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subsection.

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) When~~

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

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

Administrative Provisions

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

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

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

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withdrawn for selection by the Corporation under the Alaska Native Claims Settlement Act and to which no valid third-party rights have attached. To the extent lands described in the preceding sentence are insufficient to satisfy the entitlement of the Corporation to additional land under paragraph (2) of this subsection, the Secretary shall make available for selection by the Corporation other lands of like kind and character from the nearest available public lands which are outside the boundaries of a conservation system unit.

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

(e) This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (P.L. 94-224; 89 Stat. 1145), and shall not impose any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

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Sec. 805 State of Alaska Land Selections and Conveyances.

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

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

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

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

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

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

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

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

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

(3). Future tentative approvals of State of Alaska.

Land Selections, when issued, shall have the same force and effect, and shall be treated in the same manner as those existing tentative approvals specified in this subsection.

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

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

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

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

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

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

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

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

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

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

Description of Lands Listed Here

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

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

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

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

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

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

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

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

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

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

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

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

ACTION TO ENFORCE: JURISDICTION

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

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

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

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

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

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

(ii) ^{findings that} the natural values for which the unit was established and which would be potentially damaged or degraded by

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

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

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

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8 TITLE X~~3~~—ADMINISTRATIVE PROVISIONS.

9 LAND ACQUISITIONS AND EXCHANGES :

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

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

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

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

The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(d) In acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives

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

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

16

ACCESS

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

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

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

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

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

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

17 (b) Except as otherwise provided in ~~section 1043~~ of
18 ~~the Wild and Scenic River Act, section 607 (b), section~~
19 ~~40, or section 10 of this Act~~, or any other provision of this
20 Act, in administering the conservation system units in
21 Alaska, the Secretary shall permit the continuation of cus-
22 tomary patterns of travel across such units. Such travel,
23 including the modes of travel, may be conditioned by
24 such reasonable regulations as the Secretary shall pro-
25 mulgate to assure that such travel is consistent with the

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

11 ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

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

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

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

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

9 COOPERATIVE INFORMATION CENTERS

10 SEC. 1004. (a) The Secretary of the Interior is

11 authorized to establish, after consultation with other appro-
12 priate Federal agencies, on not to exceed one thousand
13 acres of ~~Federal~~ ^{State} land at a site adjacent to the Alcan High-

14 way, an information and education center for visitors to
15 Alaska. The Secretary ^{and the Governor of the State shall jointly} shall ~~seek~~ participate in the pro-

16 gram planning, construction, and operation of the center
17 ^{and shall seek participation of} ~~from appropriate agencies of the State and representatives~~

18 of Native groups in Alaska and may accept contributions of
19 funds, personnel, and planning and program assistance from

20 such State agencies, local agencies, Federal agencies, Native
21 representatives, and other persons for purposes of such plan-

22 ning, construction, and operation. Before establishing any
23 such center on any such site, the Secretary shall notify the

24 appropriate committees of Congress of his intention to do so.
25 The Secretary ^{and the State} shall administer the center and its facilities in:

1 accordance with the Act of August 25, 1916 (39 Stat. 535),
 2 and other provisions of law applicable to units of the National
 3 Park System and in accordance with such ^{state laws} ~~special regulations~~
 4 as ~~he~~ may ^{be applicable,} ~~promulgate.~~
 5 (b) The Secretary of the Interior is authorized to
 6 establish in both Anchorage and Fairbanks, Alaska, an in-
 7 formation and education center for visitors to Alaska. The
 8 Secretary shall seek participation from the State, units of
 9 local government, and representatives of Native groups in
 10 Alaska and may accept contributions from State agencies,
 11 local agencies, Federal agencies, Native representatives, and
 12 other persons in the same manner and to the same extent as
 13 is authorized under subsection (a) in connection with the
 14 Alcan Highway Center. Before establishing any such center
 15 in any such city, the Secretary shall notify the appropriate
 16 committees of the Congress of his intention to do so. The
 17 Secretary is authorized to lease or acquire by purchase, dona-
 18 tion, or exchange such property in Anchorage and Fairbanks;
 19 Alaska, as may be necessary to carry out the purposes of this
 20 subsection, except that (1) any property owned by a State
 21 or local government may be acquired for such purposes only
 22 by donation or exchange; and (2) any property owned by
 23 any other person may be acquired for such purposes only
 24 with the consent of such person.

1 ADMINISTRATIVE SITES AND VISITOR FACILITIES

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

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

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

20 (2) The Secretary, under such terms and condi-
21 tions as he determines are reasonable, may lease or ac-
22 quire by purchase, donation, exchange, or any other
23 method (except condemnation) real property (other
24 than Federal land) which the Secretary determines is
25 suitable for carrying out such purpose.

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

REVENUE-PRODUCING VISITOR SERVICES

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

(b) Notwithstanding provisions of law other than those

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

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

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

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

16 LOCAL HIRE

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

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

1 : : : lations thereunder which require minimum periods of
2 : : : formal training or experience,
3 : : : (2) any such provision which provides an employ-
4 : : : ment preference to any other class of applicant in such
5 : : : selection, and
6 : : : (3) any numerical limitation on personnel other-
7 : : : wise applicable.

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

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

18 : : : MANAGEMENT PLANS : : :

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

~~to the Congress~~, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate plans for managing each of the conservation system units established or expanded by titles I, II, ~~and~~ ^{IV, and V} III, of this Act. At any time after submitting a plan under this subsection, the Secretary may revise such plan in accordance with the provisions of this section.

(b) The Secretary shall coordinate the development and preparation of management plans for conservation system units which have similar characteristics.

(c) Each plan described in subsection (a) shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned conservation system unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the activities which will be permitted in such unit and of any restrictions or limitations which will be imposed with respect to such activi-

ties (including the maximum number of individuals who will be permitted to use such unit at any particular time for any particular purpose) and a list of the locations where such activities will be permitted.

(3) A description of the areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities.

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

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

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

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

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

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

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

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

25. . . . (3) Providing opportunities for native Alaskans

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

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

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

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

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

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

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

(5) The need to provide facilities + access to accommodate appreciation of the unit's values by the public.

