect to salmon or other fish. Furthermore, no special provisions are made for aquaculture sites.

SUMMARY

H.R. 39 authorizes fish stocking activities and the development of small aquaculture sites in National Forests Wilderness areas while the Steering Council expands this provision to permit similar activities in any wilderness area and does not limit the size of the aquaculture site.

Interior National Forests
Yukon-Porcupine

STEERING COUNCIL

The Yukon-Porcupine National Forest consisting of about 10,300,000 acres of public lands is established. Management will maintain multiple values. These values shall include commercial harvest of timber, agriculture, subsistence, and protection of waterfowl and other migratory birds in the Yukon Flats.

The Steering Council recommends deletion of the Yukon Flats Wildlife Range.

COMMITTEE PRINT H.R. 39

H.R. 39 does not designate any interior National Forests. The Yukon Flats National Wildlife Range of 10,300,000 acres of public lands is to be managed by Fish and Wildlife Service. 2,300,000 acres are proposed for Wilderness.

S. 1787

Senator Stevens proposal establishes the Yukon Flats National Forest of approximately 2,130,000 acres to be administered by the National Forest Service. S. 1787 also establishes the Porcupine Federal Cooperative Land containing 3,400,000 acres and the Yukon River Federal Cooperative Lands of 540,000 acres. These would also be managed by the U.S. Forest Service and are open to the multiple use. The Alaska Lands Classification Commission may close the lands if a particular use is not compatible.

ANDRUS

Secretary of the Interior does not establish any interior National Forests. Instead, he has proposed three conservation units which include the areas of land in the suggested Yukon-Porcupine National Forest. These units are the Yukon-Charley National Rivers of approximately 1,690,000

acres, the Yukon Flats National Wildlife Refuge of approximately 8,450,000 acres, and the Arctic National Wildlife Range of approximately 8,850,000 acres.

SUMMARY

The Steering Council advocates creation of the Yukon-Porcupine National Forest which, to be managed for multiple use. H.R. 39 designates the areas of wildlife range, 1/5 of which is wilderness. The Andrus proposal is similar in impact to H.R. 39.

ANCSA Amendments

STEERING COUNCIL

Repeal Section 22(e) of ANCSA

COMMITTEE PRINT H.R. 39

Nothing.

S. 1787

Nothing.

ANDRUS

Nothing.

SUMMARY

The Steering Council would delete Section 22(e) which deals with land exchanges between Federal and State agencies, municipalities, and native corporations. No other proposal takes a position on this issue.

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MEMORANDUM

To:

Date: January 29, 1978

Issue-by-Issue Comparison of Steering Council's Amendments and Policy Positions with Meeds Proposal

The proposed legislation drafted by Representative Lloyd Meeds is generally based on the same policies and philosophies expressed by the Steering Council in its policy positions and amendments. The Meeds proposal addresses all of the Steering Council amendments except interior forests and the repeal of the ANCSA provision Section 22(e).

Issue #1 - State Selections

The Steering Council has resolved that the Statehood Act of 1958 be amended to extend the deadline for State selections another 10 years. Presidential approval would not be necessary for State selections made before now, and all selections made hereafter with respect to areas north of the stated latitude. Furthermore, the State selection pool shall also be increased to include the School Indemnity Lands which are vacant, unappropriated, or unreserved. State selections may also include all unreserved Federal lands which are not necessary for Federal installations or the national defense.

The Steering Council has also recommended that H.R. 39 ratify all tentatively approved selections subject to valid existing rights and to native selections which are tentatively approved or patented. The d-2 legislation shall also confirm all state selections. Furthermore, all future selections should be made in reasonably compact tracts. These state selection rights shall apply to all available uplands or non-navigable shores or submerged lands. The final charge against the State's rights of entitlement should occur when the patent is issued. Equitable title vests upon the effective date of the Act, but legal title vests only upon issuance of the patent. However, the Steering Council recommends that patents be issued before survey or settlement of competing claims if the State agrees. The Steering Council also recommended that Federal inholdings be subject to State selection unless necessary for the administration of a Federal installation.

The Meeds proposal offers no amendment of the Statehood Act. Instead, under section 915 of Title IX, "Administrative Provisions", all tentatively approved State selections are conveyed to the State subject to any native selections under ANCSA or a valid existing right. The Act provides that an attached description containing other State selections shall convey those lands to the State at that time. Pursuant to the conveyance of the State selections, the Secretary is ordered to expedite all legal formalities for the conveyances. With respect to State selections, the Meeds proposal further provides that in the event that a native village or corporation relinquishes its rights of selection on public lands not withdrawn under section 17(d)(2), the State shall have 90 days in which to decide whether it wants to add that land to its entitlement. If the State also decides that it does not want that land, then the selections shall become public land.

Issue #2 - Subsistence

Both the Steering Council and the Meeds proposal adopt the Administration's subsistence provision as their basis. Thus, they are substantially the same. Both define subsistence resources to include fish and wildlife and both give

the State 18 months in which to develop a subsistence program after the Secretary of the Interior designates the subsistence zones. The Meeds proposal also incorporated the Steering Council's changes in the definition of subsistence uses to include "customary barter to obtain a nominal cash supplement". The State's regulation of subsistence shall include limits on the length of the seasons, the take, the number and type of fish and wildlife. Meeds and the Steering Council delete the cutoff date for determining who has subsistence rights. Both the Meeds proposal and the Steering Council's resolution use the same criteria to determine who shall be considered subsistence users. However, the Meeds proposal does not require the State to weigh the criteria according to relative importance. Second, the Meeds proposal does not include the concept of cultural need.

