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COMMITTEE REPORT

2-11-77

HOUSE

JUDICIARY

April 12, 1978 Date

Mr. Speaker:

The Committee on RESOURCES has had HB 211 under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HB 211 and that CS for HB 211 do pass
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) COMMITTEE LETTER ATTACHED

MEMBERS SIGNING THE MAJORITY REPORT:

[Signature] _____

[Signature] _____

[Signature] _____

[Signature] _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

Chairman

16 February 1978

The House Resources Committee was called to order at approximately 2:25 p.m. by Chairman Alvin Osterback in Room 118 of the Capitol Building in Juneau, Alaska. All members were present

HB 211 Creating the Alaska Land Commission

TRANSCRIPT

MR. GRAVEL:

I really appreciate the opportunity to come forward. I received the invitation from the Speaker and President of the Senate to give my annual talk as other members of the delegation to the legislature. I'll be doing that. I think we have communicated back in March, about the 28th in the morning, if that would be the morning most desirable. From my point of view that is when we are having our Easter recess and I'll be in State for that whole period. What I wanted to do at this particular meeting in which you graciously afforded me the opportunity to do is to float, literally float, the draft of legislation on d-2 which I have promised to our collective constituencies that I would do at the beginning of the year, and I have it here and I met previously with the Steering Council and gave them copies of it since it is germane to their area of inquiry. And, also as I understand it, it is also germane to your area as a committee as the subject you are going through, so I would (indisc) submit for deliberation a copy of this Bill. Would appreciate your input and would hope to introduce this in the Senate sometime right around the 15th of March. The Bill does not have the magic numbers of acreage for the very simple reason, we could have easily done it, but since all of our attention is focused on acreage I thought it would detract from the substance of legal language in question to just worry about acreage and I thought it would be more advantageous to concentrate of substance, it would be easy to put some figures together that would hopefully cast us in a compromise mood with other pieces of legislation in that regard.

Before launching into this in some detail, because there is one element from my personal point of view in paramount. I would like to speak about two pieces of legislation. I think one is the reason you are having these hearings. Two pieces of legislation that involve land in Alaska and would have some unusual impact. One piece of legislation is HB 720 which apparently

is a substitute piece of legislation for HB 211. The Beirne bill is -- which is the Beirne bill?

UNIDENTIFIED VOICE: 720

MR. GRAVEL

720 - let me speak on that one first. If I were to suggest a piece of legislation that would destroy Alaska's position in Washington on d-2 I would think that this would be the piece of legislation. I want to make sure I've got the legislation properly. HB 720 as I understand it is a substitute. That is a new piece of legislation. If the initiative were to pass I think you would see the Congress react and this would foreclose the need of my -- initiatives. My testimony to you today is very (indisc). I would hope that this legislation would come into being and it would foreclose the need for (indisc). The reason is that, and I will use two cliches, we have federal laws right now that keeps us from doing what that initiative would do. As a result of those land scandals we have had in Florida and Arizona. If we were to parcel out chunks of land to the people wholesale, as I understand it, during the initial 15 year period there would be no responsibility at all for providing utilities or any planning process whatsoever, that essentially we would be selling unsubdivided land and this would be viewed by the Congress of (indisc) responsibility and would give real credence to the environmentalist community's charge, some elements of the environmentalist community, that Alaskan's are irresponsible and therefore we need a very strong d-2 bill because we don't know how to handle our own situation. Yet I can appreciate that the referendum, the initiative, would have a great deal of popular support. In fact one of the fears I would have and it's the reason why I'm talking about it now publicly -- I only found out about the initiative, I confess, not all that long ago and I couldn't believe it when somebody described to me what this initiative was going to do. And so realizing that it has a great deal of popularity and realizing that I may be treading on some individuals' toes -- I would respectfully apologize for treading on anybody's toes -- but the utilization of land and development of land is something that I feel a certain professional confidence in. I made my living in it. I've seen how people have butchered land from the state and how unconscionable this impact can be on the balance of society because once you've butchered it up, you spend the rest of your life paying to correct the deficiencies you've created structurally. And so what we'd be doing with this kind of initiative (indisc). And like I say, if you try to do this in the private sector, you'd be put in jail for trying to do it. And so trying to do it collectively as a society, you've got to realize what kind of an impact this would have in the United States and on the Congress. Therefore, the approach that's been taken with HB 70 in my mind is a very mature approach to try and sort of save the day because we've got so far down the road in the other approach. I can only commend to

your attention the capacity to effect legislation. (indisc) in general terms.

The next item I'd like to speak to is HB 211 which is a piece of legislation that was introduced last year, (indisc) Mike Miller, Mr. Speckling. I don't know if they have other co-sponsors. I was very impressed with it. Here again I find by noticing a lot of things that you're doing, that you're just doing a lot of good work and this essentially is the tactic that I'm here to recommend that the state employ in order to regain the initiative that we lost on the entire d-2 issue. We've got a chance now as the legislation comes into the Senate to take up the initiative. If we don't coalesce to some degree -- and I'll speak to how we can coalesce and still maintain our individual positions. But if we don't coalesce, we're just going to get run over as we have in the House. But one of the recourses that we will have at our disposal would be Senator Stevens and I would just wage a filibuster. I think we have the seniority and the capability and experience to wage a very effective one and I think we (indisc) legislation. I have never been one to be proud of negative acts because you're really not contributing anything, you're just stopping something from happening. But I think the task at hand is to bring something about not just stop something -- to bring something about that's worthwhile. So we have the opportunity to do this. In the legislation that I have here, there presupposes state legislation to accompany this. That's essentially what you have in HB 211, is state legislation. So if that could be flushed out and developed and passed in a reasonable period of time, that could be our position in the Congress. It wouldn't be Mike Gravel's position or Don Young's position or Steven's position, it would be the Alaska Legislature has so spoken. There's no question it's not going to be cast in concrete but it'll be a darn sight more powerful than anything else I can think about (indisc) that anybody else would have. And so if you can meet a time frame of early mid-March before the hearings reconvene, we could have a new product to present to the Congress -- the parties behind it, the State Legislature, the Governor would probably endorse it. I certainly endorse it and I think the balance of the delegation would endorse it. Let me now speak as to what would be the key elements of my endorsement and I've tried in the past to discuss the subject to varying degrees with success, with varying degrees of comprehension. Where I am right now I can say very simply, last year this document would not have been politically possible to introduce or to float under any elective official's name. We talked privately last year as to the efficacy of having cooperative management over the entire sub-continent of Alaska. And mind you, I'm specifically using the word sub-continent and not the state, the entire sub-continent. That would have been viewed quite oddly and very suspiciously, but we've all gone through a maturing process since last year and taking the position that they just can't do it to us is not a position, it's merely a reaction. That's all we've been

doing. They can't do it to us. That's why we have no initiative. That's why we have no collective posture. But what has happened is that we now see that every one of the state-wide leaders are talking the same rhetoric. They're talking the rhetoric of collective management. And so we're not far at all. When people in politics and society can begin to use the same words, then the only transition is to go from interpretative approaches to these words. So I would just like to share with you an analysis of what does collective cooperative management mean? And what would it mean from a tactical point of view as we would try to affect a compromise in the Congress. Let's take the first part of it. What does cooperative management mean? We could say in Alaska, in this area where they have federal lands, and part of those federal lands will be in four systems, one area, one level. Next we are going to have lands not in the four systems which would be under the BLM, which would be general lands under the Organic Act. That could quote be a fifth system, if you want to use that (indisc.) Then you've got state lands. That could be a sixth system. Then you've got Native lands, that could be a seventh system. And then somebody decides, well, there's a chunk of land here that maybe we ought to study or (indisc.) a little different, so let's make that a seventh (sic) system and we'll call that -- that's land that we think we're going to work and study together. And then you could have municipal lands, that's the eighth system and whatever lands that are held in patent today, you could develop and call it a system. You've just got a whole plethora of activity and definition on lands. And, in only one area where you have federal/state cooperation do you call that cooperative management. For my mind, if it's worthwhile to have cooperative management on one acre of ground -- if there's any merit to that concept at all, since there's really only two governmental entities on to themselves (indisc.) the federal government and the state government, then if it's worthy of having some cooperative management, then why just put it as part of it? Why pick up capriciously or arbitrarily ten million acres and say we're going to study that as cooperative management. If there's some merit to cooperative management, let's just do the whole thing in cooperative management. And then when you begin to think of it in that respect and the rhetoric is there for that, every one of the elected high officials quote, so to speak, are talking that rhetoric. We may have differences in the definition of cooperative management, but at least we're there.

