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HRES

HB 211

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ment is closer to political pressures from individuals and interest groups who seek rights to State lands for personal use or economic enterprise. Since the Bureau of Land Management serves a national constituency that tends to view Alaska more as a place to recreate in a natural setting, than as a place to settle and develop, Bureau of Land Management policy places greater emphasis on retention for public purposes. The new Federal Land Policy and Management Act begins with a policy of retaining Bureau of Land Management lands in Federal ownership, unless there is a documented national interest in disposal.

However, differences in Federal and State policy do not necessitate a difference in planning categories. Values and policies should be reflected in the way categories are applied to the planning region--in the extent and boundaries of areas assigned to various categories--not in the system of categories itself. In fact, to enable and encourage full consideration of differing values and policies, it is important that the set of categories be well balanced, with categories representing the full spectrum of choices, ranging from full development to no land use.

↑
By avoiding a weighting either towards development or no development, the categories remain neutral and the application of value judgments is made at the point of planning decision with the benefit of comment from the public and other agencies and levels of government.

To achieve balance in its planning categories, each level of government should have, at a minimum, a category under which land would be preserved in its natural state, a category allowing land uses in accordance with a primary objective of protecting the natural environment, a category for

resource development, and a category for settlement and settlement impact areas. The Bureau of Land Management may plan more of its lands for the first two categories while the State may place more emphasis on the latter two categories, but, by using the same basic set of regional categories the two governments should be able to plan interrelated holdings as a unit and, in doing so, greatly improve their communication with the affected public.

Footnotes

Introduction

1. Western Governors' Conference Policy Statement, Resolution #77-1
NRB, September 1, 1977.
2. Western Governors' Conference Policy Statement, Resolution #77-3
NRB, September 1, 1977.

Federal and State Systems

1. 11 AAC 52.030.
2. Ibid.

Administrative Discretion and Public Accountability

1. AS 38.05.300.
2. FSLUPC, Agenda for State Lands, December, 1975, page 24 includes tabulations of classifications and reclassifications from 1969 to 1974.
3. Department of the Interior, Bureau of Land Management, Manual 1068, "Management Framework Plans," .53 Decision Process.

Common Purposes

1. U.S. Public Law 94-579, Title I, Section 102(a) (7).
2. Constitution of the State of Alaska, Article VIII, Section 1.
3. Alaska Statutes, Title 38,
4. Public Law 94-579, Title II, Section 202(e) (2).
5. Public Law 94-579, Title I, Section 103(c).
6. Bureau of Land Management State Office, Instruction Memo No. AK-77-98, from State Director to Division Chiefs and Division Managers, April 21, 1977.
7. Alaska Division of Lands, Pam Rogers, Report on State Classification System, September 13, 1977.

Kinds of Categories

1. William H. Whyte, The Last Landscape.

Federal-State
Land Use Planning Commission
For Alaska

733 W. FOURTH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99501

March 15, 1977 -

MEMORANDUM

TO: Commission

REVIEWED BY: John W. Katz, *John W. Katz*

FROM: Liz Matthews, Legal Extension *Liz Matthews*

SUBJECT: Existing Federal-State Governmental Entities

Introduction

This paper will take a short overview of the major existing Federal-state governmental entities. The first section of the paper presents a discussion of the principal features of each entity. The second section contains information taken from telephone interviews with personnel who work for two of the most interesting Federal-state commissions, the Delaware River Basin Commission and the Appalachian Regional Commission. The final section will identify the issues raised by the previous discussion for the purpose of helping the LUPC to determine the most desirable features of any proposed Federal-state entity in Alaska. Because the primary focus of this survey is on organization and structure, the substantive mandate of each commission will be only briefly touched upon.^{1/}

I have surveyed the existing non-Federal-state regional bodies and have found that they contain interesting features, but none that is not exhibited in the Federal-state entities discussed below. Therefore, due to considerations of time and space, and given the Land Use Planning Commission's orientation, this paper will confine itself to the Federal-state form.^{2/}

PART I

The best known Federal-state entities are those created by multi-state regionalism: the Regional Economic Development Commissions and the River Basin Commissions.^{3/} The first river basin commissions, such as TVA, were not joint Federal-state in nature; but the growth of interstate compacts led in 1961 to the first interstate compact to which the United States was a party: the Delaware River Basin Compact.^{4/} Viewed at the time as a daring experiment in federalism ^{5/}, the Delaware River Basin Commission

is perhaps the most powerful of the Federal-state entities. In 1970 the Susquehanna River Basin Compact^{6/} created an essentially identical commission. The two commissions were established as regional administrative agencies of the signatory parties for water resource management in their respective river basins, and they have broad planning, regulatory, and coordinating powers within their regions. The specific mandate of the commissions is to "...develop and effectuate plans, policies, and projects relating to the water resources of the basin...adopt...uniform policies for water conservation, control, use, and management....[and] encourage the planning, development and financing of water resources projects according to such plans and policies...."^{7/} They also have power to allocate water resources, and their regulatory powers extend to pollution control and "...all powers necessary or convenient to carry out its express powers or which may be reasonably implied therefrom...."^{8/}

Both compacts set up commissions composed of one member from each party state and one Federal representative. The state members are the governors or their alternates; the Federal member is appointed by the President. Commission action is by majority vote, but commission budgets must be approved unanimously. If the Federal member does not concur in a commission decision, Federal agencies within the basin are released from the requirement that their water resource activities with respect to that decision be in conformance with the commission's plan or regulations. Thus, the Federal representative, through his use of the nonconcurring vote, has significant power in the compact's implementation. Commission members appoint an executive director to serve at their pleasure. He, in turn, has direct appointment power of the staff, subject to commission rules and regulations.