With respect to the administration of subsistence use, both proposals require local advisors, but the Meeds proposal drops the distinction between regional and local advisors. Subsistence use is preferred over other consumptive uses of fish and wildlife and is limited to areas where it presently occurs. Since the State is vested with the authority to promulgate rules and regulations regarding subsistence use, both the Steering Council and the Meeds proposal provides that the Administrative Procedures Act shall apply to all decisions. The Secretary retains the authority to end subsistence use (in doing so, the Secretary may revoke the State's authority to govern subsistence) in the event that the State abuses its authority or if there is an emergency in fish and wildlife populations. If the Secretary desires to stop all hunting, he must also hold hearings on the proposed action. After the Secretary has revoked the State's management, he must reach a decision within 120 days after revocation.

While sport hunting and trapping are permitted in Preserves, the Meeds proposal does not provide for commercial sport hunting which implies that hunting guides will be excluded. The Steering Council does not specifically address this question.

In the wilderness and wilderness study areas, the Meeds proposal provides that the traditional and customary means of transportation such as snowmobiles and motorboats shall be permitted. The Council has the same position.

Issue #3 - Wildlife Management

The Steering Council recommends that the State regulate all taking of fish and game. The scope of the State's authority shall include length of seasons, bag limits, and means and methods of hunting. The State shall establish an administrative structure for fish and wildlife management, determination of resource depletion, and subsistence management.

The Meeds proposal does not address the issue of State management of fish and wildlife separately from the subsistence provisions. The State is given specific authority to enforce its regulations with respect to the taking of fish and wildlife in Preserves, Wildlife Refuges, and subsistence zones. However, the administrative provisions in Title I which concern the withdrawal of public lands for National Parks indicate that the Federal government retains its authority to manage the wildlife habitat in National Parks. Thus, the primary difference between the Steering Council and Meeds is that, with Meeds, the Federal government retains its management authority with respect to the habitat for fish and wildlife in National Parks.

Issue #4 - Access

The Steering Council addresses the question of access on three different levels. First, the Steering Council supports the concept of guaranteed access to all inholdings. Second, the Steering Council provides for a mechanism to designate utility and transportation rights-of-way. Third, the Steering Council recommends that utility pole rights-of-way in general not be subject to regulation.

With regard to inholdings, the Steering Council recommends that the land owner of an inholding be compensated in the event he is forced to use a more expensive route. Furthermore, the Council advocates that environmental laws not be enforced so as to preclude development of claims on these inholdings. In the event that development is precluded due to environmental laws or access problems, the property owners shall be bought out. The compensation will reflect the net profit from the claim as if it had been developed.

As to transportation and utility corridors, the Council has adopted the following recommended procedure: in order to obtain a right-of-way for transportation or other utilities, the Land Use Commission or individual party shall request approval from the Commission. The Secretary retains the right to veto the Commission. In the event that the Secretary fails to veto a request for a right-of-way within 120 days, the Commission may issue the permit.

The Steering Council also recommends amending the Federal Highways Act to provide the following criteria for highway and other transportation access decisions in Alaska:

1. State and regional transportation plans.
2. The need for access.
3. Alternate routes or modes for access.
4. Feasibility of including different transportation and/or utility functions in the same corridor.
5. Short and long term social, economic, and environmental impacts.
6. Measures to negate any adverse impact.

The Steering Council recommends that all affected Federal agencies participate in the access decisions. These decisions should not be subject to the National Environmental Protection Act. Furthermore, no access decision is to require more than 120 days for administrative approval.

The Meeds proposal intends to use existing access law and only addresses the question of access when it varies from the existing law. All public land withdrawals are made subject to valid existing rights. Special rules of access are provided in the administrative provisions with respect to National Parks in Gates of the Arctic and Kobuk Valley. The Secretary is given the authority to issue rights-of-way permits for both transportation and utility facilities, consistent with existing law. The Secretary is also given the authority to issue rights-of-way for roads and pipelines subject to any terms and conditions consistent with the purpose of the National Parks. Meeds proposes criteria similar to that of the Federal Highway Act:

1. State and regional transportation plans.
2. Need.
3. Alternate routes and modes of access.
4. Short and long term economic, social, and environmental impacts.
5. Feasibility of different and/or utility functions in the same corridor.
6. Measures to ameliorate negative impacts.

With respect to the Tetlin Wildlife Refuge, issuance of permits and rights-of-way for pipeline and related activities and facilities is guaranteed pursuant to the Alaska Natural Gas Transportation Act of 1976. Development access is also protected in the Wild River segments of the 40 Mile River in order to permit development of asbestos deposits in the North Fork drainage. Furthermore, the Secretary has the authority to grant permits for oil and gas pipelines in the areas corresponding to Wild and Scenic Rivers which are not in a national conservation system. In those areas, the Secretary may also permit roads across, through, and over such segments. The Secretary is also given the authority to permit the use of federal land and water for customary and traditional transportation purposes.