Now let's look at what that would do. On the four systems lands, there's no way that you're going to have cooperative management. You usurp the powers of the Congress, literally. But (indisc.) you could very well do that. In a society of representative government, power is many times knowledge. Not always, but many times. And so if we set up a system, like the Land Use Planning Commission which is a vehicle for cooperative management, that Land Use Planning Commission has the ability to acquire knowledge

through research efforts, then that knowledge places them in a superior position than the individual members of Congress, or for that matter even yourselves, as individual legislators. And the reason why they have more knowledge is because they'd be more expert in the one particular area. The legislature and the Congress have a whole (indisc.) of issues that effect all facets of human life that we have to deal with continuously. So that simple fact that the Land Use Planning Commission in Alaska would be the major repository of land information and its use and adjudication would give it an edge that when it made a pronouncement or a study on something, that study would have great credibility in the Congress and I mean considerable credibility. Just as the present Land Use Planning Commission today, which is merely a voluntary organization, so to speak, when they'd come in and testify before the Interior Committee, it carried every bit as much weight as an individual member of the Congress. So you begin to see where the shift would take place. Ask yourself why the House of Representatives under the leadership of Mr. Udahl and Seiberling don't want a Land Use Planning Commission that has any muscle. In fact the one that I introduced in 1971 had police powers and came out of the Senate that way. It was diluted in the conference on the House side. The reason why it was diluted was because they did not want to see a diminution in the power at the federal level. Well if those fellows back there think that there's a diminution of power at the federal level, where do you think that power goes. It's going to come back at this level, maybe in federal hands, but really what's happening just in that process alone and in the process that takes place on federal lands that are handled by the Bureau of Land Management, you've shifted the center of gravity from the federal government in Washington to the federal government in Alaska, meaning that there's a great principle of government that's closest to the people (indisc.). So if we now have the Land Use Planning Commission that will adjudicate all federal lands save the four systems, but will have an effect on the four systems because of their superior knowledge, we've made quite a gain. Now that's on the federal side. On the state side, if we take all the state lands that are presently there except lands that are in municipalities and boroughs and that they would come under (indisc.) of the Land Use Planning Commission and then offer entry into this to the Native community so that the Natives would voluntarily bring their lands in -- that could be very simply -- you could initiate a study of possible taxation would take place -- the Native community, properly so, has great fear over the possibility of future property taxes. They could be land poor. Their land could be under development and that they would have no ability to have a cash flow to handle that form of taxation. So they rightfully, from their point of view, would like to see them absolved of this. That could be the ingredient that would bring them in on a voluntary basis. I think not to do it more than on a voluntary basis might cause some real acrimony since they would feel that they received

their lands as part of a legacy, the land claims, and then if we pulled a win by fiat, I think they'd feel that they had been violated. And rightly so in the one sense. The balance of the land that's in boroughs is already subject to a planning process. We have that in state law and so there need not be a duplication. There need but be a liaison relationship established so that a community that develops a plan, or borough or municipality, it would have a five year projection of what that plan would be, they'd submit that plan to the Land Use Planning Commission, and the Land Use Planning Commission would give it its seal, would sign off on it. But the function would be done by the municipality. This would solve the obvious problem of where individual governments come together, the frictions and the dis-coordinated activity is handled intelligently. So in this way, you look at the continent and I've just enumerated a process where all lands in Alaska is now under the aegis either directly, the Land Use Planning Commission or (indisc.) through the knowledge process of the four systems. Where that becomes a valuable tactic is that when we now talk to and negotiate in the Senate with the environmental community, national community and say we don't think that we need to put in a hundred million acres or ninety million acres into the four systems because we have a device that will continually adjudicate the use of land on an intelligent basis as a product of study. And so they're cast in a mode of saying well no we don't want to do something before we study it. Let's put it there before we study it. I don't think that's a very credible position for anybody to have. In fact when you look historically at why the environmental community has its extreme posture in some areas, it's because they could not get a resolution of the problem as they saw it in a legitimate fashion. And so what happens -- it's a simple process -- if you don't permit evolution, you have revolution. And so since we don't have a (indisc.) process in the United States of America, those people who are deeply concerned about the misuse of land and the atrocities that took place in the past and you need to travel this great country to see these atrocities then they are so fed up and their cup runneth over with such reaction, that all they can think of is that we just don't trust anybody. We don't trust anybody so let's just lock it up. And in some cases you can look around and there's valid reasons for that posture. And I would say that if we passed that referendum, that on the national point of view there would be a valid reason to lock up major portions of Alaska. So they're at where they're at because there wasn't a process that permitted the intelligent organized adjudication of land. So what I'm proposing here is that we lay down a device that will have definitive powers which will be able to adjudicate the land on the sub-continent. Of course you get this attitude -- the brokers say well I'm not too keen on that commission because obviously they're going to put a bunch of environmentalists on that commission and they're going to stop growth. Then you talk to some environmentalist and they say

well boy I'm not too keen on that commission because they are going to put a bunch of chamber of commerce types on there and they'll rip up the country. Essentially what both parties are saying is that they have no confidence in our system of representative government because, you know, what's the point of having a legislature, you might get some dingalings elected to it and many times we do. We've had them in the Congress and we've had them here occasionally. So that doesn't mean that we don't develop a system of representative government because sometimes it fails to work. We don't have any options. Either anarchy or we develop a pattern of evolving things in an orderly fashion and this, of course, is what I think would be a most compelling argument in the Congress. Looking at individuals, Scoop Jackson has passed a land using planning bill twice in the Senate. It's failed both times in the House. I think (indisc.) I think many other members would view this from the environmental community, Senators in that area, would view this as an unusual opportunity to establish a prototype. I think that we could -- in the future I would recommend that we have a sunset feature in this. We don't know if this is going to work. We'll say this law is going into effect for ten years. At the end of ten years the Congress has to renew its charter of the law, of the situation, and so would the state legislature. So if it succeeds, it will build its constituency of success and it will be easy to renew and if it's not working very well, it will have an alternate constituency and it will be very easy to stop its renewal. And I think that that really could ward off a lot of serious criticism and would permit us to negotiate down the quantity of acres to something reasonable and something obvious because there are obvious easy decisions to be made in placing land in the four systems. But it's the quantities that we find disturbing and the fact that we don't have the vehicle to make changes. But if we've learned anything from the Statehood Act and from the Native Claims Act is that we've had a steady stream of people to Washington trying to resolve all of those problems that have been placed with the Congress. Well if that doesn't tell us something that we should have a body that should be deliberating on these problems daily. The other thing that I would recommend is that we take the Clean Air Act, the Solid Waste Act, the Coastal Zone Management Act and the Clean Water Act and place this under the aegis of the Land Use Planning Commission. Let me give you an example. Right now supposing we took the interior of Alaska -- somebody wanted to build an asbestos mine and a cement factory, let's say two of the real bad polluting elements, and it was a group of Natives that had a mountain and they made a joint venture with some Japanese interests and New York interests and they're going to come in and they're going to build a cement plant, maybe we'll build a dam and other devices, that we'll need some cement and the economic success would warrant it here in Alaska. How does that take place? Well presently what you do is you deal at the borough level, then you turn around -- if it's in the borough, if not you just go to the state level and you're bicycled