The Delaware River Basin Commission, in particular, has facilitated significant cooperation with both Federal and state agencies.^{9/} The Federal representative is advised by a field interagency group, and when severe interagency disputes arise, he has recourse to an interdepartmental committee in Washington for a final resolution. The state alternate members have been, for the most part, the heads of state water resource or conservation agencies or have been on the governor's personal staff. This has insured a high level of state input since, under the compact, the alternates have authority to attend commission meetings and to vote in the place of their respective members. The DRBC has also maintained cooperative relationships with some of the larger local jurisdictions in the region, in particular some suburban Philadelphia counties and the Delaware Valley Regional Planning Commission. The Commission also has technical advisors from New York City and Philadelphia.^{10/}

In 1965, laws were enacted which created several types of Federal-state entities. Title V of the Public Works and Economic Development Act^{11/} created the various "Title V" regional economic commissions. The Appalachian Regional Commission was established by separate legislation: the Appalachian Regional Development Act.^{12/} The "Title II" river basin commissions, created under Title II of the Water Resources Planning

Act 13/, arose out of the need for formal state and Federal cooperation in water management on a river basin basis, where most of the Federal water resource planning was being done.

Title II of the Water Resources Planning Act authorizes the President to establish river basin planning commissions. There are at present seven: the Pacific Northwest, the Upper Mississippi, the Missouri, the Ohio, the New England, the Great Lakes, and the Souris-Red-Rainy. Each commission's mandate is to "...serve as the principal agency for the coordination of Federal, state, interstate, local and nongovernmental plans for...its...river basin; prepare...a comprehensive, coordinated, joint plan for...development of water and related resources....recommend long-range schedules of priorities for the collection and analysis of...data...and...undertake such studies...as are necessary...."^{14/} Membership includes a Federal co-chairman appointed by the President, one member appointed by the head of each interested Federal agency, one member appointed by the governor of each state, and one member from any interested interstate compact agency. International representatives are included on the Pacific Northwest Commission, and coordination with international commissions is required in the case of the Great Lakes Commission. The state members elect a vice-chairman to represent them. The decision-making process operates by consensus, as provided in the Act:

"...Every reasonable endeavor shall be made to arrive at a consensus...; but failing this, full opportunity shall be afforded each member for the presentation...of individual views: Provided, that at any time the commission fails to act by reason of absence of consensus the position of the chairman, acting in behalf of the Federal members, and the vice-chairman, acting under instruction of the state members, shall be set forth in the record...."^{15/}

The unusual voting procedure stipulated by the Act places a premium on the exchange of information among Federal and state agencies rather than on regulation or management. This cumbersome procedure is perhaps appropriate under the mandate of the Act to "serve as the principal agency for the coordination of Federal, state, interstate, local, and nongovernmental plans...."^{16/}

The Title II commissions have a relatively small staff. The Great Lakes River Basin Commission is the largest with 15 members. They depend on Federal and state agencies for their basic data, and the central staff has no way to force these scattered work groups to meet planning deadlines.^{17/}

Section 207 of the Water Resources Planning Act states that each commission shall prepare and submit a budget, which in turn is further subject to the approval of the Water Resources Council. Section 207 also provides that each commission shall recommend what share of its budget should be paid by the Federal government. In practice, funding has developed into a system of matching grants, where the Federal government pays half of the operating costs and the state pays the rest.

The impact of most Title II commissions on state and Federal water policy has been variable. The New England River Basins Commission has had the most success, primarily because it receives substantial political support from the New England Governor's Conference, and because the New England States have a long history of working together.^{18/} Given their different legislative mandates, it is difficult to compare the performance of the Delaware River Basin Commission with Title II commissions, but the conclusion is unavoidable that the interstate compact commission is a much more efficient river basin planning tool.

Another well-known entity is the Appalachian Regional Commission, created in 1965 by the Appalachian Regional Development Act.^{19/} Its mandate is to promote the economic development of the Appalachian region by, among other things, developing comprehensive plans, sponsoring research and projects, reviewing Federal, state, and local programs, and providing a forum for consideration of regional problems. Membership consists of the Federal co-chairman appointed by the President and 13 state representatives, one from each state, who may be the governors or their designee. The Act authorizes a part-time state co-chairman who is elected by the state members. However, from the beginning, the states created the position of "states regional representative," who serves as their full-time permanent liaison on the Commission.

The Federal co-chairman has a small staff entirely federally funded. His main function is to coordinate the Commission's programs with other Federal agencies. The state's regional representative acts as the functional equivalent of the Federal co-chairman in the day-to-day affairs of the Commission. The representative's principal responsibility is to carry out policy directives of the governors and the state co-chairman. The representative has his own staff paid for by the member states, and he has a good deal of influence. The Commission has a relatively small but high caliber staff with offices in Washington, D.C. It is funded equally by the Federal government and the states.

Decisions by the Commission require a majority, including the affirmative vote of the Federal co-chairman. This veto power has seldom, if ever, been used, but it must have an effect on deliberations. In practice, much of the Commission's authority has been delegated to the "executive committee," a unit composed of the executive director (nonvoting), the Federal co-chairman, and the state's regional representative.