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

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

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

10 SEC. ~~100~~¹⁰⁰⁹. As soon as practicable after this Act takes
11 effect, a map and legal description of each conservation sys-
12 tem unit, including each wilderness study area and each
13 wilderness area, shall be filed with the Committee on Interior
14 and Insular Affairs of the House of Representatives and
15 with the Committee on Energy and Natural Resources of the
16 Senate. Each such map and legal description shall have the
17 same force and effect as if included in this Act, except that
18 correction of clerical and typographical errors in each such
19 legal description and map may be made. Each such map
20 and legal description shall be on file and available for public
21 inspection in the appropriate Offices of (1) the Director of
22 the National Park Service, (2) the Director of the United
23 States Fish and Wildlife Service, and (3) the Chief of the
24 United States Forest Service, and appropriate offices of the

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

11 MAJOR FEDERAL ACTIONS

12 SEC. ¹⁰¹⁰ ~~1011~~. No action concerning any conservation sys-
13 tem unit in Alaska which is a major Federal action within
14 the meaning of section 102 (2) (C) of the National En-
15 vironmental Policy Act of 1969 may be taken by the Sec-
16 retary unless, in addition to meeting the other requirements
17 of such Act, a report explaining in detail the action (and
18 the basis and reasons therefor) and an environmental impact
19 statement concerning such action, have been submitted to
20 the Committee on Interior and Insular Affairs of the House
21 of Representatives and the Committee on Energy and Nat-
22 ural Resources of the Senate at least sixty days prior to
23 the commencement of such action.

DRAFT

TITLE XI--MISCELLANEOUS

MT.MCKINLEY (DENALI) STUDY AND
DEVELOPMENT

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

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

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

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

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

visitors and residents on a year-round basis.

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

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

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

IDITAROD NATIONAL HISTORIC TRAIL

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

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

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

~~that such conveyances shall not be made~~

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

5 KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

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

18 NAVIGATION AIDS AND OTHER FACILITIES

19 ¹¹⁰⁶
SEC. ~~1003~~. Within the conservation system units, rea-
20 sonable access to, and operation and maintenance of, existing
21 air and water navigation aids and related facilities and exist-
22 ing facilities for weather, climate, and fisheries research and
23 monitoring shall be permitted in accordance with the laws
24 and regulations applicable to the National Park, Wildlife
25 Refuge, National Forest, and Wild and Scenic Rivers Sys-

4 SEC. 1707. (a) Subject to valid existing rights, all public
5 lands within an area, the centerline of which is the centerline of
6 the "Denali Highway" between Cantwell and Paxson and the
7 "Richardson Highway" between Paxson and Gakona (as
8 those highways are depicted on the official maps of the De-
9 partment of Transportation of the State of Alaska) and the
10 boundaries of which are parallel to the centerline and one
11 mile distant therefrom on either side, are hereby withdrawn
12 from all forms of entry or appropriation under the mining
13 laws and from operation of the mineral leasing laws of the
14 United States.

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

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

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

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

71 together with his recommendation as to whether the scenic
72 highway studied should be established, and which of the
73 lands described in subsection (a) should be included therein.

74 The President shall advise the President of the Senate and
75 the Speaker of the House of Representatives of his recom-
76 mendations with respect to creation of one or both of the
77 scenic highways, together with maps thereof, a definition of
78 boundaries thereof, an estimate of costs, recommendations on
79 administration, and proposed legislation to create such a
80 scenic highway, if creation of one is recommended.

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

86 AUTHORIZATION FOR APPROPRIATION

87 SEC. 1308. There are hereby authorized to be appro-
88 priated such sums as may be necessary to carry out the
89 provisions of this Act for fiscal years beginning after the
90 fiscal year 1978.

SECTION-BY-SECTION SUMMARY
OF DRAFT CS HB 211 (Dated 4/10/78)

* SECTION I

AS 41.45.010 PURPOSE.

This section sets forth the purpose of this bill. This bill provides for the establishment of a common system of land use planning and classification for certain public and private lands in Alaska. Participation in this system is voluntary for all parties.

The effect of amendments to this section by the House Resources Committee was to; one, emphasize the authority of the Commission to classify land under its jurisdiction and not to manage those lands, and; two, emphasize the voluntary nature of participation in common management under this bill.

AS 41.45.020 POLICY.

This section states that it is state policy to accommodate to the rapidly changing demands upon land in Alaska through a flexible system of land classification for both state and federal land.

The effect of amendments to this section is to emphasize that this bill establishes a system of common classification for certain state, federal, and private lands and not a common management system.

AS 41.45.030 COMMISSION.

This section establishes the Alaska Land Commission.

AS 41.45.040 MEMBERSHIP.

The membership of the Alaska Land Commission is set at six members. Three of the six members are appointed by the Governor and confirmed by the Legislature. The Governor must designate one of the three state appointees to the Commission as state co-chairman.

The membership of the Commission was set at an even number (six) with equal number of state and federal appointees at the recommendation of Senator Ted Stevens, Representative Don Young, and members of the Federal-State Land Use Planning Commission.

AS 41.45.050 TERM.

This section establishes the term of state appointees to the Commission as four years to coincide with the term of the Governor. The effect of this section would be to ensure the accountability of state appointees to the Commission. The provisions of this section were adopted at the recommendation of the staffs of the Federal State Land Use Planning Commission and the Steering Council for Alaska Lands.

AS 41.45.060 COMPENSATION.

This section provides that the salary for the state members of the Commission is set by the Alaska Salary Commission. This amendment would put the state commissioners to the Alaska Land Commission in the same position as commissioners of the Public Utilities Commission and the Pipeline Commission.

AS 41.45.070 DUTIES.

This section enumerates the duties of the Alaska Land Commission:

- 1) initiate and maintain a process of land use planning and classification for state and federal land in Alaska;
- 2) classify lands included in common management areas;
- 3) establish policies and procedures to guide the operation of the Commission;
- 4) recommend changes in state and federal laws and regulations;
- 5) review resource inventories prepared for common management areas;
- 6) recommend procedures which would enhance cooperation between state and federal agencies;
- 7) recommend procedures to ensure orderly economic growth;
- 8) recommend changes in state and federal land policies and programs;
- 9) comment upon inventory, planning, classification, management, and use of state and federal lands and to provide assistance to Native corporations;
- 10) recommend needed modifications in existing withdrawals of state and federal land;
- 11) recommend to the appropriate officials amendments to the programs and budgets of state and federal agencies responsible for the administration of land in Alaska; and
- 12) establish citizens' advisory committees to assist the Commission in fulfilling its legislative mandate and to offer to affected parties the opportunity to comment upon proposed actions of the Commission.

The substance of this section was adopted from the mandate of the existing Federal-State Land Use Planning Commission and the recommendations of Senators Stevens, and Gravel, Representative Young, and the Federal-State Land Use Planning Commission.

AS 41.45.080 POWERS.

The Alaska Land Commission shall have the authority to:

- 1) classify land within a common management area;
- 2) enter into common management agreements with private land owners and municipal corporations;
- 3) enter into agreements with state and federal agencies to accomplish the work of the commission; and
- 4) hire employees and consultants.

The effect of amendments to this section was to clarify the authority the commission to classify, but not manage, land within common management areas, to authorize the Commission to hire staff and consultants, and to authorize the Commission to enter into agreements with private land owners and municipal corporations.

AS 41.45.090 LAND MANAGEMENT IN COMMON MANAGEMENT AREAS.