around to the various interests be it land, be it for water, be it for access. The access is very much undetermined. You don't know what the access is going to be. But under the plan I'm suggesting, you'd develop your plan and you'd go to the Land Use Planning Commission. The Land Use Planning Commission would do exactly what the legislature's done which I think has shown great maturity. You've got to hire some consultants to evaluate this for me, I'm not in the cement business, I don't know anything about cement. Come in and tell me what that means. Come in and tell me what the access requirements are going to be and how (indisc.) with this possible development up there. Analyze for me if (indisc.) what the air pollution will be. Do all those things as one coordinated body. And then when you know all the facts, these nine individuals will say yes or no. That's it. And when they state their approval, that's it. You don't have to go over there, or getting dragged here or having a catch-22 there. You're getting it all done at once. That to me is efficient from an economic point of view and from a knowledgeable decision judgmental point of view, it's just excellent. Because the people will be expert in this area. That's all they will do. They'll be handsomely paid and they will have research capabilities. And then a decision will be made. Yes or no (indisc.). Another question -- people want land. There's no reason why people cannot have land and I certainly in my opposition to the referendum, I hope that it won't ever be construed that Mike Gravel's against people having land in this state. I believe in private property. I think it's an excellent base to our free enterprise system. But there's got to be something reasonable to it, because when you give somebody a piece of property, it's got to be a legitimate piece of property. And legitimate means you've got to have access to it, he's got to have water, he's got to have air that he can breathe on his property. He's got to be sure that he's not invaded or polluted by his neighbors in that regard. So there's got to be an orderly process. There's no reason why if a person wants to go out and live in a wilderness, that he can't go to the Land Use Planning Commission and say hey, I want five acres. I want to go out and chop trees and haul water to a cabin in a bucket. And there's no reason why the Land Use Planning Commission can't look at this and say, hey, here's your five acres, go at it -- and bring an orderly process to that type of existence. There's no reason why that can't be done. So we can handle every facet of this. The only thing that I'm (indisc.) begging for is that by God we're intelligent human beings, let's do it in an orderly fashion and set up a vehicle to do it in an orderly fashion and essentially that's the case. I could go through and perhaps we could stop at this point for some question and answers and then in this draft proposal, this deals specifically with the Land Use Planning Commission which is really the guts of this proposal. This proposal is essentially the collective conventional wisdom of where we're at in the whole d-2 situation. Subsistence is no longer a gut, backbreaking issue. The fact that we're going to legislate state land, title land, Native land titles is something that's pretty well accepted, a whole host of things. What's new probably in here is an authorization for five hundred million dollars for a

transportation system to Mt. McKinley. That would be a new element in there. That's a simple thought that if it works this way, we're going to have the greatest park in the United States and probably the greatest park in the world, we'd darn well better make it accessible to the American people. It's tough to get there right now. I get there, I get there in a helicopter, but that's not the way it should be available to the American people. So I've got an authorization in there if Congress wants to make a great park, they've got to pay to let the American people see it.

The other key element (indisc. -- cough) this draft here of the language. On the second page of this draft I've detailed what I would recommend as suggestions and I really want to underline suggestions. It's all a product of how much thought you want to effect on an issue and so when you people start your deliberations and marking up the legislation, you're going to think of things that we haven't thought of and to that end, when you get to that point, where you decide to go that, I would have Pat Prusho (ph) on my staff spend some time in Juneau so we can monitor what's going on so that we understand your thinking processes so that we stay on the same wave length. These are just, these are suggestions of what I think the state legislation should encompass and I can't help but be struck by the parallel with HB 211 and so HB 211 in my mind is a vehicle that you should ---. You already have introduced. It's under hearing now. When your hearings are complete, you can begin markup on it. I would hope you'll just consider these suggestions to be incorporated into HB 211 and if you have HB 211 out as a product by mid-March -- and if CMAL -- and I have every reason to believe that CMAL might be willing to endorse such a proposal. I can't speak for the other members of the delegation but I think that they would all be happy with a coalesce that might take place as a result of your actions. So let me just close with that point and you can proceed with questions and answers.

CHAIRMAN OSTERBACK:

Representative Malone.

MR. MALONE:

Thank you Mr. Chairman. Senator, first I'd like to thank you for making yourself available to the committee in this type of setting. As far as I know this is the first time a committee of the legislature during this legislature at least on the (indisc.) question has had an opportunity to meet in a hearing setting with a member of our congressional delegation. As legislator to legislator, I appreciate that. To begin with, some of the legislation that you

discussed at the beginning of your presentation, specifically HB 359 and the initiative which is now certified to the ballot in Alaska (indisc.) initiative, while I personally think that there's some problems with that legislation (indisc.) approaches that were set out in HB (indisc.) last year and HB 720, to be candid about it I would have to say with regards to this position of state lands, I'm usually relatively suspicious of recommendations coming from the federal arena. (Indisc.). On the two different approaches the homestead initiative versus the home site program, I think of the two that the more modern one is probably the better at least at this time. Coming down to HB 211 -- I don't think it's really any accident that that legislation parallels the possible compromise position that might be reached in the Senate. It did go out of consultation between members of the legislature and I think the congressional delegation and state administration last year and also through consultation with members of the Federal/State Land Use Planning Commission but my basic question on that approach, the management program approach as opposed to the classification and lockup of large amounts of federal land in Alaska is how realistic is the approach? How likely is the Congress, at least the Senate, to adopt on a consensus basis, or adopt that approach as a compromise position because that's the information we need to know in the legislature in order make a realistic determination as to what strategy we should pursue on the whole d-2 question. I gather from some of your remarks, that I think a compromise is possible. That Senator Jackson, yourself and others would be able to adopt an approach like this and perhaps sell it to the Senate and that work by the legislature on this question and putting an effort and interest in the concept would be valuable in reaching a compromise position on d-2 lands in the U. S. Congress. Is that correct then? Do you think that there's a real chance of a compromise being developed perhaps along these lines in the Congress?

MR. GRAVEL:

(Indisc.) I think the international environmental community has felt (indisc.) over their success and support both in the White House and the House of Representatives. In order for them to be placed into a compromise mode they have to fear that they will lose something. I've tried to convey as much as possible from my particular office that without this land use planning process, without a mechanism that I would be prepared to filibuster the bill. And the very simple reason is that I just feel that we'll never have an opportunity again to effect a planning process. It's such a complicated issue in the national arena. People are so afraid of it. And we're now pressured into a situation that we're prepared to now accept a planning process. And it's because we're about to be run over and so if that is what saves the day, I think it will turn around and be constructed to not only save the day but making

a significant contribution to human advancement in the process of how we deal with ourselves in society. We have to develop a planning process. I think that when they're faced with a situation that they're not going to get entirely what they want, and realize some of the things that we have (indisc.) compromise may prevail on their side. I have not been criticized in this approach and like I say I've covered it now for over a year or more privately, sometimes publicly, depending on the forum and I've never been criticized by anybody in the community for the idea. The only negative criticism has been well, that kind of people won't be appointed to the commission. To me that's not a valid criticism. That's the only criticism that's been heard. So I think it will be appreciated. And some environmentalists will realize that if this succeeds in Alaska, this is the (indisc.) of the nation. And if it doesn't succeed in Alaska, we'll go back to square 1. So both sides are going to have to give a little bit. Where the acreage will finally wind up, anybody can guess. That's really (indisc.) conference where you're shouting each other down and that process is not going to be all that logical. But the question is (indisc. -- pounding) to the conference. And so if we can do our work in the Senate in the conference, it's every man for himself. I think we'll clear ourselves very well on that. It's tough to argue against this. We're talking about -- it's tough to argue an orderly approach to things, regardless of how you feel, very tough to argue against that. That's the essence of what I'm proposing. The rest is already accepted by and large. So it's land use planning, how much it covers and the size -- how many acres. That's what we're down to in the whole process. How many acres, land use planning process and one sort of can balance out the others because if you have a process, you don't need so much acreage and you don't have to be afraid of locking up or putting away so much acreage into a system. You've got a process to deal with it. So in brief, to answer your question, I think we have a good chance to develop the elements of a compromise. Not to speak of the coalesce thing that will take place within the Alaska community which is lacking now for -- and probably for a very fundamental reason -- not so much I've got a personality and they have their personality -- we are all representatives of some degree of element in our constituency and I think the lack of coalesce is because we weren't at a nature level to coalesce. And I don't mean just the four of us in state-wide office, I mean just the whole (indisc. -- cough). This year has been a very sobering year. And I think we're getting there fast. The question is, we'd better get there real fast if we want to take the positive approach. If we don't get there fast enough then we can take the destructive negative approach.

CHAIRMAN OSTERBACK:

Thank you Senator. Are there any more questions from the committee.

MR. MILLER:

Yes, Senator Gravel, you were talking about the four systems -- (indisc.) but do I understand that what you're proposing still does

have a generous (indisc) of national park, wild scenic rivers, residues of the national forest and that sort of thing? More than 25 million acres.

MR. GRAVEL.

Considerably. The base would be twice that much, as I would say the negotiations would begin somewhere between 50 and 80. So we will tighten up between 50 and 80 and enlarge and be guided by your reaction in that area. I obviously would, with my staff, sit down with Pat and others and yourself when you get back there and go over maps. It truly is somewhat ... You know there is and I know there is, The summer season is nothing. You know areas and I certainly know areas that I would have no difficulty at all in making decisions as to what system we go to.