The Commission meets once a month. Between meetings, the "troika" executive committee takes charge of the day-to-day administration, as well as reviewing project proposals, program allocations, and state development plans. At each Commission meeting, the executive committee reports on its actions.

Over the years the Appalachian Regional Commission has developed a life of its own while still managing to be an effective agent of its Federal and state members. While the fairly rapid turnover in gubernatorial

membership due to changes in state administrations has harmed its performance as a policy-making body, the positions of executive director and state regional representative have remained relatively constant. Strong Federal and state ties, frequent meetings, and the efficient executive committee help make the Appalachian Regional Commission one of the most active Federal-state entities today.20/

The "Title V" regional commissions were created under Title V of the Public Works and Economic Development Act of 1965 21/, and their mandate is substantially the same as that of the Appalachian Regional Commission. There are seven in all: Coastal Plains, New England, Four Corners, Upper Great Lakes, Ozarks, Old West, and Pacific Northwest. The composition of each is identical under the Act: a Federal co-chairman appointed by the President, one member from each state who may be the governor or his designee, and a state vice-chairman elected by the state members from among their number. Decisions require the affirmative vote of the Federal co-chairman, as well as a majority of the state members. Each state member is to have an alternate appointed by the governor, and the President is to appoint an alternate for the Federal co-chairman. The alternate votes in the event of absence, removal, or resignation of the state or Federal co-chairman. The commissions meet on a quarterly basis, with the governors usually attending personally. The state members definitely recognize the affirmative vote requirement of the Federal co-chairman as a veto power. Although seldom used, its influence is felt.22/

The Federal government was authorized to pay the full costs of the commissions' operating expenses for the first two years. After that, the states were required to pay 50 percent. An amendment passed in 1967 (§ 509) authorizes the Secretary to provide funds to each Federal co-chairman to use as supplementary grants to help states or other entities to raise matching funds for Federal grant-in-aid programs.

The Federal co-chairman's role on the commission as both a member and an official of the Federal government is somewhat bifurcated. The Federal co-chairmen have their own staffs, located in Washington, and their main concern seems to be the commission's relationship with Federal agencies. The state co-chairman's office is rotated among the governors, and is not a full-time position. The Coastal Plains Regional Commission has followed the example of the Appalachian Regional Commission and created the position of state's regional representative. State alternates appointed by the governors keep up contact and interest between the governors' offices and the commissions. On the New England Regional Commission, alternates have considerable impact on programs. But, turnover is a problem with alternates; they are changed at least as often as new governors are elected, which makes for a problem in continuity.

In most regional commissions, there is an executive committee which has responsibility for supervising staff operations. The committee is composed of the Federal co-chairman, the state co-chairman, and the executive director (a nonvoting member). Usually, the governor who is

serving as state co-chairman does not become involved, so that the committee is not often a tool of leadership.

The Title V commissions have a dual staff system. The staff of the Federal co-chairman, which averages about five members, is responsible to him only. The commission staff, averaging about 19, operates separately and is responsible to the commission as a whole.

For the purposes of this paper, there is no need to discuss in detail the composition and structure of the Joint Federal-State Land Use Planning Commission, but only to note a few unique features. Since Alaska is, in many respects, a one-state region, it has the only joint Federal-single-state commission, thus avoiding some of the complexities with which the multi-state commissions must deal. The Federal and State representation is much more exactly balanced on the LUPC than elsewhere. Further, the LUPC is the only commission in which both the State and the Federal co-chairman have a veto.

Two forms of single state-Federal entities have been proposed in the past few years. Neither has become law, although both still have a good chance of doing so. The proposed Nantucket Sound Islands Trust is the result of Senator Edward M. Kennedy's (D.-Mass.) efforts, beginning in 1971, to achieve legislation to preserve the unique characteristics of a particular area of Massachusetts: the Nantucket Sound Islands.^{23/} As put forward in S. 67 (January 15, 1975), the Trust would create three Federal-state trust commissions: the Nantucket Trust Commission, the Martha's Vineyard Commission, and the Elizabeth Islands Commission.

The Nantucket Trust Commission is typical. There would be seven members who would serve three year staggered terms: one to be appointed by the Secretary of the Interior, one by the Governor of Massachusetts, two by the Board of Selectmen of Nantucket, two elected by the town meeting of Nantucket, and one appointed by the Nantucket Planning Board.^{24/} The chairman would be elected by the members themselves for a term not to exceed two years. Each commission would have its own staff and advisory committee. There would be a coordinating committee with three members from each commission. All three commissions would be eligible for grant programs administered by the Departments of Interior, Commerce, and Labor. The Nantucket Islands Trust legislation was reported out of the Senate Interior Committee in August, 1976, but was not enacted before the 94th Congress ended.

S. 632, the 1972 version of the Land Use Policy and Planning Act, contained a proposal to establish Ad-Hoc Federal-State Joint Committees to deal with jurisdictional and other problems concerning the planning and management of Federal lands and adjacent non-Federal lands. Membership would include representatives of the affected Federal agencies, to be appointed by the appropriate Secretary; representatives of affected user groups, including recreation and conservation interests, to be appointed by the Secretary of the Interior after consultation with the appropriate governor; officials of the affected state agencies, to be appointed by

the governor; and officials of local government units, to be appointed by the Secretary of the Interior after consultation with the governor. This provision was omitted from the next version of the Land Use Policy and Planning Act.