The effect of this section is to clearly distinguish between the authority of the state and federal land managing agencies to manage land and the authority of the Alaska Land Commission to classify land within a common management area.

AS 41.45.100 PROPERTY TAX EXEMPTION.

This section provides for an exemption from property taxes and special assessments for those private lands covered by a common management agreement between the land owner and the Alaska Land Commission. Though Native regional and village corporations are cited as private entities which are eligible to receive the benefits of this section, they are not the only class of private land owners eligible to benefit from this section. If the land is withdrawn from a "common management area" before the end of a five year period, all taxes and special assessments against the land must be paid.

The committee was aware of the distinction between property taxes and special assessments for capital improvements and decided to include an exemption from special assessments levied by local governments as well as property taxes for the period during which private land is included within a "common management area".

AS 41.45.110 TECHNICAL ASSISTANCE.

This section authorizes state agencies, at their discretion, to provide technical assistance in the form of trespass control, fire suppression, and mineral exploration to private land owners who have land included within a common management area.

AS 41.45.120 HEARINGS.

This section authorizes the Commission to hold hearings, receive testimony and evidence as it determines necessary.

AS 41.45.130 MEETINGS

The effect of this section is to require advance notice of Commission meetings be given and that all Commission meetings be public. This section was recommended by the staff of the Federal-State Land Use Commission.

AS 41.45.140 ANNUAL REPORT.

This section requires the Commission to submit annual report to the Legislature and the Governor on the activities of the Commission during the preceding calendar year.

AS 41.45.150 LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.

This section establishes a procedure by which state land may be included within a common management area. If the Commission wishes to include state land within a common management area it must submit its recommendation to the Legislature. If the recommendation of the Commission is not disapproved in whole or in part, then it takes effect upon the adjournment of the session. Once state land is included within a common management area the authority of the Commission to classify land supersedes that of the Division of Lands. The state may withdraw any of its lands from a common management area after six months notice to the Commission.

AS 41.45.160 VETO.

This section grants to the Governor the authority to veto a decision of the Commission with respect to state land. The Governor must exercise his veto authority over the action of the Commission within 45 days after the action occurs.

This section was suggested by Senators Stevens and Gravel.

AS 41.45.170 EXECUTIVE COORDINATION COMMITTEE.

The effect of this section is to create a state cabinet level committee to coordinate state involvement with the Commission and its work. This section was suggested by the staffs of the Federal-State Land Use Planning Commission and the Steering Council for Alaska Lands.

AS 41.45.180 PRINCIPAL OFFICE.

The effect of this section is to require that the Commission locate its principal office in Alaska.

AS 41.45.190 FUNDING.

The effect of this section would be to commit the state to pay 50% of the costs of the Commission.

AS 41.45.200 EXPIRATION OF THE COMMISSION.

This section is a sunset provision. Unless the state decides to continue its participation in the Commission, the Commission will expire in ten years. This amendment is recommended by Senator Gravel and the Federal-State Land Use Planning Commission.

AS 41.45.210 JUDICIAL REVIEW.

This section specifically sets forth the right of a citizen to challenge the decision of the commission, if that decision adversely affects the citizen's interest in state land.

* SECTION 2

AS 39.23.060 REVIEW OF COMPENSATION AND BENEFITS; OFFICERS COVERED.

This section amends the existing law relating to the Salary Commission by making the salary of state commissioners to the Alaska Land Commission subject to the purview of the Salary Commission.

* SECTION 3

This section extends the Federal-State Land Use Planning Commission until 120 days after the Alaska Land Commission is established or until April 30, 1981, whichever comes first. The Land Use Planning Commission is scheduled to expire in 1979. This section will provide for the continuation of the Federal-State Land Use Planning Commission until the Alaska Land Commission is established in order to provide for continuity between the commissions.

* SECTION 4 FEDERAL MEMBERSHIP ON THE COMMISSION.

This section invites Congress to join the Legislature in establishing an Alaska Land Commission by authorizing federal participation in the Commission and by providing for the appointment of three members to the Commission.

* SECTION 5 EFFECTIVE DATE CLAUSE.

This clause extends the Federal-State Land Use Planning Commission until 1981 or until the Alaska Land Commission is established. The remainder of this bill takes effect on the same day as similar legislation passed by Congress. If Congress does not pass similar legislation by January 1, 1981, this act expires.

To:

From: Kathy Brown, A.A.
Bush Caucus

Date: April 12, 1977

Subject: House Bill 211 establishing the Alaska Land Commission

This bill will be up in House Resources on Thursday the 13th at 1:30. The bill will need a lot more work in order to satisfy the concerns of the bush caucus. The Resources Committee is under a great deal of pressure to move the bill out. Please review and comment on the attached paste-up of suggested amendments which I cooked up. The suggestions I made were just off the top of my head --- please let me know if there are any further critical changes which I may have overlooked.

Thanks.

CS FOR HOUSE BILL NO. 211

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska Land Commission; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 45. ALASKA LAND COMMISSION.

Sec. 41.45.010. PURPOSE. The purpose of this chapter is to provide for a common system of planning and classification by the state, [the United States, AND PRIVATE LANDHOLDERS of mutually agreed upon areas of [public] land in Alaska by establishing land use planning and classification institutions which provide full protection of [nationally] significant natural values, enable a flexible response to energy and other commodity needs as they arise, and minimize conflicts among landowners and between competing land use

Comment: Throughout the bill I have included "private landholders" wherever there is reference to state and federal land. This is to make clear that Private and Native land owners should be included in any planning and classification scheme the state may enter into with the federal government. They should be considered equal partners with the state on the commission. It is hoped that by doing this, potential conflicts can be avoided or at least minimized.

Sec. 41.45.020. POLICY. The legislature recognizes the best use of the public domain will change with time and that only an active classification system can meet these changing needs. The legislature further recognizes that there is a valid national public interest in public land in Alaska, including state land, as well as a valid interest on the part of the people of Alaska in federal land in Alaska. *

Sec. 41.45.030. COMMISSION. There is established the Alaska Land Commission.

* THE LEGISLATURE ALSO FINDS THAT PARTICIPATION BY PRIVATE LAND HOLDERS IS CRUCIAL TO THE SUCCESS OF AN ACTIVE CLASSIFICATION & PLANNING SYSTEM.

Sec. 41.45.040. MEMBERSHIP. (a) The commission shall consist of six full-time members.

(b) Three members of the commission, one of whom shall be designated as state co-chairman, shall be appointed by the governor and shall serve at his pleasure. *

AT LEAST ONE MEMBER SHALL REPRESENT NATIVE CORPORATION (LAND) HOLDERS IF THE CORPORATIONS COMMIT LANDS FOR CO-MANAGEMENT.