MR. CHAIRMAN.

Are there any other questions?

I would like to ask a question. Since we have native land claim settlement going on in our communities to determine land to build a home on, how long do you think it would be before title to your land, where they could build?

MR. GRAVEL.

The title problem in this proposal we are talking about here again I think we are (indisc.) at this point when we settle d-2 we are going to settle the land transfer question right then and there. We are tired of being dragged and delayed and working with an uncooperative bureaucracy, so it's (indisc) for this process here.

MR. MALONE.

Could I bring up one ...

MR. GRAVEL.

I have had, not from you, Hugh, but a couple of members of the legislature called me for my views on a trip back in Washington and characterized by some that they all want to get together and go back to Washington. I think that would be a terrible mistake for everybody to get on a plane and go back to Washington for several reasons. One: You would gobble up all the offices of Senator Stevens, myself and Don Young, and we would be doing nothing but handling your presence which would not permit us to be working effectively. Two: It would be viewed very much

by the Congress and by the national media as conspicuous consumption, and three, that many people visiting Washington the members of Congress would be a little oppressed. What I would suggest would be to appropriate monies for every member of the Alaska legislature to come to Washington and that they be staggered out, come in pairs, two and threes, not too much more than that and they would start right after your session has been terminated and I think it would be very beneficial as to what could be accomplished and I think you could do effective lobbying and come in and talk about areas of your expertise and interest to various members of the committee, the staff and Congress. Too, I think when you come back there you are going to get a feeling of what's going on in Washington, perceptions and I think that base of knowledge (indisc) regardless of the d-2 issue and as you pursue your political careers it will help you very much. There is one detriment to that and that is obviously some of you will come back and covet the offices of those of us that are already there. That is a gamble that we will have to take and if we treat you nice in the future we might not have to be harassed so extensively, in forms of a challenge I might say. I have never seen harassment in any other form. You have always been gracious. So in responding to those phone calls privately I have outlined this and I don't think I went into this much detail because I hadn't given that much thought to it but I would hope that you would look at it in those terms and that it would be a good investment for the public officials to come back, but to come back in very small numbers and to come back stretched out over a period of time and you will be surprised because this issue is not going to be solved either beneficially or negatively prior to the probably the first of October of next year. We have all summer.

CHAIRMAN OSTERBACK.

Representative Malone.

MR. MALONE.

Thank you, Mr. Chairman. First of all (indisc - cough) follow up statement on your last questions, in this question of transfer of title and the disposition of the different land settlements, it occurs to me that in addition to the resolution and legal entanglements there may be, and I haven't (indisc.) there may be a problem with the ability of bureaucracy to deal with the sheer volume that they are facing. Recently I think we have come to the conclusion in the State of Alaska that a similar situation exists with respect to the disposition of some of the state lands they are owning and quite often the answer is money so I would think that in addition to the legal resolution that if the Congress is serious about expediting settlements that they would respond to your urgency to appropriate money to make the process take place within a reasonable period of time. A certain question with regard to trips by members of the legislature to go to Washington on the d-2 crisis, an additional suggestion was made by Senator Stevens during his visit with the legislature

that it might be his thought to appropriate funds for allowing members of the Congress to visit the State and meet with people and perhaps view some of the areas that are proposed for the classification. What is your reaction to that?

MR. GRAVEL.

Last year I felt very strongly about that and suggested that in our deliberations when the four of us were meeting. I felt strongly then because we had the whole month of August of last year and I had about ten members of the Senate that had agreed to come up here and that was just the beginning and it expanded that we had thirty or forty members of the Senate. We were unsuccessful in getting federal money at the time and the subject did not have the (indisc.) of state legislature coming up with the money to do this. Now you have only got two opportunities. You have the 4th of July recess and you've got the Labor Day recess. There is no August recess because it's election year and they are going to try and get out early to campaign. The time frame is so short and it is a very difficult time to bring people up in that regard. The other is, you know it becomes a little sobering, it's not an easy task to do that and it cost a lot, a lot of money. I'm told (indisc. cough) that it was over a million dollars (indisc. cough) to bring us up here so you are talking about a considerable commitment of money and a million dollars would only be for four, five or six members to come up here and handle it properly. Whenever members come up, I am sure Senator Stevens devotes a lot of time, and I know that two years ago when I had five members of the Senate coming to Alaska, it took literally over forty days of the time of my Administrative Assistant and then a lot of time within staff and during the trip I spent all my time with each member making sure that each detail functioned during that whole ten day period, so these are all the things you would have to provide for and if they came here and didn't have a good trip you would have spent your money and done as much damage as you could have possibly have done. The other thing is that we have had -- Udal and Seiberling spent a lot of time in Alaska and didn't do us that much good on the particular views that we hold, but it cuts several different ways and I think that as we get closer to the frame here I would hope that we would not panic and you know throw things every different way and I remember that old cliché that when the going gets tough - the tough get going. That is where we are at. That is where we are going to take the measure of ourselves. We aren't going to run around like a little white mouse holding our hands (indisc) so just throwing money isn't going to be the answer. It could be very damaging. Alaska does have the perception in the eyes of the American people of being very wealthy. We confirm that perception every time we do something out of the ordinary. Sending the Alaska Legislature to Washington is (indisc.). I don't know if it ever has been done in American history. Inviting the entire United States Senate and the House of Representatives on us to Alaska and prepare to

pay their way is a little out of the ordinary. You know there would be a greater exodus then they had at the Battle of Bull Run if the time were right, so we have to be careful. I think there is some merit in it but I think it should be done (indisc.)

CHAIRMAN OSTERBACK.

Thank You. Mr. Parker.

MR. PARKER.

\$31,500 is not a great deal of money. We spent over \$800,000 on the Steering Committee to go back and convince certain people in Congress that we would like to have a little bit more of input on the d-2 lands, so if we are talking about \$31,500 (indisc) I don't know for each member.

That's for each member.

MR. PARKER.

That's the total. (Indisc. simultaneous speech). We get per diem. We get per diem while we are here. \$31,500. You could spend the rest of the year saying it didn't cost very much money but it looks like a hell of a lot. (indisc.)

I think this is the time Alaska should make full determinations and something like this might catch your imagination.

MR. GRAVEL.

You know the old days of rah-rah type of activities, you know like statehood, that's not what we are asking for. We are asking for the Congress to be generous in its adjudication of federal land - not state land - federal land. This land belongs to everybody so the guy, remember Seiberling's statement, remember the cliché that was used by an Alaska, boy this is a big federal land grab and the environmentalists are grabbing all this land in Alaska and Seiberling came along and said yah there is a land grab going on. The people of Alaska are trying to grab our land. Our means federal government. We live here, we get confused with the language as to whether its federal or state, but remind you the state it is 430,000 and with the federal it is 220 million. A big difference. If you were to send back the whole Alaska legislature all at once -- you know the only place I think we differ is that I think it is very important for you to go back. I would only differ in the way you go back. I would like to see you go back quietly without fanfare and do things in a nice

(indisc) fashion rather than swamp us back there and that is literally -- literally swamp us, and we couldn't be able to handle it, the appointments -- you might plan the trip and then all of a sudden we might have four or five key votes in the Senate on the Panama Canal Treaty in the House and you might have four or five key votes on some (indisc) legislation and you would all be sitting there with your bare faces hanging out. You can't plan, things change very quickly. So the worst that could happen if you string it out you might have a couple bad visits by two, three or four people, not by the whole (indisc.) I don't think -- there is a page out of the book of the Wealthy Philadelphian, it was during the depression, and it was one of the few places in the world that they did this, was that when the depression is (indisc) you don't drive Cadillacs. (indisc. cough). Just keep a low profile. And that is why Texas has had such difficulty it is because they have been too spectacularized, and what we in Alaska have to do is give a low profile and just go get the goods. That's what the natives have done, they handle the federal bureaucracy very well. Just come in slowly, two or three at a time, the only time we ever had the whole native (indisc) was on Alaska Day. But up until that it was a steady stream and we still have a steady stream. There is probably no crowd of people on this earth that better handled the federal government than these Alaska Indians and I think we should take a page out of their book and keep a fairly low profile, and they got in trouble when they had high profile, you know when you heard statements well we are going to do this and we are going to vote, and that always hurt their cause. When they kept a low profile and did their homework they did well. I didn't mean to (indisc.)