Two types of joint authorities were created by the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et. seq.), which was generated by the Convention on Great Lakes Fisheries between the United States and Canada. On the Great Lakes Fishery Commission, a United States-Canadian body, the United States is represented by three commissioners appointed by the President and serving at his pleasure without compensation. One must be an official of the United States Government, and two must be residents of the Great Lakes states. One of the two latter persons must be a state official. The United States section thus created is to appoint an advisory committee for each of the Great Lakes, upon which each bordering state may be represented by not more than four members. These members are selected from a list proposed by the governor, giving consideration to the interests of state agencies, commercial and sport fishing interests, and the public at large. Members of the advisory committees serve without compensation.

The Alaska Joint Federal-State Fish and Wildlife Advisory Team was created by §202 of the Trans-Alaska Pipeline Authorization Act.^{25/} to give environmental advice to the Alaska Pipeline Office (Federal) and the State Pipeline Coordinator's Office. A team of approximately 30 professionals, mostly biologists, were appointed by various interested State and Federal agencies. These staffers are paid by their respective agencies, which are then reimbursed by Alyeska. There is a Federal coordinator and a State coordinator; each has an assistant-alternate and a veto power, which is rarely used. The team serves as a technical advisor only.^{26/} One of the team's main strengths is its capacity to promote effective coordination between the State and Federal agencies which donate employees.

PART II

The following questions were asked of the Appalachian Regional Commission and the Delaware River Basin Commission in telephone interviews of February 10, 1977. Their responses are as indicated, in the order in which the questions were asked.

1. Which members are full-time, if any?

Appalachian: The Federal co-chairman is full-time.

Delaware: Under the statute, the Federal member is the only full-time commissioner. In practice, the Federal co-chairman, who is the Secretary of the Interior, serves through an alternate. Every commissioner has an alternate, and the alternates are extremely important. While the Commission only meets annually, the alternates meet every month or oftener; sometimes they meet twice a week when the work load requires it.

2. Is there an alternate for every member?

Appalachian: Yes, all the governors have alternates who act for them in day-to-day administration but who have no authority to vote in the place of the governors on final policy decisions.

Delaware: Answer included in No. 1.

3. Who comprises your staff?

Appalachian: There is a staff of 110 in Washington, D.C., comprised of separate state and Federal staffs of about nine persons each, with the balance working under the executive director.

Delaware: Approximately 50 professionals.

4. How often do you meet and what are your views regarding this scheduling?

Appalachian: Every two to three months, which is no problem because the alternates are constantly available.

Delaware: Answer included in No. 1.

5. Is there an executive committee?

Appalachian: There was an executive committee until very recently, but at the moment, due to a change in personnel, its decisions are being made at Commission meetings instead. There will probably be another.

Delaware: There is an informal kind of executive committee which is called the "Directorate." It is composed of the Secretary, the public information officer, the chief engineer, and the general counsel. It meets whenever necessary on an ad hoc basis.

6. Do you have more than one office? If so, where are they located?

Appalachian: Yes, there is the main office in Washington, D.C., one in every state, and one in each of 69 local development districts.

Delaware: The main Commission office is in West Trenton, New Jersey. The Federal member has his office in Washington, D.C., and each state has its own local office in the individual states.

7. To what extent is the public involved in your proceedings?

Appalachian: The Commission travels from state to state to each of the local development districts and holds public hearings.

Delaware: A press release goes out to all the basin-wide media regularly, giving notice of future proceedings. The Commission also maintains a mailing list of interested parties. Public attendance

is very good. It is felt that this public input is very healthy and that the Commission is very responsive to it. Very often major project changes are made in response to the public hearing process.

8. What powers does your Commission have and do you feel they are sufficient to carry out the work which needs to be done?

Appalachian: No response.

Delaware: The Delaware River Basin Commission does not have the power of subpoena. Otherwise, the Commission has full enforcement powers. The Commission is both a legislative body and a quasi-judicial body, with the ability to hold adversary proceedings. After a decision at one of these proceedings, a party can take his action directly to the courts; there is no "exhaustion of remedies" problem. The Commission feels that it helps create a sense of public responsiveness by providing a forum where private citizens can be heard in an adversary hearing without the expense of an attorney.

9. Do you use Federal or state procurement regulations or neither?

Appalachian: The Commission goes through the Department of Commerce.

Delaware: The Commission is not subject to Federal administrative procedures in any way. The Commission has its own regulations.

10. Is your staff comprised of Federal or state employees, or neither?

Appalachian: They are not civil service employees, but they have benefit schemes that are comparable to civil service personnel.

Delaware: The staff is composed of neither Federal nor state employees.

11. Do you relate to your respective legislative bodies directly, or must you go through the executive branch?

Appalachian: Directly.

Delaware: Directly.

12. What is your funding process and how does it work?

Appalachian: Funding is on a fifty-fifty basis. It is felt that the fact that the Commission is funded directly and is relatively independent, rather than being dependent on the Department of Commerce like the Title V commissions, is important to the Commission's success.

Delaware: The Delaware River Basin Compact specifies that the states and the Federal government will share the funding "equitably." By agreement, at present 77 percent of the Commission's funding comes from the states and 23 percent from the Federal government. The states feel that this correctly reflects the proper balance and helps give the Commission its necessary independence.

13. How are Federal-state relations on your Commission?

Appalachian: Answer included in No. 12.

Delaware: Federal-state relations are excellent. The individual states have good input; the smallest state has as much a say in Commission affairs as the largest state.

PART III

Subject to caveats respecting the fairly short operating history of most Federal-state entities and the varying mandates and functions of the existing entities, the following issues appear relevant in analyzing these entities or any proposed Federal-state land use entity for Alaska.