Comment: One member on the Commission will not necessarily give native groups any leverage in political decisions of the Commission. But the native member will provide a means for input from native groups and will help anticipate potential conflicts.

(c) Members appointed by the governor are subject to confirmation by a majority of the members of the legislature in joint session.

Sec. 41.45.050. TERM. The term of office of a state member of the commission is four years and shall coincide with that of the governor. A vacancy in the office of a member representing the state shall be filled by appointment by the governor. The appointee selected to fill the vacancy shall hold office for the balance of the full term for which his predecessor was appointed. An appointee to an unexpired term shall be subject to the same confirmation requirements as any other appointee.

Sec. 41.45.060. COMPENSATION. The three members of the commission appointed by the governor shall receive an annual salary as established under AS 39.23. Members appointed by the governor are entitled to per diem and travel expenses authorized by law for boards and commissions.

Sec. 41.45.070. DUTIES. The commission shall

- (1) initiate and maintain a continuing process of land use planning and classification, including but not limited to submitting recommendations to the governor and legislature of Alaska and the Congress of the United States concerning state and federal land to be designated as "common management areas", the identification of land amenable to special use designation, the determination of federal and state land which may be made available for disposal, and recommendations regarding the use of other land remaining in federal and state ownership;

- (2) classify land included within common management areas;

- (3) establish procedures to govern the performance of the business of the commission, including provision for public hearings to obtain public comment on existing and proposed land use planning and management programs of the state and federal governments;

(4) review and recommend to the federal government, and to the state, AND TO PRIVATE LANDHOLDERS changes in statutes and regulations affecting land in the state which is subject to cooperative management under this chapter which are necessary or desirable;

(5) review resource inventories prepared by the managing agencies of land designated as "common management areas";

(6) make recommendations to appropriate federal and state officials with respect to ways to improve coordination and consultation between the state and federal governments in wildlife management, transportation planning, wilderness review, and other governmental activities which appear to require regional or statewide coordination;

(7) make recommendations to appropriate federal and state officials with respect to ways to insure that economic development is orderly and planned and is compatible with state and national economic, social, and environmental objectives;

(8) make recommendations to appropriate federal and state officials with respect to those changes in laws, policies, and programs relating to public land and resources which the commission considers necessary;

(9) make recommendations to appropriate federal and state officials with respect to the inventory, planning, classification, management, and use of federal and state land, respectively, //and to provide such assistance to Native corporations upon their request; //

(10) make recommendations to appropriate federal and state officials with respect to needed modifications in existing withdrawals of federal and state public land;

(11) make recommendations to appropriate federal and state officials with respect to the programs and budgets of federal and state agencies responsible for the administration of public land in Alaska;

and

RECEIVE RECOMMENDATIONS FROM

(12) [establish citizens'] advisory committees to assist the commission in carrying out its duties and to ensure that affected [parties] PERSONS may comment upon actions proposed for consideration by the commission.

Comment: The amendments to this section absolve the commission from the duty of establishing advisory groups in favor of allowing all parties (federal, state and Native groups) to internally establish their own advisory groups for submitting recommendations to the commission.

Sec. 41.45.080. POWERS. The commission may

(1) classify state and federal land within a common management area;

\\(2) enter into common management agreements with private landowners and municipal corporations;\\

(3) enter into agreements with agencies of the state and federal government to implement the work of the commission;

(4) employ staff and consultants as necessary to perform the duties established in this chapter.

A new section should be added:

COMMON MANAGEMENT AGREEMENTS

The State and Federal Government may enter into common management agreements which are subject to the following constraints:

- 1) Agreements must be bilateral; both parties must agree to changes;
- 2) A Notice of Intent to Request Change in the Agreement must be given six months (?) prior to the proposed date of change.
- 3) Once an agreement has been reached, the State of Alaska and the U.S. government are bound for five years.
- 4) By mutual agreement, all parties may change classification of lands without loss of tax exemption to the private landholder

* * * * *

Comment: There were three major concerns expressed by the bush caucus in relevant to this bill. They were 1) representation on the commission should the Native Corporations commit their land for co-management, 2) provision for veto of commission decisions which the Native groups might find contrary to their best interests, and 3) assurance that taxation would not become a tool for blackmailing natives into committing their lands or, once Native lands have been committed, a means of keeping them in an unsatisfactory position under threat of having to pay back taxes.

All of these concerns could be satisfactorily dealt with by adding a new "Common Management Agreements" section. Representation on the commission and veto powers become less important when bilateral agreement is reached before land is committed. The rights of all parties are protected and each party is bound by the agreement for five years. any changes must be mutually agreeable to all. Either party may terminate the agreement with the concurrence of the other parties without payment of back taxes.

Requiring a Notice of Intent to Change the Agreement prior to the proposed date of change allows all parties sufficient time to reach a consensus on whether the change is acceptable or not. It also provides a means of identifying conflicts and issues that will have to be dealt with in subsequent five year agreements.

Sec. 41.45.090. LAND MANAGEMENT IN COMMON MANAGEMENT AREAS. The
* NATIVE (ORD OF CHEE ECOLOGICAL BODY)
agency responsible under law for the management of that land included
within a common management area shall retain that authority but shall be
subject to the authority of the commission to classify land according to
its beneficial uses.

Sec. 41.45.100. PROPERTY TAX EXEMPTION. If a private landowner, including, but not limited to, any entity established under the Alaska Native Claims Settlement Act, enters into an agreement by which the commission classifies land owned or selected by the private landowner, for a minimum of five years, that land shall be exempt from any property tax or special assessment for capital improvements on the land during the time it is managed by the commission. [If the land is withdrawn from the common management area before the minimum five-year period, then all property taxes or special assessments for capital improvements on the land which would otherwise have been payable shall be due at the time the land is withdrawn.]

Comment: The deleted section is no longer needed since withdrawal from co-management is only possible with the consent of all parties, and therefore the tax penalty is not needed.

// Sec. 41.45.110. TECHNICAL ASSISTANCE. With respect to land which is the subject of a cooperative management agreement, state agencies may provide technical and other assistance in fire suppression, trespass control, and mineral exploration. This assistance may be provided without compensation if the agency determines that to do so would foster the intent of cooperative management and the public good. //

Sec. 41.45.120. HEARINGS. The commission or, on the authorization of the majority of its members, any subcommittee or member of the commission may, for the purpose of carrying out the provisions of this chapter, hold hearings, receive testimony and evidence, and sit and act at those times and places as the commission or subcommittee determines. Hearings shall be held, insofar as practicable, in communities and areas which are to be affected.

Sec. 41.45.130. MEETINGS. All commission meetings shall be public and notice of a meeting shall be given at least 15 days before the date when the meeting is to take place.