No, No, it's getting back to a initiative, you know, it might be far out, but nevertheless it's a serious initiative and 22,000 people (indisc.). People are frustrated with the fact that they are surrounded by land can't (indisc.) \$20,000 for a lot to build on undeveloped land and we have nothing but land so I can understand (indisc).

MR. GRAVEL.

The worst thing we could do is pass a law telling people we are doing something for them when you are not. When you talk in terms of giving somebody land you have got to give them access, you have got to give them air, you have got to give them water, you have got to give them all those things, otherwise if it just a little piece of paper that they own land and they can't experience that ownership you thought they were frustrated before they'll go beserk, because you cheated them.

MR. PARKER.

I'm not speaking in favor of it, I am just speaking the way it is.

MR. GRAVEL.

Oh, no, I agree with you. That is exactly the way it is.

MR. PARKER.

Of course we have a problem here is that we have endorsed more or less a compromise, it might not be much, (indisc.) but what would happen if it was approved by the voters of Alaska how would that affect d-2 specifically. Would they lock everything else up?

MR. GRAVEL.

Like I said I don't (indisc.) the last month. I am supposed to be generally informed. I know that the Congress is not knowledgeable about this referendum and I'll bet you that when it does become known, and this public meeting here is going to carry it to the Congress. I mean, the environmentalists would absolutely be fools from their practical point of view if they didn't jamb this down our throat one little piece of paper at a time, and I would have no response. If I were testifying (indisc. cough) and somebody said well, Senator, you say that you people can handle the management process up there, the referendum has 22,000 Alaskans that want to carve up the land the way they used to do it in the land frauds of Arizona and Florida, do you really think that you can make the people in Alaska mature enough to handle the problem. Don't you think we should lock up a major part of Alaska. How do you think I would be able to answer that? How would you answer it?

MR. PARKER.

That's after the fact. (indisc). Wouldn't it be just as bad to give them, say through this piece of legislation, 20 million acres as a sort of a compromise, wouldn't that be (indisc).

MR. GRAVEL.

The process here would be to give them the land and the other process is to give them a piece of paper, which has evidence of land. The paper could be fraudulent. See, that's the difference between, you know I could buy land in Florida and go down there and plot it and see that it's got a road to it, see that there is electricity to it, see that there is a municipality, proper plan, and that it is zoned properly, or I could have sent in my \$100 down payment, my \$5.00 a month for the next twenty years and then I go down there later when I am ready to retire and I find out that it is under water. It's a valid piece of land, you know, but it floods four or five times a week. I have been cheated. There is no road to it. I have been cheated. That's why we pass federal laws so we can't - we can't sell these mail order properties, so

what we did, we designed a referendum capitalizing on the frustration and the lack of knowledge of the people, and we are going to give them a bunch of pieces of paper that's going to be useless, absolutely useless. (Indisc.) supposing I send in and say I want a piece of land right here. It is not in any native entitlement. I want that piece of land, I want 200 acres. So somebody sends, the Department of Natural Resources or whoever sends me a deed. I've got my deed. I wait around and then I finally take a plane up there and maybe hire somebody to drive me out to my property and it's nothing but a sheer cliff. You know, it's about a 45 degree angle (indisc.) What do I do, I've got my deed in my hand, I've spent a lot of money to get it. I would be so hopping mad at whoever was elected to office, whoever thought of this concocted scheme I would shoot them on sight.

MR. PARKER.

Let me finish this, I guess my question is, what do we do about it now? (indisc. simultaneous speech and laughter).

I think Hugh said it, I am here to legislate (indisc.) I don't pay (indisc.) answers. I think we have one heck of a problem.

MR. GRAVEL.

I thought of one, are all of these things valid that people just thought out (indisc. simultaneous speech - laughter). I am starting to do things in my life that I haven't thought out. It is a real tragedy, it really is. The fact that 20 some odd thousand signatures you know the only thing I can say is that that is not a majority of Alaska.

MR. CHAIRMAN.

Mr. Malone.

MR. MALONE.

Thank you, Mr. Chairman. On that subject, of course, I think that the referendum to a large extent does capitalize on people's frustrations and I think those frustrations are unlikely to be relieved if the referendum should be adopted. There will be problems of access, there will be problems of services, there will be problems of getting clear titles and there are only really two courses of action that the legislature can take at this time. One is to adopt an alternative program that would preclude the ballot measures, I don't know if there is a responsible program that would really preclude the ballot measures under the laws of the Constitution, of the State of Alaska and make an attempt

in that direction. The other thing is responsible measures at least to point out the shortcomings of the proposed initiative. I think the ideas behind it are probably valid at least at the root but I think it something that is not going to work once adopted and I expect it to be adopted because on the ballot at least it would be today. It might be time to change the (indisc.) between now and the election, not right now, I admit, but I think there are going to be some problems in even gaining the piece of paper that Senator Gravel is talking about there will be worse problems when it comes to access and should people manage to settle on the land they will need some kind of access and get their title. They are not going to get any form of governmental services whatsoever or most likely an economic basis to generate anything for a long, long time. In addition to the problems that might create in terms of perceptions in the Congress of the United States, I think the problems are of internal program that should be raised on the question on the ballot and I don't see any other course or anything other than those two courses of action (indisc.) I don't think that the question should be ignored. I don't think that is responsibility either even if the ballot measure should fail it is going to come back again.

MR. GRAVEL.

I was hoping to sit this year out, but if that's the situation that the legislature does not have the power to correct, change the setbacks we have, I am sure I will be out there campaigning against this and the only way that would be possible if a lot of others like you would join me and be out there campaigning (indisc.) I'll volunteer to lead the charge and reap whatever I reap figures in.

MR. PARKER.

Senator, getting back to HR39. I mentioned earlier that if all else fails you and Senator Stevens would engage in a filibuster wouldn't that also preclude any hope at all for next years (indisc.) of state land transference and land (indisc.).

MR. GRAVEL.

The question is that everything is delayed. We are held in suspension, it might even trigger a freeze by the executives in retaliation, but that could be in my mind a better situation than having a permanent bad situation forced upon us. So, you know, it's not much but again it's better (indisc.). I think the environmentalist and the leadership in the House certainly recognize that this is serious business. I've seen many times where you march up the hill and all of a sudden you pull the power and you don't have the ability to get back up the hill again and they are marching up the hill, they are doing quite well, you know maybe it is the time to compromise. It's only a fool in a moral contest that doesn't compromise.

MR. CHAIRMAN.

(Indisc.) any other questions?

(Indisc.)

No thank you, Mr. Chairman, I am going to be testifying on this other committee.

CHAIRMAN OSTERBACK:

Any other questions. Representative

Just one point, Mike, you were talking about low profile. This is in view of the Capital move and even worse financing the gap of the pipeline.

MR. GRAVEL.

On the gas pipeline you have just been given a presentation. I'll have some real specific requirements in that area. I need some time myself to study that. I'll be going to New York I think on the second to speak to a group on Wall Street, a group of Bankers, which is what I did several times during the Alyeska deal (indisc.) to talk to them about Alaska's future and so I will have a little better feel on that situation. (indisc. simultaneous speech, laughter). It used to be back in Washington and travelling around the country, it used to be I would be asked about wolves, in fact I can recall once in my hotel on my pillow there was a little note stating save the wolves. Probably the (indisc.) historically has been about wolves. Our mail has not run heavily nationally but wherever I go it used to be how cold is it in Alaska, now it is oh, you are moving your Capital, huh? How is that going? For some reason it has captured the imagination of the American people. I think I stated earlier that I felt it had some (indisc.) because anybody who could afford to move the Capital has got to have a little wealth, and, now I must confess, I don't feel all those decrements (ph) taking place in the quarry but they could be there subconsciously and you just don't know. Of course you can't psychoanalyze every body that you meet, but you do know that every so often when you propose a piece of legislation where you are going for an appropriation all of a sudden everybody in the room votes against you, you smell your breath to see if you have bad breath, you can't understand why out of no where everybody is against you. When that phenomena occurs and its occurred to me several times, I know it's occurred to Senator Stevens, I know it has occurred to Don Young. You ask yourself, is there something wrong with me or is there something going on that I can't perceive in the subconscious of the bodies I am dealing with. I went to a hearing once on a housing issue unbelievably meritorious and my colleagues in the Senate they were having to hear it (indisc) and they started making statements, well you Alaskans got it all, (indisc.) this (indisc.) is a very very serious thing. It is almost impossible to handle, so you know we can talk about the Capital move contributing to that, I don't know. I suspect that that is about the extent of it. So far it is just an oddity.