Transportation access is also permitted in the Wild-lands and wilderness study areas. It is the traditional and customary use of aircraft, motorboats, and snowmachines along customary travel patterns. The only exception is for areas in which such transportation is prohibited as of January 1, 1977. The Cooperative Land Use Commission also has jurisdiction over transportation planning and the authority to issue permits and rights-of-way.

The Meeds proposal also deals with the issue of easements across native land. The Secretary will designate easements, which shall be drawn to minimize the impact on the native selections. Easements must be limited to only the essential area. If a native selection is conveyed without an easement and later one is necessary, the Secretary has the right of eminent domain to acquire it.

Issue #5 - Wilderness

To date, the Steering Council has not passed a specific amendment with respect to wilderness areas. However, the Steering Council passed a resolution opposing instant wilderness. Representative Meeds is also opposed to putting land into wilderness areas before the appropriate studies have been made. According to him, the present Committee Print of H.R. 39 prostitutes the 1964 Wilderness Act. Consequently, his substitute vehicle only selects approximately 10 million acres for inclusion in the National Wilderness Preservation System. These lands are in existing Wildlife Refuges and Parks and the appropriate studies have been completed.

Issue #6 - Minerals

The Steering Council has adopted the policy position that the most recent mineral data be used before a final bill is reported out of the Subcommittee. Representative Meeds' efforts to draft a substitute mark-up vehicle which takes into account mineral potential clearly supports that mandate. Furthermore, the Meeds proposal has set aside cer-

tain controversial mineral potential areas for further study in a Fifth System called "The Alaska National Wildlands". These areas shall be subject to intensive study by the U.S.G.S. and the Bureau of Mines. Their scenic values are to be protected during this time and they shall be managed by Fish and Wildlife and Parks. The total of 18 million acres includes the following areas:

1. Ahklun
2. Andreafsky
3. Baird Mountains
4. Chandalar
5. Kantishna
6. Porcupine
7. Selawik

The Steering Council has resolved to oppose mining in Parks with the exception of any valid existing claims. The Steering Council opposes inclusion of high mineral potential land in the National Park System. The Steering Council supports oil and gas leasing plus the exploration and development of hardrock minerals in Preserves, subject to the regulation by the Secretary. Mining in other conservation systems shall be allowed and regulated by the Land Use Commission. The Steering Council has incorporated the provisions of the BLM Organic Act and the Mineral Leasing Act of 1920. Environmental protection shall be a consideration in the development of hardrock minerals.

While the Meeds bill implements the same policy, it uses a different method. The Meeds proposal prohibits mineral extraction in Parks, Monuments, and Wilderness areas, as well as in the one mile corridor along all Wild Rivers. The Mining Act and the Mineral Leasing Act apply to corridors along scenic rivers.

By exempting all land withdrawn for the conservation systems from the Mining and the Mineral Leasing Acts, the Meeds bill then substitutes a separate system for mineral development. Mineral development occurs in two steps. First, the Secretary conducts studies or grants permits to study mineral, oil, and gas potential and to determine whether it is possible to explore and extract minerals and not destroy the conservation unit. If the foregoing study shows that surface disturbing exploration and/or extraction can be accomplished without destroying the ecosystem, the Secretary may then issue a permit for exploration and extraction. The study permittee has the right of first refusal for the extraction permits. If the study permittee does not want an extraction permit, it is awarded on the basis of competitive bidding. Where Interior does the feasibility study, the extraction permit is awarded by competitive bidding (there is no first refusal right).

All of the above exploration and extraction permits are subject to Congressional review and are accompanied by a detailed report from the Secretary. If Congress fails to reject the application within 120 legislative days, the Secretary shall issue the permit. The Meeds proposal does not specify what happens in the event that the Secretary refuses to issue the exploration and extraction permit.

Issue #7 - Valid Existing Claims

Both the Steering Council and the Meeds proposal recognize the need to protect valid existing claims. Specifically, the Meeds proposal provides that in the event land owned by a State, native, or private party is included in the conservation system, they shall have the option to exchange their land or to sell it to the United States government. In the event they choose to exchange the land they shall be given land of equal value. The land which they relinquish shall automatically become part of the surrounding conservation system, unless the State chooses it as part of its Statehood entitlement.

Issue #8 - Fish, Wildlife, and Aquaculture

The Steering Council authorizes the Secretary to manage fish species in wilderness areas. This authority includes fish stocking, enhancement and development activities. Facilities pursuant to those activities may be built so long as they are not permanent housing and are limited to what is necessary. These buildings must blend into the landscape and no terrain can be altered.

The Meeds proposal authorizes the same activities but does not mention facilities. However, there is language in Meeds' bill that may be construed to mean that minimal facilities can be built.

Issue #9 - Land Use Commission and Fifth Systems

The Steering Council has passed a resolution in favor of a Fifth Conservation System to be composed of any of the Morton d-2 withdrawals that are not committed to one of the four conservation systems, unreserved federal land, state lands with state consent and private lands with the consent of the private owners.