Sec. 41.45.140. ANNUAL REPORT. On or before January 10 of each year, the commission shall submit to the President of the United States, Congress, the governor and the legislature a written report with respect to its activities during the preceding calendar year. The report shall also include the activities that the commission contemplates over the next calendar year, and the amount of funding required.

Sec. 41.45.150. LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.
(a) The commission shall establish a process to provide for the identification and submission of recommendations concerning areas in federal and state ownership for inclusion in common management areas. Land designated for inclusion within common management areas shall be submitted by the commission to Congress and the legislature. A recommendation

... shall be presented to the legislature during the first 10 days of any regular session. The recommendation shall become effective at the adjournment of the session unless disapproved, in whole or in part, by a resolution concurred in by a majority of the members of each house of the legislature.

(b) Classification of state land within a common management area supersedes the authority of the director of the division of lands to classify the land under AS 38.05.300.

(c) The state may withdraw any portion of state land in a "common management area" with six months notice to the commission.

Sec. 41.45.160. VETO. With respect to all state land subject to this chapter, the governor may veto a decision of the commission, within 45 days of the action of the commission.

Sec. 41.45.170. EXECUTIVE COORDINATION COMMITTEE. There is established an Executive Coordination Committee composed of the commissioner of natural resources, fish and game, transportation and public facilities, environmental conservation, commerce and economic development, revenue, community and regional affairs, or their designees, and the state co-chairman of the Alaska Land Commission. The committee shall meet regularly in order to coordinate those programs and functions of their departments which could affect the administration of state and federal public land. The governor shall designate the chairman of the committee.

Sec. 41.45.180. PRINCIPAL OFFICE. The principal office of the commission shall be located in Alaska.

Sec. 41.45.190. FUNDING. The state shall pay 50 per cent of the costs and other expenses incurred by the commission in any one fiscal year.

Sec. 41.45.200. EXPIRATION OF THE COMMISSION. (a) On or before the ninth anniversary of the effective date of this Act, the governor shall present to the legislature a report on the desirability of continued state participation in the commission.

(b) State participation in the commission shall terminate on the tenth anniversary of the effective date of this Act, unless otherwise provided by law.

Sec. 41.45.210. JUDICIAL REVIEW. A person aggrieved by a decision
of the commission in any determination involving state⁺land subject to
the provisions of this chapter may seek review of the decision in the
superior court.

MIKE GRAVEL
ALASKA

United States Senate

WASHINGTON, D.C. 20510

April 4, 1978

The Honorable Hugh Malone, Speaker
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Hugh:

I want to thank you for all your help, attention and indulgence during my recent trip to Juneau. I sincerely hope that under your leadership we shall see some of the things we discussed come to fruition.

One topic of particular concern to me is the creation of a new federal-state land use planning commission. I greatly appreciated the copy of your bill, H.B. 211, which contained provisions for the state side of such a commission to complement federal legislation. Passage of such legislation by the State would be a tremendous lever for passage of federal provisions in the upcoming (d)(2) legislation. In general, your bill appears to contain all the basic elements for the creation of an effective commission and I congratulate you on your efforts.

As you know, I have long advocated a very strong commission which would have classification powers on virtually all federal and state lands outside units of the four conservation systems. I recognize that the dynamics of the Legislature may be such that adoption of all the provisions contained in my (d)(2) bill regarding the commission may not be possible. However, I would like to briefly point out some of the major differences which currently exist between our respective bills and to urge your reconsideration of these issues prior to reporting your bill out of Committee.

H.B. 211 provides for the commission to recommend state and federal lands to be included under their jurisdiction. I like the open-ended feature of this provision as opposed to the demarcation of special 5th system-type areas, but I would take the further step and designate all State lands. The Governor would retain a veto power over decisions affecting these lands so there would be no loss of sovereignty. By designating all

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State lands not only would we be gaining a comprehensive, flexible planning process for our lands, but we would be insuring that a maximum amount of federal lands be anteed up to match our commitment. The ability to influence land uses on adjacent federal lands can not be overstated as evidenced by the frustrations we have experienced in the past with our federal landlord-tenant relationship.

While my bill contains language providing for nine commissioners, H.B. 211 provides for three federal and three state members. I had originally contemplated four federal and four state members but decided that a single chairman would provide stronger, more effective leadership. Additionally, an odd number of commissioners would lend itself to more efficient decision-making procedurally through the use of a tie-breaking vote. Because the chairman would be jointly appointed by the Governor and the President, such a person would not necessarily "side" with either the feds or the State and his vote would not necessarily be the tie-breaking vote as witnessed by the voting pattern on the current land use planning commission (which breaks out along resource use philosophies rather than government affiliation).

I do recognize that both the feds and the State may feel uneasy with an odd-number of commissioners and that the chairman could get into a rather schizophrenic relationship with his appointers. If this is going to be a real stumbling block to passage of either the federal or state bill I would be prepared to concede this point. However, I still feel eight rather than six members will be necessary. In addition to the commission responsibilities contained in H.B. 211, my bill directs the commission to study and make recommendations on transportation and utility rights-of-way and to coordinate implementation and environmental protection laws such as the Clean Air Act, Coastal Zone Management Act, and other laws. These responsibilities would be more than sufficient to keep eight commissioners working full-time. I would certainly encourage you to consider expanding the commission's duties to include these responsibilities also.

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I commend you for including provisions under which private lands, notably Native corporations, can be brought under the commission. The use of tax incentives will probably prove to be the most effective way to bring in private lands and thereby insure true comprehensive land use planning for Alaska. In addition, I would recommend that the provisions of my bill or the provisions of the existing commission regarding Native representation on the commission be incorporated in your bill to attract the dedication of Native lands under the commission. If a certain percentage of Native lands were dedicated, for example 80%, then the state would appoint a Native as one of its three or four members on the commission.

In Sec. 41.45.090 of H.B. 211 private landowners would enter into an agreement whereby the commission would "manage" these lands. Just as you revised the use of the word "manage" under the duties of the commission, I would suggest that you omit the references to "manage" in this section. Rather, language to the effect of dedicating private lands under the jurisdiction of the commission for the purpose of land use planning and classification by the commission would seem more appropriate. Actual on-the-ground management should probably remain with the private landowner as long as it was consistent with the direction and policies set by the commission.

Under my bill there is no specific provision for opting out of commission's jurisdiction. Federal lands would be permanently dedicated for the life of the commission. With the veto provisions and with the basic commitment to work out problems to the satisfaction of the feds, the State, and any private landowners, I strongly feel there is no reason to want to opt out. Furthermore, I think the purposes of the commission could be seriously threatened if there was not a full and more or less permanent commitment of land under the commission. Although I think a five or ten year nomination of lands could be workable, the six-month notification provision for withdrawal of state lands contained in H.B. 211 appears to avoid a sincere commitment to the process of statewide land use planning. I can not envision a situation where, through hard negotiation, the study of alternatives and the use or threat of the veto, the State could not

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secure decisions which were in line with reasonable land use principles and sound resource uses. If such an opt-out provision were to stand we probably could expect no more commitment on the part of the federal government.