(indisc. simultaneous speech - laughter)

It occurred to me when you said it might not be too smart for us to be out of the ordinary does the figure 4.4 billion dollars (indisc.). Is that a little out of the ordinary? Is that the figure you are talking about?

MR. GRAVEL.

Let me respond by saying this. When the Congress focuses on whatever the cost is and they focus on the fact that maybe it is a conspicuous consumption you can bet your bottom dollar that somebody is going to say if you want to do it you do it on your money. You are not going to use my money. I think that will eventually happen. Roberto Compos (ph), I don't know if you know the name, is the Brazilian Ambassador to the Court of St. James. He is the architect of the economics of Brazil, (indisc.) Brazil. Brazil is one of the five super powers of the world. It is unbelievable what is going on and Roberto is one of the great renaissance of our society in his area, he is every bit as important of a person as Henry Kissinger. He resigned from his position over the Brazilian question, and when I saw him in London when I was coming out of the North Sea, boy he just assaulted me on (indisc.) so if anyone wants to get a speaker up here that wants to take that side invite him and three good speakers on the other side. I didn't mean to dodge your question. (indisc. simultaneous speech - laughter).

(indisc.) you had a question?

CHAIRMAN OSTERBACK.

Just one before we let you go. (indisc.) I have been there twice and they have a different system than we have. If they have a big buzzer in a committee room. (indisc.) a couple times we went in to see a couple Senators, and the buzzer rang and they said we have to go, there is an issue on the floor and we have to go to vote, and then they leave, so if the buzzer rings you are left standing by yourself. And their committee rooms are real small. Sometimes two chairs and I don't know what 60 people would do. They don't have room to stand. Like you said get the money and travel two or three at a time.

MR. GRAVEL.

I think this may be the beginning of doing it every two or three years. Maybe during your two year tenure that one trip should be authorized for each member so they could get acquainted with their interrelationship with federal government.

Not only d-2 and looking into the future, but do you anticipate anything more important in Washington, D.C. than d-2 in Alaska?

MR. GRAVEL.

Not at this time.

Down the road?

MR. GRAVEL.

Yes. In economic terms, yes, but nothing of permanent nature. D-2 is on the order of native claims, on the order of statehood, on the order of purchase of Alaska. Once we are by that we are by the issue, the rest will warrant attention and will obviously be important as was the pipeline. But nothing of a permanent nature, d-2 is the biggest thing we have got going. No question about that. But I am persuaded that you do your jobs much better here when you interface more directly with your Congress rather than through our office. Thank you very much. It has been a pleasure being here.

CHAIRMAN OSTERBACK. Thank you very much, Senator.

MR. COWPER:

It is going to be a great help to the Congressional Delegation and instead of going into all the reasons why we should have this and why it is such a good thing, I think that has been pretty well covered, I would like to bring up one thing and I have a specific suggestion for an amendment on the Bill. The AFN has suggested that we place in any such legislation as this an authorization for the commission or whatever it is called, to enter into cooperative agreements with private land owners and the incentive for submitting our private to the jurisdiction of the commission would be that there would be no real estate taxes on any lands put in under the jurisdiction of the commission for a period of not less than five years. This is endorsed by AFN and I think it is a good idea and I think we should have a joint management agency or joint management system as to what land is being managed, particularly contiguous land (indisc.) I would like to suggest the following amendments and then I will yield to Mr. Parker. On Page 3, line 12, omit all the language after the word "land owner". Because we would like to, I think it might be well not to restrict those agreements just to contiguous land. Then add the following section in the appropriate place. SECTION 41.45.085 seems like a good place to add it. If a private land owner, including any entity established under the Alaska Native Claims Settlement Act, enters into an agreement by which the commission manages undeveloped land, cross out undeveloped, I think, by which the commission manages land owned or selected under an Act of Congress by such private land owners, for a minimum of five years such land shall be exempt from any property tax on the land for the time it is managed by the commission. If the land is withdrawn from the commission's management before the minimum five year period then all property taxes on such land which would otherwise have been payable shall be due at the time the land is withdrawn. Now as you know we don't have a tax on unorganized borough right now but we might at some future time and I believe that this concept has been endorsed not only by the AFN but also at least by certain members of the congressional delegation. I think it is a good idea and it provides (indisc.) that consistent management plan spread not only the public land but the private land. Mr. Chairman that's all I have and I have this Amendment which I'll be glad to pass to the staff. Unfortunately it is not typed and it is sorta scratched out.

CHAIRMAN OSTERBACK.

Representative Malone.

MR. MALCME.

I just have one quick question, Mr. Chairman. Steve, you have been working on this stuff and all, what's your ideas in respect to the reality of adopting common management approach as an alternative, I won't say compromise, because it is not a compromise.

MR. COWPER.

Well, I think that the possibility is very real. I think what we have to do is take care of the fear that people have and I am speaking very frankly of the environmental community that the State will have effective control over the management of all federal lands in Alaska, or a substantial portion of it, without any (indisc.) I think if we come in and we establish a management system by which a joint commission manages not only federal but also state and native lands or private land, and we also provide a (indisc) by the land owners so that if the land owner doesn't like the decision being made it goes back to the drawing board and I think it should be acceptable, as Senator Gravel said, the main problem is not in the concept really but everybody says this isn't acceptable because they'll appoint somebody who is unacceptable to run it. They are afraid the system won't work just because they are not sure who is going to be administering the system. That's the problem everywhere. No system works if it isn't administered by good people. But I think there is a real chance of doing it. There is not any chance of doing it in the House. But I think it is a concept that has been advanced so many times at that level that when it comes back to them from the Senate they do not even look at it twice. That's my interpretation of what I have seen of it.

CHAIRMAN OSTERBACK.

Are there any other questions? (indisc.)

Why did you leave out the undeveloped? (indisc.)

MR. COWPER.

Ah, Rick (ph) this is just to be consistent with AFN's position. I don't think that a real estate tax as such is all that way of getting into that sort of thing anyway. But, it is consistent with AFN's position. I rather suspect that land which is developed in the sense of having a village on it or something like that isn't going to be turned over to the land (indisc) commission to manage. It is not precluded for instance personal property tax is the (indisc.) on pipeline property or production property on the slope. It would not preclude that and also it wouldn't preclude the severance taxes. I would think that the way you would get income being generated into land that is under the commission's jurisdiction would be through income taxes.

CHAIRMAN OSTERBACK.

Any other questions?

MR. COWPER.

Thank you, Mr. Chairman. I will have this proposed amendment

typed out and sent down to Committee (indisc.)

CHAIRMAN OSTERBACK.

Thank you. Mr.

Thank you, Mr. Chairman and Committee members. I would like to note that Commissioner Holdsworth(ph) is here also and he tells me he testified before you yesterday. This is the second time I have testified on House Bill 211. I testified last year. I didn't have much to offer except my personal opinions because the commission had not taken a (indisc.) position on the future land use planning commission. They finalized their position at a meeting in September of 1977 and that is contained in a Position paper which I will submit for the record for your concurrence as part of this testimony. I have some brief record testimony also which I would like to submit for the record and just highlight that, if that's alright. The need for a continuing commission as well said by Senator Gravel and Representative Cowper, I think that the main point that needs to be made what does a continuing commission offer for the state that the existing federal - state relationship does not offer. I think for me the important thing it offers is a thermo entry for the state through the commission into the federal planning process in the early stage. It also offers a form for mitigating and coordinating effects of single agency management. Whatever comes out of the d-2 legislation we are going to see a substantially stronger position for all federal land management and resource management agencies in Alaska. I think it's to the advantage of the people of Alaska that they have some form in which they don't have to be (indisc.) in which all the agencies are brought together and force to bounce from one position to another. It would be (indisc.) under its new organic act the thing that has extremely strong powers and if Alaskans are going to have any real say in future management of federal lands in the state I think that some form of commission structure is vitally important and therefore I strongly support the concepts expressed in HB 211. The points that Representative Cowper made on the native lands I strongly support also because as both the commission's inventory reveals and the state inventory, the native selected lands are prime lands for wildlife habitat and resource development (indisc.). They are also key strategic lands of transportation and are in effect the strategic lands of the state because of their relationship to the coast line and the rivers, primarily. So it is imperative that they be encouraged to cooperate to the maximum extent in the future system. (indisc.) has not taken a real position on state lands in this and the reason for that is that in dealing with the d-2 situation it did restrict itself to dealing with the federal lands and in dealing with the state land, of course was recently made a good many recommendations