Meeds also proposes a Fifth System ("Wildlands"), but it is only a temporary category created so studies can be expedited and proper final decisions can be reached on designations for these lands. Meeds Fifth System is not analogous to the Council's concept.

The Steering Council envisions the Land Use Commission managing the above-selected lands. Its authority includes land use planning and coordination, classification, as well as land management guidelines.

Meeds' bill also includes creation of a permanent Commission with cooperative management responsibility over lands outside the 97 million acres of d-2 withdrawals. It is essentially a new joint Federal-State Land Use Commission, comprised of directors of the Federal Land Management agencies, Governor appointees, and native appointees chosen by the Secretary.

While its purpose is comparable to that of the Steering Council's commission, Meeds Commission's authority seems broader. It is authorized to do studies regarding the classification of Wildlands, transportation planning, land use designation, management of fish and wildlife, tourism, agriculture, and coastal zone management. It will also recommend areas for cooperative management and enter into cooperative agreements. Moreover, the Meeds proposal gives the Commission specific jurisdiction over all wilderness study lands and is ordered to make a report regarding certain study areas within three years. These study areas include:

1. Alaska Peninsula study area
2. Iliamna-Lake Wood-Tikchik-Bristol Bay study area
3. Wrangell/St. Elias Preserve study area
4. Tetlin study area

Issue #10 - Congressional Review

The Steering Council has resolved that Congress' role with respect to land use decisions shall be limited. The Meeds proposal incorporates the same policy but without a specific statement. Congress' role in administrative decision-making is far more limited than in the Committee Print. Congress only reviews permit applications for mineral extraction within 7 years and will also act on recommendations for wilderness areas. Most of the land use decisions are left to the Secretary of the Interior or the Land Use Commission.

Issue #11 - Interior Forest in the
Yukon Flats Porcupine Area

The Steering Council has recommended an interior National Forest in the Yukon Flats Porcupine area. The Meeds proposal does not recommend any interior National Forests.

Issue #12 - Repeal of ANCSA Section 22(e)

The Steering Council supports revocation of the Secretary of Interior's authority to add additional public lands to wildlife refuges in instances where native selections are made in those Wildlife Refuges. The Meeds proposal does not address this issue.

Birch, Horton, Bittner and Monroe

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MEMORANDUM

To:

Date: January 29, 1978

Summary of the Meeds Proposal

On January 16, Representative Lloyd Meeds offered a substitute mark-up vehicle to the Subcommittee on General Oversight and Alaska Lands. While the Subcommittee defeated Meeds' motion to substitute his bill for the Committee Print of H.R. 39, he continues to offer each section in the form of an amendment. For the most part, Meeds' amendments have been voted down. However, the key votes are still head. The Steering Council can take advantage of the Meeds' bill in several issues where the Steering Council and the Meeds proposal agree. With Meeds' support, the Council's amendments have a much better chance of being accepted.

The Meeds proposal would withdraw a total of 97 million acres of Alaskan public lands and commit them to one of five conservation systems. Another 10 million acres in existing parks and wildlife refuges would be added to the National Wilderness Preservation System. Representative Meeds drafted his own d-2 legislation partly because he believes that the present H.R. 39 prostitutes the 1964 Wilderness Act by creating so much "instant wilderness" without requiring the necessary preliminary studies. Meeds also criticizes H.R. 39 for its failure to properly accommodate land selections made by the native corporations and the State, as well as its overly strict mineral exploration and extraction policy.

WILDERNESS

The most significant difference between the Meeds proposal and the Committee Print of H.R. 39 is the fact that Meeds recommends only 10 million acres for wilderness, while the current version of H.R. 39 creates 70 million acres. Meeds' areas are already in National Parks and Wildlife Refuges where the appropriate studies under the 1964 Wilderness Act have already been made. The areas he proposes for wilderness include 2.25 million acres in Glacier Bay National Park, 2.69 acres in Katmai National Park, 1.3 million acres in the Kenai National Moose Range, and an unspecified acreage in the Aleutian National Wildlife Refuge.

FIFTH SYSTEM

In keeping with Meeds' conviction that Alaska public lands require additional study before they are committed to a conservation system, Meeds proposes a Fifth System entitled Alaska National Wildlands. Approximately 18 million acres are recommended for "wildlands" status. While in this category, these lands would be studied to determine what conservation system, if any, would be most appropriate. The Wildland status is different from wilderness study because wilderness study areas are managed as if they were a wilderness. With the Wildlands, the managing agency is either the Park Service or Fish and Wildlife Service depending on whether it is adjacent to a National Park or a National Wildlife Refuge. The criteria used to include land in Wildlands were overlapping State-Federal selections and/or high mineral potential. The areas earmarked for Wildlands are:

1. Ahkuklan
2. Andreafsky
3. Baird Mountains
4. Chandalar
5. Kantishna
6. Porcupine
7. Selawik

Hunting, fishing and trapping will be permitted in the wildlands, except for the Katishna Wildlands which will be closed to all activities other than subsistence. Transportation access is limited to the traditional and customary use of aircraft, motorboats, and snowmachines. The Wildlands section mandates extensive research of the mineral, biological, and recreation resources.