1. Should the agency be cast in the form of a commission? (Most of the questions listed below assume an affirmative answer.)
2. With what powers should the commission be vested? Should such powers be advisory only?
3. Should the commission be composed of full-time members, full-time co-chairmen and part-time members, or part-time members and a full-time executive director?
4. How many Federal and state commissioners should there be?
5. Should certain members of the commission be required to have particular professional or other qualifications? Within the Alaska context, should there be a requirement that one or more members be Natives?
6. Should commissioners be appointed to fixed terms or serve at the pleasure of the appointing authority?
7. Should there be alternatives and for whom?
8. Should there be a veto over commission decision-making? If so, should the veto reside in the Federal and state co-chairmen, acting separately, or in the Secretary of the Interior and the Governor, respectively?
9. Which is better, to meet fairly often for shorter periods or to meet less often and have longer meetings?

10. Is there need for an executive committee or its equivalent?
11. What mechanisms should be established to obtain public input? An advisory committee?
12. How should the commission be funded?
13. How should the commission be staffed?
14. Is it preferable to avoid using either Federal or state employment regulations and procurement procedures?
15. Should the commission have an office in Washington, D.C.?
16. Should a Federal agency coordinating body be established at the Secretarial level in Washington to assist the commission in performing its duties?
17. Should the commission be temporary or permanent?

Footnotes

- 1/ A study of these commissions from a planner's perspective is contained in Between State and Nation, Martha Derthick and Gary Bombardier. The Brookings Institute, Washington, D.C., 1974.
- 2/ For a brief discussion of the basic types of non-Federal-state planning bodies, see "A Federal-State Land Classification and/or Joint Management Coordination Board," memorandum to the Federal-State Land Use Planning Commission for Alaska, J. David Dorris, Land Systems Planner, June 17, 1975.
- 3/ For an excellent study of these types, see Multistate Regionalism, a Commission Report, The Advisory Commission on Intergovernmental Relations, April 1972. (U.S. Government Printing Office, Washington, D.C., 20402, Stock Number 5204-0041.)
- 4/ P.L. 87-328, 75 Stat. 688. The compact is not printed in the United States Code. Copies of the compact can be obtained from the Delaware River Basin Commission, 25 Scotch Road, Trenton, New Jersey.
- 5/ "Federal-State Compact: A New Experiment in Co-operative Federalism," Frank P. Grad, 63 Columbia Law Review 825, (1963).
- 6/ P.L. 91-575, 84 Stat. 1509.
- 7/ Delaware River Basin Compact, §3.6(h).
- 8/ Delaware River Basin Compact, §3.1.
- 9/ Multistate Regionalism, supra, p. 95.
- 10/ Multistate Regionalism, supra, p. 95.
- 11/ 42 U.S.C. §3181 et. seq.
- 12/ 40 U.S.C. App. §101.
- 13/ 42 U.S.C. §1962.
- 14/ 42 U.S.C. §1962(b).
- 15/ 42 U.S.C. §1962b-2.d.
- 16/ 42 U.S.C. §1962b-(b) (1).
- 17/ Multistate Regionalism, supra, p. 97.
- 18/ Multistate Regionalism, supra, p. 97.

- 19/ 40 U.S.C. App. §101.
- 20/ "Interstate Regional Instrumentalities: a New Piece in an Old Puzzle," David Bradstreet Walker, Journal of the American Institute of Planners, November, 1972, pp. 359-367.
- 21/ 42 U.S.C. §3181.
- 22/ Multistate Regionalism, *supra*, p. 53.
- 23/ See "An Islands Trust: Leading Edges in Land Use Laws." K. Dun Gifford, 11 Harvard Journal on Legislation 417, 1971.
- 24/ A similarly structured commission presently in existence is the Lake Tahoe Regional Planning Commission. See "Regional Government for Lake Tahoe," 22 Hastings Law Journal 705, 1971.
- 25/ 87 Stat. 54 (1973).
- 26/ The Federal-State Joint Boards of the Federal Communications Commission (47 U.S.C. §410) represent an application of this principle in a very different field. They are each composed of four state commissioners and three Federal commissioners, and deal with problems concerning common carrier communications.

The (d)(2) Steering Council for Alaska Lands has adopted a policy statement an amendatory language aimed at (d)(2) legislation now before Congress, which is compatible with HB 211. I shall be happy to leave that language with you, and urge your favorable consideration of that language. The Councils' language by the way, embraces concepts set forth in the Hammond, Stevens, and Young's (d)(2) bill; in the Joint Federal Land Use Planning Commission (d)(2) proposal; and in Senator Gravel's proposal.

There are those of us, myself included, who don't buy the environmental battle which pits the preservationists and developers against one another. I believe that it is possible to protect the great Alaskan landscape and at the same time assure adequate growth and development and utilization of our vast resources. Such a "balancing act" requires that new, co-operative land management approaches be developed by the State of Alaska, the Federal Government and our Native citizens. Each of the groups will be major landholders in the Alaska of the future. The most conspicuous landowner will be the Federal Government. Even after all the State and Native selections are made, the Federal Government, which now holds over 96% of Alaska under its control, will still control over 200 million acres. Much of the land ownership will be intermixed, and, for the foreseeable future, at least, co-ordination of Federal, State, and private land use decision-making will be a necessity if rational management of Alaska's resources is to occur.