to this committee and I think if you want a position from the commission on whether it feels all state lands should come under a future commission or a portion of the state lands we could certainly attempt to give you that but we have not had one as yet. In any case, to get to the specifics of HB 211 as our recommendations relate to it, the commission has recommended to continue the membership of 10 members with 2 co-chairmans rather than 7 members recommended in HB 211 and also recommends the continuation of the presidential appointment on the federal side and the governor's designation on the state side to continue to provide strong leadership with such a commission. The difference between the assembly chairman and the co-chairman is an important one. As a single chairman I think would be extremely powerful individual. He would probably be appointed by the President with the concurrence of the Governor and Legislature and the advice and consent of the U.S. Senate, and if he was able to get through all those steps then there is no doubt about it he would have a predominant role in the state. Whereas, if you have the two co-chairman, they tend between them to adjust a good many federal state conflicts before they get to the full commission or to the congress or to the legislature, so it depends between a single chairman and co-chairman how strong you would want the future commission to be in its relationship to both governments. The commission agrees with HB 211 in that the commission members do not be institutional or ex-officio. We found that having state commissioners sit on the commission is not in the best interest of the state commission or the commission because he has to represent the administrations point of view in his particular area and very strongly rather than reasonably independent point of view. And we also recommend the appointants not be representatives of special interests because the sub-committee that worked on this felt that special interest representation tended to institutionalize conflict rather than to contribute to problems solution. What the commission is supposed to do is to resolve problems before they become problems that require either legislative action or extreme action by the President or the Governor. They also felt that the commissioner should continue to be part time except for the co-chairman. The general feeling was that full time commissioners would tend to institutionalize its own perspective while part time commissioners were subject to other pressures and open to other viewpoints from the various sectors in which they operate when they are not being commission members. Also part time was felt to be more open to public input than full time. And, the present commission also felt that the commission should serve at the pleasure of the appointed official rather than (indisc.) this position differs from HB 211. The primary reason for this was that it was felt that the commission should relate strongly to whatever political views of either federal administration and state administration was. Of course, if you are appointed for a term then the commission once again has much more independence in itself so once again it depends on how strong you want that commission to be.

Regarding the duties of the commission our recommendations differ only in degree to those contained in HB 211. The major difference Commissioner Holdsworth(ph) went into with you yesterday. We see the commission's role on (indisc.) plans as classified. Whereas management would be continued by the land agencies for any of the federal and state side. That is an important distinction. You don't want to create another bureaucracy in this position to give the management powers well then you have to give him the man power to manage. The idea is to keep the commission very small in policy making and research groups, and certainly no larger than the federal commission. If it does expand why then it would inevitably tend to become another government agency and (indisc.) One of the things that we have felt to be a real power in the present commission in which future commissions should continue, the commission should be (indisc. cough) the Governor and the Legislature and to the President and the Congress, and being an advisory role only you certainly have (indisc.) committee programs (indisc.) if you have program responsibility. We think that needs to be continued and the only exception would be the classification of common management plans. Also in some spelled out roles in cooperative planning insuring both governments that Fish and Game managements would lean towards acceptable manner, the transportation planning would lean toward acceptable manner, research coordination and day assistance coordination are the four areas where we felt we really need a lot of mileage if you can coordinate them strongly and keep the agencies on either side from dealing in the territorial (indisc.) too heavily. The other area strongly stressed is the system of joint classification. As we have seen the future thus far the difference between the commission classifying common management land and the joint classification would be the commission would bring the two governments together to establish joint classification standards and (indisc. cough) the state and then BLM on one side or the other federal agency and the Division of Lands would use those classification standards and work them between the two of them with some commission over sight would arrive at joint classification for those particular areas. So in those areas rather than doing it yourself well the commission would encourage the cooperation existing to the maximum extent possible. In time we would approach what we would call total (indisc) HR 39. We would do it with cooperation between the two governments rather than proposed by HR 39 by standard refuge of park boundaries. (Indisc. cough) Because no matter how much those refuge or park boundaries they are going to protect those refuge and park boundaries you are not going to protect the entire critical areas that are entire watersheds. Eventually you have to get to this strong cooperating system anyway. One thing that is missing from HB 211 is the veto power on the state and federal side. We think it is important that you protect the sovereignty of both governments by incorporating that veto power. One thing that this present commission has that no other federal-state entity we studied has is the veto power of the state and that is very important to retain. It certainly made the present commission operate totally different from any other state organization that I have been associated with, and we did some research on some other organizations

and I will offer that for the record, Commission Memo dated March 15th, 1977, which has a rather comprehensive research on other federal-state entities. When we made our position we examined HB 211 of course, from last year, and we Secretary Andres (ph) amendments to HR39 (indisc. cough) operating management and we also had Senator Steven's Bill on cooperating management and so we considered all of those in reaching our decision. We then had the Seiberling which was contained in committee print 3 of HR39 before us but as I understand it that's changed little from committee print 2, so the comments which we enclosed in our letter to Congressman Seiberling on January 17th of this year would still be germane as to how we feel about that particular language and also that's for the record with this testimony. I am getting a big mound of paper here dealing with cooperative management and hopefully it will shed a little more light in particular areas. One other important area that we feel very strongly about is the executive coordination committees being established by both the state and federal government, to review the commission's work. This is especially important at the federal level because you can coordinate all you want to in Alaska and get all the agencies meeting in unison and take it back to Washington you will have to go in and deal with each department separately. It wasn't always that way, the old Federal Appeal Committee for Development Planning Alaska we did have an executive review agency which was chaired by the Secretary of Commerce but which also reported to the White House but we were able to get good use out of that executive review committee during the earthquake relief and during the early stages of the land claim settlement. I think we just erred in not re-establishing that to relate to the present commission. We should have made sure Congress put it in the legislation report and it's not as critical at the state level to have that kind of executive review since the commission works on a continuing basis review level committees where the commission is concerned to review the commissioner's work on a state level also.

We do feel also that you need a more direct relationship between the commission and the land and resource management agencies on both sides. The way we do that is simply forming them together into a technical advisory committee to the commission which would have to come together composed of the land and resource managers on both state and federal sides that would have to come together and either relate to commission for the propositions that were put before them or they could develop propositions which they wish to put before the commission. Right now we don't have that kind of institutionalized dialogue between management agencies and the commissions and we try to institute it constantly but it's not spelled out in the legislation so the agencies can either come together or not if they feel whether they can get away with it or not, and usually they are pretty good about coming together on the issues we've developed but having it in the language would give the commission much stronger coordinating powers and that briefly are the major concepts that we would like to see incorporated in HB 211. We would certainly be willing to either

draft suggested amendments or work with you in any way we can.

CHAIRMAN OSTERBACK.

Representative Malone.

Mr. Malone.

Thank you, Chairman. Well, I would like to start out by asking my basic question on this thing. In your understanding and knowledge of activities that take place in the Congress and also the attitudes that may exist in the different federal bureaucracies, how realistic is this approach if it could work if it were adopted?

MR.

Of course it has been a while since I came on the commission and I can't -- don't know what the relationship was with the previous federal chairman or the previous state chairman of the federal agency, but the commission was able to make some steps forward when the federal administration changed and the d-2 perceptions in the interior and the conveyance of native lands in several other areas. I was the only chairman at that time in the interim between Mr. Sokof (ph) leaving and Mrs. Warnecke (ph) appointment but even though I wasn't the federal chairman, even though I was a state chairman why the door was open and we were able to get initiatives launched last spring that probably would have been delayed until late summer or fall, the spring of '77 I am talking about now, which if it had to have gone through the conventional route through the agencies and the difference, of course, that I was saying that I was going in and saying to the secretary was on native conveyances you've got a problem. The natives are not getting their land fast enough, BIM isn't working fast enough and obviously BLM isn't going to go say that to him, or the Assistant Secretary for Lands and Waters. On the d-2 issue HR 39 had just come out and of course that was Secretary Andres (ph) (indisc) and was able to immediately put before him critical areas on Fish and Game Management and Wilderness and the other points of disagreement with HR 39 so he could start relating to those. It's unfortunate that in the House of Representatives the sub-committee who handled that took its original draft from the Alaska Coalition and represented only that perspective and since the commission didn't agree with the original HR 39 they really hand's used it to the extent that they could. In April they practically threw us out of the hearing and by July they said well, this is good stuff and they started to use it but on the Senate side we have always had an excellent relationship directly and you know, we don't go through administration, we go directly to Congress.