A small difference exists between our versions with regard to the terms of the commissioners. I believe that staggered terms would provide a continuity of effort over the long-run and would help allay the fears of those who believe that the federal or the state side would represent a stacked deck totally favoring the policies and philosophies of the appointing Governor or President. Although I think a four-year term coinciding with that of the Governor could be workable, I again would encourage you to reconsider this provision.

The chances of identically complementary legislation emerging from the State Legislature and the Congress on this matter are, of course, slight. Without a doubt we will have to come back either in the Congress or the Legislature or both to make adjustments or modifications to effect the purposes of the two pieces of legislation. Thus, I think we will have opportunities in the future to work out some of these differences. However, I can not stress enough how important it is for the State to "strike the first blow" on this vital issue. State legislation including the major provisions of a new land use planning commission with real authorities over state, federal and hopefully private lands would provide the ultimate proof to the Congress of the State's commitment to and solidarity on joint land use planning and management. State action on this issue in the next month or two would turn the commission from a concept to a reality warranting swift Congressional attention.

Hugh, I again commend you on your efforts and your commitment to securing this vital legislation. I hope you will consider my comments in any further changes in your bill. If I can provide any assistance to you or your staff in drafting language, briefing other legislators or in any other way securing passage of this legislation please let me or Pat Pourchot

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of my staff know.

With kind regards,

Sincerely,



Mike Gravel

cc: Kay Poland, Chairperson
Senate Resources Committee

Steve Cowper, Chairman
Steering Council on (d)(2) lands

Esther Wunnicke and Walt Parker, Co-Chairmen
Alaska Federal-State Land Use Planning Commission

THIS IS THE
ORIGINAL COPY
OF THE 4/6/78
VERSION OF CSHB211

Work Order #3396 ✓

Utermohle 4-6-78

Original sponsors: Malone, Miller
and Specking

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 211

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Land Commission; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 41 is amended by adding a new chapter to read:

10 CHAPTER 45. ALASKA LAND COMMISSION.

11 Sec. 41.45.010. PURPOSE. The purpose of this chapter is to pro-
12 vide for a common system of planning and classification by the state and
13 the United States of mutually agreed upon areas of public land in Alaska
14 by establishing land use planning and classification institutions which
15 provide full protection of nationally significant natural values, enable
16 a flexible response to national energy and other commodity needs as they
17 arise, and minimize conflicts among landowners and between competing
18 land uses.

19 Sec. 41.45.020. POLICY. The legislature recognizes the best use
20 of the public domain will change with time and that only an active
21 classification system can meet these changing needs. The legislature
22 further recognizes that there is a valid national public interest in
23 public land in Alaska, including state land, as well as a valid interest
24 on the part of the people of Alaska in federal land in Alaska.

25 Sec. 41.45.030. COMMISSION. There is established the Alaska Land
26 Commission.

27 Sec. 41.45.040. MEMBERSHIP. (a) The commission shall consist of
28 six full-time members.

29 (b) Three members of the commission, one of whom shall be desig-

1 nated as state co-chairman, shall be appointed by the governor and shall
2 serve at his pleasure.

3 (c) Members appointed by the governor are subject to confirmation
4 by a majority of the members of the legislature in joint session.

5 Sec. 41.45.050. TERM. The term of office of a state member of the
6 commission is four years and shall coincide with that of the governor.
7 A vacancy in the office of a member representing the state shall be
8 filled by appointment by the governor. The appointee selected to fill
9 the vacancy shall hold office for the balance of the full term for which
10 his predecessor was appointed. An appointee to an unexpired term shall
11 be subject to the same confirmation requirements as any other appointee.

12 Sec. 41.45.060. COMPENSATION. The three members of the commission
13 appointed by the governor shall receive an annual salary as established
14 under AS 39.23. Members appointed by the governor are entitled to per
15 diem and travel expenses authorized by law for boards and commissions.

16 Sec. 41.45.070. DUTIES. The commission shall

17 (1) initiate and maintain a continuing process of land use
18 planning and classification, including but not limited to submitting
19 recommendations to the governor and legislature of Alaska and the
20 Congress of the United States concerning state and federal land to be
21 designated as "common management areas", the identification of land
22 amenable to special use designation, the determination of federal and
23 state land which may be made available for disposal, and recommendations
24 regarding the use of other land remaining in federal and state owner-
25 ship;

26 (2) classify land included within common management areas;

27 (3) establish procedures to govern the performance of the
28 business of the commission, including provision for public hearings to
29 obtain public comment on existing and proposed land use planning and

1 management programs of the state and federal governments;

2 (4) review and recommend to Congress and to the legislature
3 changes in statutes and regulations affecting land in the state which is
4 subject to cooperative management under this chapter which are necessary
5 or desirable;

6 (5) review resource inventories prepared by the managing
7 agencies of land designated as "common management areas";

8 (6) make recommendations to appropriate federal and state
9 officials with respect to ways to improve coordination and consultation
10 between the state and federal governments in wildlife management, trans-
11 portation planning, wilderness review, and other governmental activities
12 which appear to require regional or statewide coordination;

13 (7) make recommendations to appropriate federal and state
14 officials with respect to ways to insure that economic development is
15 orderly and planned and is compatible with state and national economic,
16 social, and environmental objectives;

17 (8) make recommendations to appropriate federal and state
18 officials with respect to those changes in laws, policies, and programs
19 relating to public land and resources which the commission considers
20 necessary;

21 (9) make recommendations to appropriate federal and state
22 officials with respect to the inventory, planning, classification,
23 management, and use of federal and state land, respectively, and to
24 provide such assistance to Native corporations upon their request;

25 (10) make recommendations to appropriate federal and state
26 officials with respect to needed modifications in existing withdrawals
27 of federal and state public land;

28 (11) make recommendations to appropriate federal and state
29 officials with respect to the programs and budgets of federal and state

1 agencies responsible for the administration of public land in Alaska;
2 and

3 (12) establish citizens' advisory committees to assist the
4 commission in carrying out its duties and to ensure that affected pri-
5 vate parties are allowed input into the commission's decision-making
6 process.

7 Sec. 41.45.080. POWERS. The commission may

8 (1) classify state and federal land subject to the authority
9 granted in this chapter;

10 (2) enter into common management agreements with private
11 landowners;

12 (3) enter into agreements with agencies of the state and
13 federal government to implement the work of the commission;

14 (4) employ staff and consultants as necessary to perform the
15 duties established in this chapter.