The passage of HB 211, and companion legislation in Congress, would provide a mechanism for balancing, Federal, State, and private interests in the Alaskan landscape. It would give the people of Alaska a say in decisions that would otherwise be made by a remote Federal bureaucracy in Washington. Such an Alaska Land Commission would give the State greater influence over Federal land management activities that it would otherwise have. In the past, such Federal land management activities were not particularly noteworthy. Now, however we have entered the era of intensive management and control of the public domain. This new era is symbolized

by the passage of the Federal Land Policy Management Act in the 94th Congress. An Alaska Land Commission as proposed here will give the people of Alaska a direct and meaningful way to make our concerns known to the federal policy makers, and assure that our land is managed in the best long term interest of Alaska.

The existing record of many agencies in co-operative management is simply not very good. There are tools in existing laws which may be used in co-operative planning and management, but each lacks a third party, a motivating force to insure that dialogue takes place, and, as appropriate, is acted upon. A joint commission provides both a vehicle stimulating federal-state, interagency and interdepartmental co-operation in areas such as transportation, fish and game management, minerals and energy, and a means of unifying diverse elements into a coherent whole.

If federal intervention in land use now seems an inevitable fact of life, it behooves the State of Alaska to insure we get something in return. I cannot help but feel that the approach advocated in HB 211, which is supported by the (d)(2) proposals of our Congressional delegation and Governor, the Land Use Planning Commission's (d)(2) proposal, and the (d)(2) Steering Council's amendments, is our best hope for the future. To quote Julius Caesar, "Take care how your present decrees may effect posterity."



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

9 March 1977

SUBJECT: Federal Energy Administration Hearing
23 March 1977 -- Anchorage

TO: House Resources Committee Members

FROM: Al Osterback, Chairman
House Resources Committee

Al Osterback Jr

Attached is the schedule for the Joint Senate-House Resources meetings during the week of March 21-25, 1977.

Please note the Federal Energy Administration Hearing in Anchorage on Wednesday, March 23, 1977. I would like all House Resources Committee Members to go. If you like, Jeanne will make your travel arrangements, so let her know if you are going as soon as possible.

I am planning to leave on Tuesday, March 22 and return the evening of Wednesday, March 23.

Thank you.



Alaska State Legislature House

JUNEAU ALASKA

JOINT SENATE - HOUSE RESOURCES HEARINGS

March 21 - 25, 1977

SCHEDULE

MONDAY, MARCH 21 COURTROOM A, COURT BUILDING 9:00 A.M.
JOINT HEARINGS, GAS AND OIL TAXATION AND RELATED MATTERS
AGENDA TO BE ANNOUNCED

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TUESDAY, MARCH 22 COURTROOM A, COURT BUILDING 9:00 A.M.
JOINT HEARINGS CONTINUED

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WEDNESDAY, MARCH 23
FEDERAL ENERGY ADMINISTRATION HEARINGS IN ANCHORAGE
FEDERAL COURTHOUSE - ROOM 284

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THURSDAY, MARCH 24 ROOM 126 9:00 A.M.
JOINT HEARINGS CONTINUED

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FRIDAY, MARCH 25 ROOM 126 9:00 A.M.
JOINT HEARINGS CONTINUED



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE RESOURCES COMMITTEE

8 March 1977

SCHEDULE

Wednesday - 9 March 1977, Joint House - Senate Resources Committee Meeting at 3:00 p.m. in the 5th Floor Conference Room of the State Office Building.

HB 211 Alaska Land Commission

Thursday - 10 March 1977, at 1:15 p.m. in Rm. 118 of the Capitol Bldg.

HB 264 Fisheries Enhancement

HB 289 Appropriation for Transplanting Caribou

Tuesday - 15 March 1977 at 1:15 p.m. in Rm. 118 of the Capitol Bldg.

HJR 27 Native rep. on North Pacific Fishery Management Council

SJR 12 U.S. Congress Regarding (D)(2) Land Withdrawal

Thursday - 17 March 1977 at 1:15 p.m. in Rm. 118 of the Capitol Bldg.

HCR 32 Redesignation of Bristol Bay Area to Region

HJR 29 Rel ing to Federal Oil Spill Liability Legislation .

MEMORANDUM
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: House Resources Committee

DATE: March 9, 1977

FROM: Joy Jamison, Lobbyist for the League of Women Voters of Alaska

SUBJECT: HB 211, Establishing the Alaska Land Commission.

The League of Women Voters of Alaska supports the concept of a State Land Use Board with authority to formulate, implement and enforce a comprehensive plan for the use of all land in the State of Alaska. Citizen participation, education, communication and on-going evaluation must be essential elements in the comprehensive planning process. The public should be given alternatives with possible consequences of their choices on any given question calling for public input.

The goal of a State Land Use Plan should be the optimum use of the land as determined after considering environmental, social and economic interests against all available information concerning each area.

Land Use decisions should be made and enforced by the lowest level of government immediately concerned with the land in question, but such decisions must comply with the State Land Use Plan. Evaluation of social, environmental and economic impact should be required of all major public and private developments. Geographical regional planning should be established.

The Land Use Board should identify and plan for areas of critical concern to the state and for areas where land use decisions would have statewide impact. The Board should also compile and catalog resource inventories, not only to aid them in their decisions, but to be available to all citizens when preparing impact statements, appeals or testimony.

The Land Use Board should be an instrument to ensure coordination and cooperation among state, federal and private land owners. The state and federal governments should research and, if feasible, establish innovative resource management systems and cooperative uses of the land.