The Meeds proposal will allow mineral exploration and extraction in the conservation systems except for monuments, parks, and wilderness areas. All valid existing rights are also protected regardless of the classification. Mineral exploration and extraction is also permitted in the Wildlands except for the two areas, Baird Mountains and Kantishna Wildlands, which are managed by the National Park Service.

WILDERNESS STUDY AREAS

The Meeds proposal gives the Secretary of the Interior up to 7 years to study the non-wilderness areas to ascertain whether they are appropriate for inclusion in the National Wilderness Preservation System. No specific wilderness study areas are suggested although a policy statement recommends that all of the areas be studied for inclusion. The Land Use Planning Commission is also given special jurisdiction to study the following areas:

1. The Alaska Peninsula Study Area
2. Wrangell/St. Elias National Preserve Study Area
3. Tetlin Study Area

The Commission has three years in which to develop a comprehensive resource management plan for each area.

STATE SELECTIONS

The Meeds proposal legislatively conveys tentatively approved State selections. Additional State selections described and incorporated in the proposal will also be conveyed. Meeds' bill would convey equitable title to the

native corporations, native villages, and the State upon the effective date of this Act. Legal title will pass once the patent is issued. The provisions further order the Secretary of Interior to take all necessary steps to complete the conveyance formalities. The Meeds proposal specifically gives native selections a right of priority. In the event that the native corporations decide that they do not want a selection, the State has 90 days in which to decide whether it wants to include that specific area in its selections. In the event that the State decides not to select that land, then it will become part of the adjoining conservation system unit.

The Meeds proposal specifically recognizes and protects all valid existing rights (including existing mineral claims) whether they be owned by natives, private persons, or the State. Owners of inholdings within conservation system units have the option to exchange their lands for equally valuable lands outside this system or to sell them to the United States Government. If they relinquish their inholding rights, these lands automatically become part of the conservation system. The exception is if a native village or corporation relinquishes its rights to an inholding, triggering the State's selection rights described in the preceding paragraph.

ACCESS

Representative Meeds believes that existing law in most instances is adequate to deal with the access problems in Alaska. Therefore, provisions concerning access are directed to specific exceptions to the existing law. For instance, with respect to the administration of the Glacier Bay and Kobuk Valley National Parks, Secretary of Interior is given specific authority to grant right-of-way permits for transportation and utility access. The applicable criteria are those listed in the Federal Highway Act:

1. State and regional transportation plans
2. The need for access
3. Feasibility of alternate routes and modes of access

4. Feasibility of using one corridor for different types of access.
5. Ways to ameliorate any negative impacts of the proposed right-of-way.

The Meeds proposal specifically provides for transportation access in wilderness study areas to permit traditional and customary use of aircraft, motorboats, and snowmobiles. The Land Use Planning Commission also is given transportation planning jurisdiction. In the wildlife refuges, the Secretary retains authority to regulate the construction and operation of pipelines pursuant to the Mineral Leasing Act of 1920.

Under Meeds proposal, the Secretary of Interior is given the authority to designate easements across native selections. All easements should have minimum impact on the compactness and integrity of native lands and should be specifically located to limit the land necessary. In the event that a native selection has already been conveyed without an easement and later one is necessary, then the Secretary has the power of eminent domain to purchase the land. The National Environmental Policy Act of 1969 will not apply to the issuance of any easement under ANCSA.

MINERALS

Rather than work with the Mining and Mineral Leasing Act of 1920, the Meeds proposal develops its own exploration and extraction permit system. Mining extraction is precluded in Parks, Monuments, Wilderness areas, and corridors along Wild Rivers created pursuant to the Wild and Scenic Rivers Act. In all other areas, the Secretary of Interior has the authority to grant study permits to determine the feasibility of mineral development and whether mineral development is consistent with the purposes of that particular conservation system. If the study indicates that mineral deposits exist and exploration and extraction would be consistent with the purposes of the conservation unit, then the Secretary has the authority to recommend that a

permit be granted. Congress has 120 days to review applications for permits, and if Congress fails to veto within that time, the Secretary may grant the permit. Of course, all mineral exploration and extraction activities are subject to environmental regulations promulgated by the Secretary of the Interior.

SUBSISTENCE

The Meeds proposal used the subsistence provisions suggested by the Carter Administration. He made some changes such as eliminating the regional and statewide boards and the cut-off date. For purposes of subsistence, the Meeds proposal does not distinguish between natives and non-natives. Sale of goods for cash supplements is also considered to be subsistence. The Secretary of Interior or of Agriculture will designate subsistence management zones, but the management will be done by the State. The State's authority shall include length of seasons, bag limits, and number and kind of fish and wildlife. However, the Meeds proposal does not change the existing law to give the State greater authority over fish and wildlife management. Habitat management is still retained by the Federal government with respect to resident fish and game on Federal lands.

The Meeds proposal creates a Cooperative Land Use Planning Commission which is comprised of the heads of the Federal land managing agencies, the Governor's appointees, and native representatives appointed by the Secretary. This Commission is charged with a number of land use planning and managing duties, including conducting studies in particular areas, recommending areas for cooperative management, and entering into cooperative management agreements. The Commission is specifically given the authority to develop and implement land use plans with respect to the following study areas:

1. Alaska Peninsula study area,
2. Iliamna Lake-Wood-Tikchik-Bristol Bay study area,
3. Wrangell/St. Elias Preserve study area,
4. Tetlin study area.