16 Sec. 41.45.090. LAND MANAGEMENT IN COMMON MANAGEMENT AREAS. The
17 agency responsible under law for the management of that land included
18 within a common management area shall retain that authority but shall be
19 subject to the authority of the commission to classify land according to
20 its beneficial uses.

21 Sec. 41.45.100. PROPERTY TAX EXEMPTION. If a private landowner,
22 including, but not limited to, any entity established under the Alaska
23 Native Claims Settlement Act, enters into an agreement by which the
24 commission manages land owned or selected under an Act of Congress by
25 the private landowner, for a minimum of five years, that land shall be
26 exempt from any property tax on the land during the time it is managed
27 by the commission. If the land is withdrawn from the commission's
28 management authority before the minimum five-year period, then all
29 property taxes on the land which would otherwise have been payable shall

1 be due at the time the land is withdrawn.

2 Sec. 41.45.110. HEARINGS. The commission or, on the authorization
3 of the majority of its members, any subcommittee or member of the com-
4 mission may, for the purpose of carrying out the provisions of this
5 chapter, hold hearings, receive testimony and evidence, and sit and act
6 at those times and places as the commission or subcommittee determines.
7 Hearings shall be held, insofar as practicable, in communities and areas
8 which are to be affected.

9 Sec. 41.45.120. MEETINGS. All commission meetings shall be public
10 and notice of a meeting shall be given at least 15 days before the date
11 when the meeting is to take place.

12 Sec. 41.45.130. ANNUAL REPORT. On or before January 10 of each
13 year, the commission shall submit to the President of the United States,
14 Congress, the governor and the legislature a written report with respect
15 to its activities during the preceding fiscal year. The report shall
16 also include the activities that the commission contemplates over the
17 next fiscal year, and the amount of funding required.

18 Sec. 41.45.140. LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.
19 (a) The commission shall establish a process to provide for the identi-
20 fication and submission of recommendations concerning areas in federal
21 and state ownership for inclusion in common management areas. Land
22 designated for inclusion within common management areas shall be submit-
23 ted by the commission to Congress and the legislature. A recommendation
24 which includes state land shall be presented to the legislature during
25 the first 10 days of any regular session. The recommendation shall
26 become effective at the adjournment of the session unless disapproved,
27 in whole or in part, by a resolution concurred in by a majority of the
28 members of each house of the legislature.

29 (b) Classification of state land within a common management area

1 supersedes the authority of the director of the division of lands to
2 classify the land under AS 38.05.300.

3 (c) The state may withdraw any portion of state land in a "common
4 management area" with six months notice to the commission.

5 Sec. 41.45.150. VETO. With respect to all state land subject to
6 this chapter, the governor may veto a decision of the commission, within
7 45 days of the action of the commission.

8 Sec. 41.45.160. EXECUTIVE COORDINATION COMMITTEE. There is estab-
9 lished an Executive Coordination Committee composed of the commissioners
10 of natural resources, fish and game, transportation and public facili-
11 ties, environmental conservation, commerce and economic development,
12 revenue, community and regional affairs, or their designees, and the
13 state co-chairman of the Alaska Land Commission. The committee shall
14 meet regularly in order to coordinate those programs and functions of
15 their departments which could affect the administration of state and
16 federal public land. The governor shall designate the chairman of the
17 committee.

18 Sec. 41.45.170. PRINCIPAL OFFICE. The principal office of the
19 commission shall be located in Alaska.

20 Sec. 41.45.180. FUNDING. The state shall pay 50 per cent of the
21 costs and other expenses incurred by the commission in any one fiscal
22 year.

23 Sec. 41.45.190. EXPIRATION OF THE COMMISSION. (a) On or before
24 the ninth anniversary of the effective date of this Act, the governor
25 shall present to the legislature a report on the desirability of con-
26 tinued state participation in the commission.

27 (b) State participation in the commission shall terminate on the
28 tenth anniversary of the effective date of this Act, unless otherwise
29 provided by law.

1 Sec. 41.45.200. JUDICIAL REVIEW. A person aggrieved by a decision
2 of the commission in any determination involving state land subject to
3 the provisions of this chapter may seek review of the decision in the
4 superior court.

5 * Sec. 2. AS 39.23.060 is amended to read:

6 Sec. 39.23.060. REVIEW OF COMPENSATION AND BENEFITS; OFFICERS
7 COVERED. The commission shall conduct an on-going review of compensa-
8 tion and retirement benefits for members of the legislature; the gover-
9 nor; the lieutenant governor; commissioners, deputy commissioners, and
10 division directors of each executive department; members of the Alaska
11 Public Utilities Commission; members of the Alaska Pipeline Commission;
12 members of the Alaska Transportation Commission; members of the Alaska
13 Commercial Fisheries Entry Commission; state members of the Alaska Land
14 Commission; and the judiciary, to determine the appropriateness of
15 compensation and benefits.

16 * Sec. 3. AS 41.40.070 is amended to read:

17 Sec. 41.40.070. TERMINATION OF THE COMMISSION. The commission
18 ceases to exist 120 days after the establishment of the Alaska Land
19 Commission or on April 30, 1981, whichever comes first [ON JUNE 30,
20 1979].

21 * Sec. 4. FEDERAL MEMBERSHIP ON THE COMMISSION. Section 1 of this Act
22 contemplates the authorization by Congress of legislation complementing the
23 provisions of this Act. It is the intent of the legislature that Congress
24 provide for the designation of three representatives to serve as members of
25 the Alaska Land Commission.

26 * Sec. 5. Sections 1, 2, and 4 of this Act take effect on the effective
27 date of legislation enacted by the Congress of the United States providing
28 for the establishment of an Alaska Land Commission and containing provisions
29 which are not in conflict with the provisions of this Act, if such legisla-

1 tion is passed by congress before January 1, 1981.
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EFFECT OF AMENDMENTS TO HB 211

CONTAINED IN THE PROPOSED COMMITTEE SUBSTITUTE FOR HB 211

* Section 1

AS 41.45.010 PURPOSE.

This section is amended by adding new language after "Alaska" on line 13. The effect of this amendment is to enlarge the purpose of the act to include establishment of land use planning and management institutions which will minimize conflicting uses of land, provide for changing circumstances, and protect significant natural values on land in Alaska. This amendment was included at the suggestion of the staff of the Federal-State Land Use Planning Commission.

AS 41.45.020 POLICY.

This section is unchanged.

AS 41.45.030 COMMISSION.

This section is unchanged.

AS 41.45.040 MEMBERSHIP.

This section is amended as follows:

- a) the membership is set at six full-time members; and
- b) one of the three members appointed by the Governor is to be designated as state co-chairman.

The effect of these amendments is to set the membership of the commission at an even number (six) and to provide for a state co-chairman of the commission. The establishment of the membership of the commission at an even number with state and federal co-chairmen was recommended by Senator Ted Stevens, Representative Don Young and members of the Federal-State Land Use Planning Commission.