In view of the above statement of position, the League of Women Voters of Alaska supports HB 211. However, we urge the inclusion of required qualifications for commission members, as well as the executive director (AS 41.45.040). Members need not be land use planning experts, but should be knowledgeable and representative of the social, economic, environmental and political factors involved. Ex-officio members from federal agencies should be included to ensure communication among agencies concerned with planning for uses of the land.

We feel it is imperative to include some mechanism for coordinating with existing state and federal land management agencies (Alaska Division of Lands, BLM, USFS, etc.) since there will be other land such as national forests, state and national parks, etc. that are not included in the "common management areas".

We further urge that an appeals or arbitration procedure be established.

~~STATEMENT~~ STATEMENT BY CONGRESSMAN YOUNG ON HB 211

I would like to thank you for the opportunity to comment on HB 211, a bill which would create the Alaska Land Commission for the purpose of managing cooperative lands in the State of Alaska.

As you know, I have supported the cooperative management system embodied in S. 787, a bill introduced to the U.S. Senate by Senator Ted Stevens. I think that cooperative management is a feasible alternative to the type of single-use land units now in existence on federal lands. I am pleased to see that the Alaska State Legislature has taken the initiative in proposing the establishment of a Commission that would work with these cooperative lands. It is indeed unfortunate that some Members of Congress have not taken the same initiative.

I do think that there are some changes which could be made in the bill to make it a more effective document. I trust that you will take these comments in the constructive vein in which they are offered.

Section .040, dealing with membership, states that the Commission will consist of 3 members appointed by the State. It is envisioned that an additional 3 members will be appointed by the Federal Government. The last member of the Commission is to be appointed by majority vote of the first 6 members. This is a reduction in the number of members suggested by Governor Hammond, Senator Stevens, and myself. Although the number of members may not be important, I am concerned that the equal membership of 4 State and 4 Federal envisioned in S. 1787 is not maintained in this bill. Furthermore, the equal veto power of the Governor and the Secretary of Interior has not been included in this bill. I think that it is important to realize that the State and the Federal Government should be considered as equals in regard to cooperative land. By having an independent member and without veto power, this equality is considerably diminished.

One further point should be made in regard to membership. A number of people have suggested that Native Corporations and private landholders should have the option of being included in a cooperative management scheme. Although HR 211, in section .080, allows the Commission to enter into agreements with private landholders, there is no incentive for private landholders to take advantage of this offer.

I would suggest that, if a landholder does commit his lands to the cooperative management scheme, he be given a tax incentive and at least an advisory role in Commission decisions.

The final point I wish to discuss is section .070. This section empowers the Alaska Land Commission to "Manage land included within common management areas." I feel that it is a mistake to grant these powers to the Commission. Land management in Alaska is already divided between the State, at least three agencies of the federal government, and private landholders. By creating another management entity, we are merely confusing an already clouded management pattern. A recent case that was brought to my attention will illustrate my point. A gentleman wrote to me expressing his troubles with various agencies. He was living on land that had been selected by a particular Native village corporation. Although the Village was more than happy to let him live there, he was unable to construct a trail from his cabin to the main road because the land it would cross was in limbo due to conflicting ownership questions between the State and the Federal Government. After wading through paperwork at the federal level, he was finally referred to the State, who told him that patent on the land had not yet been granted and that the Federal government would have to issue the necessary permits. Can we honestly expect one more managing agency, which presumably will make decisions by majority vote, to help alleviate this sort of confusion?

Once again, let me say that I am glad to see the Legislature taking positive steps towards resolving the complex land issues we are dealing with. I do hope, however, that you will take these comments to heart and do what is necessary to establish a workable cooperative land management system in Alaska.

Address further inquiries directly to Congressman Don Young,
1210 Longworth House Office Building, Washington, D.C. 20515



STATE OF ALASKA

Legislative Affairs Agency

Alaska National Interest (D-2) Lands

A History and Review

of Legislation

PREPARED BY

LEGISLATIVE AFFAIRS AGENCY

RESEARCH DIVISION

AUGUST 1977

ALASKA NATIONAL INTEREST (D-2) LANDS

A HISTORY AND REVIEW

OF LEGISLATION

PREPARED BY THE
LEGISLATIVE AFFAIRS AGENCY
RESEARCH DIVISION
AUGUST 1977

FOREWORD

This report was prepared by Mr. George Utermohle of the Research Division staff at the request of Representative Mike Miller, chairman of the Legislative Council. This report expands upon an earlier and less extensive analysis of the d-2 issue prepared by Mr. Utermohle at my direction, and given limited distribution in July of this year. We believe the current report provides an accurate and concise summary of the major d-2 proposals now before Congress, and summarizes in tabular form all legislation relating to this issue.

A limited number of additional copies of this report are available from the Legislative Affairs Agency, Fouch Y, Juneau, Alaska 99811.

*Gregg Erickson
Director of Research
August 1977*

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ALASKA NATIONAL INTEREST (D-2) LANDS
A HISTORY AND REVIEW OF LEGISLATION

PART I. D-2 LAND: A BACKGROUND REPORT

ALASKA STATEHOOD

Prior to 1959, virtually all land in Alaska was owned by the federal government. When Alaska became a state, it was granted the right to select a maximum of 104 million acres by 1984 as its statehood entitlement. The object of this large statehood entitlement was to provide the new state with title to lands which would provide a base for economic stability and development. During the early years of statehood, the state selected its entitlement slowly and deliberately because it was not financially prepared to immediately assume the costs associated with ownership of millions of acres and because it appeared that there was ample time in which to make selections.