The Meeds proposal also varies from the Committee Print in that it withdraws only a one mile corridor on each side of a wild and scenic river. The Wild and Scenic Rivers Act provides that 1/4 of a mile line of sight be withdrawn along each river, but more land is needed in Alaska. Meeds believes that the two miles in the Committee Print is too much.

The Meeds proposal also indefinitely extends the ANCSA tax exemption for native land selections, so long as those lands are not developed or sold to third parties.

Birch, Horton, Bittner and Monroe

HOUSE MARK-UP OF D-2 BILL (H.R. 39)

Summary of Action - Subcommittee on General Oversight and Alaska Lands - For the week of January 23 through January 27.

January 23, 1978

Yukon-Charley Rivers National Preserve - Meeds proposal was defeated on a 7-8 vote. The Committee print was adopted with the addition of Thanksgiving Creek.

McKinley (Denali) - Defeated the Meeds proposal, 7-9, and adopted the Committee Print. There was a lengthy discussion on the Kantishna Hills region, i.e., valid claims, mining operations, etc. Seiberling added a clarifying amendment which stated that just the park's name was being changed to Denali. Mt. McKinley shall remain Mt. McKinley.

Glacier Bay - The Committee Print was adopted. Lands included contain a small portion of existing national forest.

Katmai - A Seiberling-Meeds compromise was adopted. The details are a bit sketchy but from what was stated, this is how it goes: the boundaries will include the administration boundaries in the NW; the borders on the South will be those proposed by Meeds; and the Meeds borders on the north will be deleted. Additionally, Representative Tsongas offered an amendment which was adopted. His amendment included adding an additional 260,000 acres in the Alagnak River watershed area.

January 24, 1978

Cape Krusenstern - Young amendment is adopted which designates 190,000 acres as a Monument and the remaining 200,000 acres, which includes the area around Kivalina, as a preserve.

Gates of the Arctic and Lake Clark - Young amendments are offered, but are defeated. The status of Gates of the Arctic, presently, is that the administration proposal has been adopted with the exception of the Kurupa Lake region where the Meeds proposal was adopted. The present status of Lake Clark is unclear but from what was ascertained, it appears that the boundaries are those that appeared in the original H.R. 39.

Wrangell/St. Elias - Tsongas offers an amendment, which is defeated, to delete the "northern bulge" and would have not allowed for mining but would have allowed for sport hunting. A Meeds proposal advocated by Young is adopted - in the McCarthy area; also, the Meeds proposed preserve areas are adopted; this would add about 3 million acres to the preserves, rather than a Park category.

McKinley (Denali) - Young offers two amendments which are adopted; one puts about 3,600,000 acres into preserve. The preserve is in the northern/northwestern area of the park boundaries. Furthermore, the amendment deleted the five northernmost townships and one township on the southern border.

Katmai - A compromise is reached which puts the area that Tsongas had previously added into a preserve.

Administrative Provisions - Arctic Slope Regional Corporation pushed for and won, an amendment which deleted the section's reference to subsurface estates in the Kurupa Lake and Killik River areas.

January 25, 1978

Did not meet.

January 26, 1978

Young offered amendments to the following areas which he later withdrew and will reintroduce when the full committee meets: the Selawik Wildlife Refuge would be reduced by six townships in the SE in order to provide for a transportation corridor; the Alaska Peninsula Wildlife Refuge was proposed as a study area; the Arctic Wildlife Refuge would have the Wind River and mid-fork of the Chandalar system omitted. (On Tuesday afternoon, they apparently adopted the administration's proposal for this area.); For the Yukon-Flats Refuge, Young proposed adopting the Meeds proposal.

In the Nowitna Refuge, Young offered an amendment which Udall amended, that was adopted by the Subcommittee, which changed the boundaries to conform to the d-2 withdrawals and which went along with what Young proposed with the d-1 lands. Young's original amendment was to adopt the Meeds proposal.

In the Alaska Maritime Refuge, the references to Walrus and Otter Islands within the Pribilof Seal Reservation were deleted, as these lands have been selected by a native/village corporation.

Additionally, the clarifying, technical amendments which the Subcommittee staff had prepared for Title III were adopted.

Title IV - Tsongas, add 1,444,000 acres and in Chugach add 890,000 acres in the Nellie Juan and College Fjords regions. These amendments, along with an amendment which deleted the reference to the Mansfield Peninsula National Recreational Area, were adopted.

Seiberling comments that when the Subcommittee gets to Title VI, wilderness, that the acreage will be reduced.

January 27, 1978

The Etivluk, Utokok, Wulik and Susitna Rivers were put into study areas. References to the Arctic Slope Regional Corporation in Section 501(a)(24), and Section 501(b)(2)(B) were deleted. These sections deal with the subsurface estate in the Killik River area. Section 501(b)(2) was amended so that where rivers do not have a specified acreage limitation, that ". . . such boundaries may include an area extending up to two miles". The Subcommittee also adopted a few minor clarifying, technical amendments.