AS 41.45.050 TERM.

This section is amended to provide that the term of the state members of the commission coincides with that of the Governor. The effect of this amendment would be to ensure accountability of the state appointees to the commission. This amendment was recommended by the staffs of the Federal-State Land Use Planning Commission and the Steering Council for Alaska Lands.

AS 41.45.060 COMPENSATION.

This section is amended to provide that the salary for the state members of the commission is set by the Alaska Salary Commission. This amendment would put the state commissioners to the Alaska Land Commission in the same position as commissioners of the Public Utilities Commission and the Pipeline Commission.

AS 41.45.070 DUTIES.

This section is amended by substituting "classify" for "manage" (page 2, line 24) and by adding seven new subsections (page 3, lines 4-28). The effect of the first amendment is to make the commission responsible for classifying lands in the "common management areas". The responsibility for managing those lands would remain with the appropriate land management agency (i.e. Bureau of Land Management, Alaska Division of Lands, National Park Service, etc.). The management policies of the managing agencies would be guided by the land classifications of the commission. The second amendment the commission the responsible for participating in an advisory capacity in the land use planning, resource management, land management programs of the various land management agencies. The amendment to limit the commission's authority to land classification instead of land management was recommended by Senators Stevens and Gravel, Representative Young and the Federal-State Land Use Planning Commission. The additional duties of the commission contained in the second amendment were suggested by the Federal-State Land Use Planning Commission.

AS 41.45.080 POWERS.

The amendments to this section gives the commission authority to: a) classify land in the "common management areas" instead of managing them (page 4, line 1), b) authorizes the commission to hire staff and consultants as necessary (page 4, line 7-8), c) deleted the remainder of subsection (2) after "landowner". The effect of the last amendment is to permit the commission to enter into common management agreements with private landowners who own land that is not adjacent to other cooperative management areas. This last amendment was proposed by Representative Cowper.

AS 41.45.090 PROPERTY TAX EXEMPTION.

This entire section contains new language. The effect of this section is to grant an exemption from property taxes for those private lands covered by a common management agreement between the landowner and the commission. Native regional and village corporations are cited as specific private entities which are eligible to receive the benefit of this section. Private land committed to the jurisdiction of the commission must be subject to the commission for five years. If the land is withdrawn from a "common management area" before the end of five years, all taxes for the five year period must be paid.

AS 41.45.100 HEARINGS.

This section is unchanged.

AS 41.45.110 MEETINGS.

This is a new section. The effect of this section is to require advance notice of commission meetings be given and that all commission meetings be public. This amendment was recommended by the staff of the Federal-State Land Use Planning Commission.

AS 41.45.120 ANNUAL REPORT.

This section is unchanged.

AS 41.45.130 LAND FOR INCLUSION WITHIN COMMON MANAGEMENT AREAS.

This section is amended by adding a new subsection (c) which allows the state to withdraw its land from the jurisdiction of the commission following six months advance notice.

AS 41.45.140 VETO.

This is a new section which grants to the Governor the authority to veto a decision of the commission with respect to state land. This amendment was suggested by Senators Stevens and Gravel.

AS 41.45.150 EXECUTIVE COORDINATION COUNCIL.

This is a new section. The effect of this section is to create a state cabinet level committee to coordinate state involvement with the commission and its work. This amendment was suggested by the staffs of the Federal-State Land Use Planning Commission and the Steering Council for Alaska Lands.

AS 41.45.160 PRINCIPAL OFFICE.

This is a new section. The effect of this section will be to require that the commission have its principal office in Alaska.

AS 41.45.170 FUNDING.

This is a new section. The effect of this section would be to commit the State to pay 50% of the costs of the commission.

AS 41.45.170 EXPIRATION OF THE COMMISSION.

This is a new section. This section is a sunset provision. Unless the state decides to continue its participation in the commission, the commission will expire in ten years. This amendment is recommended by Senator Gravel and the Federal-State Land Use Planning Commission.

AS 41.45.180 JUDICIAL REVIEW.

This section is unchanged.

* Section 2

AS 39.23.060 REVIEW OF COMPENSATION AND BENEFITS; OFFICERS COVERED.

This section amends the existing law relating to the Salary Commission by making the salary of state commissioners to the Alaska Land Commission subject to the purview of the Salary Commission.

* Section

This section is amended by providing for the extension of the Federal-State Land Use Planning Commission until 120 days after the Alaska Land Commission is established or until April 30, 1981, whichever comes first. The Land Use Planning Commission is scheduled to expire in 1979. This section will provide for the continuation of the Federal-State Land Use Planning Commission until the Alaska Land Commission is established in order to provide for continuity between the commissions.

* Section 4

FEDERAL MEMBERSHIP ON THE COMMISSION.

This section is unchanged.

* Section 5

EFFECTIVE DATE CLAUSE.

This clause is amended to permit the extension of the Federal-State Land Use Planning Commission until 1981 or until the Alaska Land Commission is established. The remainder of this bill takes effect on the same day as similar legislation passed by Congress. If Congress does not pass similar legislation by January 1, 1981, this act expires.

Suggested Amendments to HB 211

by: Rep. Steve Cooper

p. 3, line 12: Omit all after "landowners".

Add new section:

Sec. 41.45.085. If a private landowner, including any entity established under the Alaska Native Claims Settlement Act, enters into an agreement by which the commission manages land owned or selected under an Act of Congress by such private landowner, for a minimum of five years, such land shall be exempt from any property tax on the land during the time it is managed by the commission. If the land is withdrawn from the commission's management authority 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.

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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

February 24, 1978

Honorable Al Osterback
Chairman
House Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Al:

It is my understanding that the House Resources Committee will soon be considering House Bill 211. That legislation deals directly with issues embodied in pending d-2 legislation now before the Congress. The Legislature is aware of my interest in cooperative management of federal, state, and private lands and the creation of a federal-state land classification commission. Legislation I have introduced in the Senate would establish such a commission and provide a procedure for dedicating federal, state and private lands to the classification authority of the commission. For the benefit of the House Resources Committee, a copy of that legislation is enclosed. The specific details dealing with the commission can be found in Title XXXII, on pages 68-73.

Upon review of House Bill 211, a number of thoughts come to mind, and I would like to take this opportunity to transmit some comments on the bill to you. My thoughts on the legislation before your Committee fall into specific categories and will be dealt with below. I request that this letter and a copy of S. 1787 be made a part of the record the Committee is compiling in consideration of H.B. 211.

Lands Under the Jurisdiction of the Commission

A major question is which lands, federal and state, the Commission will have jurisdiction over. My position on the federal side of this question has been consistent and is reflected in S. 1787. The establishment of a land classification commission is being discussed as part of the consideration of d-2 lands and should be restricted to those lands involved in that process.