CHAIRMAN OSTERBACK.

Representative Malone.

Mr. MALONE.

Yes I have a number of questions, but I have a follow-up question on that one. Considering that the commission is basically is a (indisc.) of Congress in the first place how come the House at least in the early stages decided to bypass. (Indisc.)

MR.

The sequence of events is simply that the committee chairman and the sub-committee chairman knew that the commission's position wasn't the position they wanted so they (indisc. blank tape)

MR. MALONE.

How is it they work again at present, how is it they work?

On the Washington level there is no institutionalized coordination on Alaska matters. Right now they've got a group which was set up to coordinate gas lines for the gas pipe line. There is no d-2 coordinating group that brings all departments together to coordinate d-2 matters so the way d-2 is coordinated in the federal government is that in the last days of August and the last week of August and the first week of September the Interior sent out its information for comments and comments came back and they all put it together at a meeting and it was kind of a rushed process. If there had been a continuing executive review committee of the commission's actions why all these things that the commission had developed over the last five years would have been considered by these departments in Washington on a continuing basis, as it was every department just reacted to the Department of Interiors initiative. The only reason things went (indisc.) was that we took it upon ourselves in the spring of '76 to coordinate d-2 with all of the federal agencies concerned, transportation, energy, defense, and so forth, but it would be a lot easier to have them all in the same room rather than to have to go to each one individually but that's what we were up against.

MR. MALONE.

One final question. What would be possible in addition to us getting an advanced copies of proposed amendments of HB 211. Would it be possible for the commission to provide somebody to sit in on a mark up session of the bill?

CHAIRMAN OSTERBACK.

Yes, we could do that.

MR. MALONE.

Thank you.

CHAIRMAN OSTERBACK.

What we discussed, we had a meeting with Senator Mike Gravel and(indisc.) and he will send one of his staff members to work up a mark up session and we have a holiday coming up now. But the thing is you said you wanted to get something in from the legislators what we are all going to back and bring it in and he will take it up before the Senate or down there, correct me if I am wrong, and with the legislators behind he thinks it will carry a lot of weight instead of someone coming in with a different amendment all the time, come up with a package saying this is what the state is backing. Diann?

MS. NELSON.

One thing that we discussed is that we would assign Mr. George (indisc.) and Bill Berrier(ph) and Jack (indisc.) and would work with one member of the Steering Council staff and your office, Walt, and possibly come up with a committee substitute within a week or so. Something that we could bring before this committee as a mark-up copy and bring it back.

CHAIRMAN OSTERBACK.

Representative Malone.

MR. MALONE.

Mr. Chairman, I wonder if that schedule isn't a little optomistic. I don't object to the speed except (indisc. noisy tape)

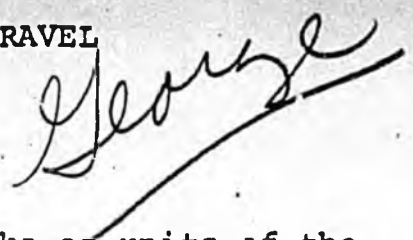
MS. NELSON.

Can we schedule a meeting for next week in the evening?

(WHEREUPON due to bad noise on the tape I was only able to pick up selected portions of the discussions)

CHAIRMAN OSTERBACK.

What I was going to suggest is that we get everything together for a mark up (Indisc.)



A BILL

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

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

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

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

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

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

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

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

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

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

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

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

TITLE I-NATIONAL PARK SYSTEM

~~Part 101~~ Establishment of New Areas

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

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

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

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

ADMINISTRATIVE PROVISIONS

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

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

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

TITLE II--NATIONAL WILDLIFE REFUGE SYSTEM

Establishment of new areas

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

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

ADDITIONS TO EXISTING REFUGES

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

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

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of approximately _____ acres of Federal lands;

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

ARCTIC NATIONAL WILDLIFE RANGE EXCHANGE

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

SEC. 204.(a) The Congress finds that despite the authority of the Secretary to grant leases for the exploration and development of oil and gas resources on units of the National Wildlife Refuge System, oil and gas leases have not been let for all intents and purposes on refuge system lands in Alaska. Furthermore, the Congress finds that with strict regulations governing surface uses within refuge system lands oil and gas exploration and possible development could occur with minimal and acceptable impact on the resources and values for which the unit was established.

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

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TITLE III---NATIONAL WILD AND SCENIC RIVERS SYSTEM

Additions to the National Wild and
Scenic Rivers System

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

(16)

(17)

etc.

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

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

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TITLE IV--NATIONAL FOREST SYSTEM

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

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

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

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

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

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

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate, who shall be Chairman of the Commission;

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

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

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

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

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

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

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

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

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

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

lesser number for purposes of subsection (g).

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

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

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

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

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

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

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

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

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

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

Sec. 403. (a) It shall be the function of the Commission:

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

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

(3) to make land classifications pursuant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and regulations which generally govern the functions of such agency.

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

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

Sec. §04. Notwithstanding any other provision of law, Federal participation in the Joint Federal-State Land Use Planning Commission for Alaska, established in Section 17(a) of the Alaska Native Claims Settlement Act, shall cease 180 days following the date of enactment of this Act or upon establishment of the Commission provided for in Section 101 of this Title, whichever first occurs. Immediately upon termination of Federal participation, all unexpended funds appropriate to the Joint Commission and all property shall be returned, as appropriate, to the United States and the State of Alaska, unless the Commission provided for in Section 101 of this Title has been established, in which case all Federal funds and property shall be transferred to the Commission.

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

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

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Findings

Sec. 701. The Congress finds and declares that-

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

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

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

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

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

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

Policy

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

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

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

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

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

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

Definition

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

State Regulation

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

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

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

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

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

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

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

(3) A State law or regulation which-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enforcement Duties of Secretary of the Interior

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

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

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

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

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

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

Cooperative Arrangements

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

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

Subsistence and Land Use Decisions

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

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

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

(3) determines that such significant restriction of subsistence uses is necessary and unavoidable.

Access

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

Snowmobiles and Motorboats

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

Research

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

Periodic Reports

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

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

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

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

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

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

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

may need to be taken in the future, to permit the continuation of subsistence activities on the public lands, as well as recommendations for any legislation the Secretary deems desirable.

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

Regulations

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

Other Laws

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

Limitations

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

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

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Sec. 715(a). Upon the issuance of a certificate of approval described in Section 704(d) of this Title, the Secretary is authorized to reimburse the State agency described in Section 704(c)(3)(A), from funds appropriated for the Department of the Interior, for costs relating to the implementation of the State program. Sums paid under this section shall be in addition to any grants, payments or other sums to which the State is entitled under existing law.

The purpose of such reimbursements shall be to assist the State in developing and implementing the State program described in Section 704. Such reimbursements shall not exceed 50 per centum of the costs of the program's development, implementation or support, as verified in such statement as the Secretary determines to be an adequate, accurate account.

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

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

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

(e)

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

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TITLE VIII - Native + State Land Conveyance

Conveyance of Core Township Lands

Sec. 821. (a)(1) Except to the extent that conveyance of a surface estate would be inconsistent with section 22(1) of such Act there is hereby conveyed to and vested in each Village Corporation (other than those Village Corporations to which the provisions of paragraph (2) of this subsection apply) for a village which has, by the date of enactment of this Act, been determined to be eligible for land pursuant to the Alaska Native Claims Settlement Act all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn for that village pursuant to section 11(a)(1)(A) or section 16(a) of such Act in which all or any part of that village is located.

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

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

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

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

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

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

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

Other Conveyances to Native Corporations

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

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

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

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

Except as provided in paragraphs (2) and (3) of this subsection, ^{Section 50(b)} on the tenth day following the making of such determinations, all of the right, title, and interest of the United States in and to the lands to which such Corporation is entitled according to such determinations and in accordance with such priority identification shall vest in and be conveyed to such Corporation.

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

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

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