Birch, Horton, Bittner and Monroe

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

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COMMITTEES
RESOURCES
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COMMUNITY & REGIONAL AFFAIRS

Senate

Testimony Concerning National Interest Lands in Alaska

I strongly oppose passage of HR39 for the following reasons:

1. Excessive amounts of land ^{are} classified in single purpose categories, such as parks and refuge, rather than the multiple use classification of national forests, ^{which} prohibits the development of the variety of values existing in the very large areas under consideration.
2. Blanket wilderness designation of such vast areas not only prohibits development of any values other than wilderness values, including the more popular forms of outdoor recreation, but ^{it} also has the effect of prohibiting development of non-Federal adjacent or nearby lands due to the denial of access by these adjacent landowners across the Federal lands.
3. Federal management of wildlife, not only of the specified ^{Federal} lands but also on adjacent lands, is contrary to state sovereignty, serves to fragment wildlife management, and sets a dangerous precedent for ^{wildlife management} in other states.
4. Revocation of state land selections violates not only the concept of state sovereignty, but also sets a dangerous precedent for other states.
5. The establishment of "areas of ecological concern" outside the boundaries of Federal lands sets a grave precedent of violation of state and local sovereignty.

The proposal to designate the Yukon Flats area as a wilderness-wildlife refuge is an example of stifling the flexibility needed to meet future national needs. With world population expected to double in the next 30 to 35 years, the continuing loss of agricultural land to development in the U.S., the continuing reliance on U.S. food sources to feed much of the world, the apparant end of the "green revolution" in agricultural production, all indicates that in 2 to 3 decades we may see the need to develop all possible farmland. The Upper Yukon Basin contains 5 and a half million acres of identified agricultural land, which has the potential annual production of 2 and a half billion pounds of beef and pork. Wildlife and agriculture can coexist, therefore it seems shortsighted to preclude the possibility of future agricultural development in this area by the excessively restrictive wilderness/refuge classification.

If it is decided to have a cooperative land classification and management system implemented by some form of federal-state Commission, please allow the Alaskan members of the Commission to be designated by Alaska "according to law". This group will have so much of an impact on Alaska's future that they should, in my opinion, be elected by, and accountable to, the citizens of the state; at least allow us the option to take this approach ~~do that~~, if we so choose.

**COMPARISON AND ASSESSMENT
OF
STEERING COUNCIL POSITIONS
VERSUS
H.R. 39 AS REPORTED
OUT OF
SUBCOMMITTEE ON FEBRUARY 7, 1978**

RECEIVED

JAN 10 P.M.

**STEERING COUNCIL
FOR ALASKA LANDS**

Minerals

The position of the Steering Council is that in National Parks there be no mining except on existing claims; lands identified as having mineral potential should not be included in parks. Within National Park Preserves, oil and gas leasing and hardrock mineral exploration and development permitted, subject to reasonable regulation promulgated within 180 days from the date the Act takes effect. Lands in a Fifth System open for mining unless specifically closed by the Land Use Commission. Regulations and requirements for mining on these lands should be similar to the BLM Organic Act. Valid existing rights are upheld in all systems and reasonable access should be guaranteed. If a particular access route is more expensive but more environmentally sound, the in-holder should be compensated for any excess costs provided that the original access route was feasible and applied for in good faith.

The Subcommittee adopted a new Title IV which contains the following principles:

1. The Secretary shall continue mineral assessment programs in the State in order to expand the data base with respect to the mineral potential of all public lands.
2. Areas subject to the minerals access process are national preserves and national wildlife refuges and ranges, except for those portions designated wilderness. (Which, of course, in the Subcommittee's bill is the vast majority of the acreage; and may be all of it depending on wilderness study designations.)
3. Mineral exploration, development and extraction may be carried out on public lands within the exterior boundaries of a conservation system unit "subject to the process provided in this title only in accordance with this title." The "process": before recommending exploration, development or extraction within a unit, the Secretary must find that there is, or is projected to be, within the ensuing 15 years a serious national need for additional sources of such mineral; that the national need outweighs the potential adverse effects of the unit; and that the need for such mineral cannot be

not from commercially viable resources elsewhere in the U.S. (using current technology, current conservation or recycling methods), foreign sources, feasible diversion of exports, or the use of known practical alternative materials or processes. Within one year after receiving an application, the Secretary shall make a recommendation. If he approves, he shall transmit the application to Congress, along with an environmental impact statement. The recommendation shall take effect only upon the enactment of a joint resolution of Congress within the first period of 120 calendar days of continuous session. If Congress approves the application, then the exploration, development and extraction of a mineral which is subject to the Mineral Leasing Act of 1920 or the Alaska Coal Leasing Act of 1914 shall be carried out in accordance with the applicable provisions of that Act, plus the National Wildlife Refuge System Administration Act, the Migratory Bird Conservation Act, with the regulations promulgated by the Secretary and other provisions of law applicable to such mineral.

4. The Secretary shall promulgate regulations requiring exploration permits for the exploration for minerals in areas within units opened for exploration under the process provided in the title; permits shall be for five years and may be extended for one additional five year period.
5. Holders of valid existing mineral claims or leases located within the boundaries of a unit may continue to carry out activities related to the exercise of their rights and in accordance with regulations promulgated by the Secretary to insure to the maximum extent possible the activities are compatible with the unit. Except for mining claims on lands subject to the Mining in the Parks Act, all mining claims on public lands within the boundaries of a unit are subject to the provisions of Section 314 of the Federal Land Policy Management Act of 1976.

Comparison

As in Title X, (Transportation and Utility System Corridors), the process for reviewing applications has been shortened. According to the Committee Print of October 28, 1977, once an application had received final approval, the Secretary would promulgate regulations to provide for the exploration, extraction and development of the mineral. Now under the new title, once the application has received final approval, the exploration, extraction and development is to be carried out in accordance with the applicable provisions of numerous Acts and with regulations promulgated by the Secretary. Other differences between the Committee Print of October 28, 1977 and the bill reported out include: mining claims no longer have to be recorded with the Secretary and the reference to transfer of Federal lands has been deleted.

The Subcommittee's bill coincides with the Council's position as to honoring valid existing claims (although in-holding access is not equal to the Council's stance). The only other areas where the Subcommittee and the Steering Council agree regarding mineral exploration, extraction and development are in National Forests and National Parks.

The remainder of the Seiberling minerals provision is totally contradictory in both concept and impact to that of the Steering Council. In short, the Council tolerates the possibility of reasonable oil, gas and hardrock exploration and extraction (subject to environmental safeguards) in d-2 lands outside parks, whereas Seiberling's bill effectively eliminates the opportunity for exploration or extraction in all d-2 lands.

Access, Transportation and Utility System Corridors

The Steering Council proposed that existing law control access into National Forests; access into other conservation system units could be obtained by making a request to Land Use Commission, or by this Commission making a recommendation to either or both the Interior or Transportation Secretaries. If the application for an access permit is denied by the Commission, the applicant can appeal to the Secretary and if the Secretary fails to veto the application within 120 days then the permit shall be issued. The party requesting the access permit has a right of appeal to the Secretary if the Commission rejects the application.

The Steering Council further recommends that the access provision use the same criteria found in the Federal Aid to Highways Act for transportation system decisions. Furthermore, the Council recommends that existing procedures for permits for electrical transmission lines not be changed. However, other utility access will be obtained through the permit system discussed in the above paragraph.

According to the Subcommittee's reported bill, the provisions of law generally applicable to conservation system units (including wilderness preservation) regarding easements, rights-of-way, use permits, leases and licenses shall apply to units in Alaska. Applications for rights-of-way on public lands within a conservation system unit for which the Secretary has no authority under provisions of the law generally applicable to such system shall be considered by the Secretary and processed in the following manner:

1. He shall weigh the local, regional, State and national interest involved, determine whether there is a feasible and prudent alternative and whether it can be constructed in a manner compatible with the conservation system unit;
2. within one year of receipt, the Secretary shall submit a recommendation to Congress along with an environmental impact statement, a report from the Council on Environmental Quality and the conditions and stipulations under which the use of a right-of-way will be permitted, if Congress approves, and the extent and duration of the right-of-way.

Any recommendation to Congress shall take effect only on enactment of a joint resolution within the first period of 120 calendar days of continuous session. If Congress approves the right-of-way for a transportation system or utility transmission system, no permit shall be granted unless the permittee pays to the U.S. an amount equal to the fair market value of the right-of-way subject to such permit.

COMPARISON

This new title is not as restrictive as the title which appeared in the Committee Print of October 28, 1977. In the latter it took two years plus approvals by the Secretary, the President and Congress before a permit could be granted. Another major difference between the new title and the title which appeared in the Committee Print of October 28, 1977 is that reference to transfer of Federal lands has been deleted.

The new title does not involve the Secretary of Transportation in the application process as the Steering Council proposes nor does it involve a Land Use Commission. (Seiberling's Subcommittee has rejected the Council's Land Use Commission concept. The Subcommittee's transportation and utility corridor access provision, although slightly better than the October 28th print, still is worlds apart from the Steering Council's position.

Fishing, Aquaculture, and Wilderness

No difference between the bill that the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

Wildlife Management

There is no difference in the bill the Subcommittee reported out and the Committee Print of October 28, 1977 with respect to lands and management within the National Park System. The Subcommittee bill does clarify that taking of fish and wildlife in all other conservation system units be subject to applicable Federal and State law. The Council's position is that taking of fish and wildlife on all lands subject to the Act be regulated by the State.

Yukon-Porcupine National Forest

No difference between the bill the Subcommittee reported out and the Committee Print of October 28, 1977. (See comparison memo)

Fifth Systems and Land Use Commission

The bill reported by the Subcommittee did not vary from the Committee Print of October 28, 1977 except that reference to the Chairman of the Subsistence Council being a member of the Alaska Advisory Coordinating Council is deleted because there is no longer a Subsistence Council.

Access: In-Holdings

The Subcommittee Print adopted the Steering Council's position. Title XII, Section 1202(c) basically states where State, privately or native owned lands, valid mining claims or other valid occupancy is effectively surrounded by public lands within one or more conservation system units, the Secretary shall give the occupier such rights as may be necessary to assure adequate access. (This has been called the Cowper-Colletta amendment by Representative Seiberling and represents the Council's most substantial individual contribution to improving H.R. 39, to date.)