NATIVE LAND CLAIMS

Concurrent with, but separate from the drive for Alaska statehood, was the movement for a settlement of the aboriginal land claims of Alaskan Natives. While the land claims issue had long been overshadowed by the statehood issue, once statehood was granted, the land claims became a prominent issue. In the early 1960s, Alaska's Native groups were becoming more active in demanding a resolution of their claims than ever before. In December, 1966 Secretary of Interior Udall, in response to the threat of numerous law suits by Native groups, placed a moratorium on the transfer of any federal lands from federal ownership in Alaska which were affected by a Native land claim. This action by Secretary Udall became known as the "land freeze". While the land freeze was in effect, the state could not receive approval of or patent to its selections in those areas affected by the freeze. The pressure for a settlement of the Native land claims increased when large quantities of oil were discovered at Prudhoe Bay in 1968 and 1969. With the prospect that any pipeline carrying Prudhoe Bay oil to market would traverse lands affected by Native land claims, it became evident that the claims had to be settled before a pipeline could be constructed. The Alaskan Natives' land claims thus had become an issue of national significance. Congress sought to finally resolve the issue by passing the Alaska Native Claims Settlement Act (ANCSA).

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Alaska Native Claims Settlement Act (P.L. 92-203) took effect on December 18, 1971. The settlement act awarded to Alaska's Natives \$962 million in cash and almost 44 million acres of land. The selection of Native land was to occur within four years after the act became effective and was to have precedence over state selections.

As a result of the Alaska Statehood Act and the Native Claims Settlement Act approximately 148 million acres of federal domain in Alaska would be transferred to state or private ownership. An additional 149 million acres still remained in the vacant, unappropriated, and unreserved public domain in Alaska. In order to decide what would be done with the remaining public domain, Congress included a provision for land use planning in the Alaska Native Claims Settlement Act. This provision was included as Section 17:

- Section 17(a) - established the Joint Federal-State Land Use Planning Commission for Alaska;
- Section 17(b) - authorized the Commission to identify public easements across Native corporation land;
- Section 17(c) - exempted from selection by the Native corporations any land which the Secretary of the Interior may withdraw as utility and transportation corridors;
- Section 17(d) (1) - authorized the Secretary of the Interior to withdraw unreserved public land from all forms of appropriation, except locations for metalliferous minerals, if it is necessary to protect the public interest in those lands; (Lands withdrawn under this provision of the act are known as "d-1 lands".)
- Section 17(d)-(2) - authorized the Secretary of the Interior to withdraw from all forms of appropriation or selection up to 80 million acres of unreserved public land which were suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge and Wild and Scenic Rivers Systems. (Lands withdrawn under this provision of the act are known as "d-2 lands".)

The Secretary of the Interior had until March, 1972 to designate d-2 lands and until December, 1973 to determine their suitability for designation as parks, refuges, forests, and wild and scenic rivers.

D-2 LANDS

In March of 1972 the Secretary of the Interior designated 79 million acres as d-2 lands and an additional 47 million acres as d-1 lands. The State of Alaska immediately filed a suit against the Secretary

because some of the land designated as d-2 land had been selected by the State for the acquisition under its statehood selection rights. In January, 1972, before the Secretary made his d-2 designations, the State had selected the remainder of its statehood entitlement (77 million acres) in order to establish its claim to the land which the State wanted. In an out of court settlement in September, 1972 the State relinquished approximately half of its January selections and the Secretary of the Interior surrendered some of his March d-2 designations, in order to permit state selection. Other d-2 lands were shifted to d-1 status.

During 1973 and early 1974 the State selected 2.4 million acres from the 11 million acres of public domain which still remained unaffected by Native claims or d-1 and d-2 designations. However, in March, 1974 the Secretary of the Interior withdrew all the remaining public domain for d-1 classification. This withdrawal halted further state selections because the State could not select land designated as d-1 or d-2.

In December, 1973, the second anniversary of the effective date of the act, the Secretary of the Interior submitted his recommendation to Congress for lands to be added to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. The Secretary's recommendation included proposals for 28 areas involving 83.5 million acres. All lands designated as d-2 lands in 1972, but which were not included in the 1973 recommendation to Congress, reverted to d-1 land status.

The Secretary of the Interior's recommendation for parks, forests, refuges, and wild and scenic rivers in Alaska was introduced in Congress in early 1974 by Senator Jackson (Wash.). Since then several bills have been introduced each year which would affect d-1 and d-2 lands. (See pages 5 through 9 for a list of the bills currently being considered by Congress.)

Congress has until December, 1978 to act upon the establishment of national parks, forests, wildlife refuges, and wild and scenic rivers from d-2 lands. After that time d-2 lands will revert to d-1 land status if they have not been added to the four systems. Congress may extend the deadline for action on the d-2 land beyond December, 1978 if it wishes, but the House and Senate committees working on this issue are preparing to act on d-2 land legislation before the end of 1977. The d-2 land issue would then go to conference committee where the final decisions will be made in 1978.

In the House of Representatives the subject of d-2 lands will be handled primarily by the Subcommittee on General Oversight and Alaska Lands of the Committee on Interior and Insular Affairs. This subcommittee is chaired by Representative Seiberling (Ohio). The Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Merchant Marine and Fisheries Committee will also be involved in formulation of d-2 legislation because it has jurisdiction over matters relating to wildlife refuges. The chairman of this subcommittee is Representative Leggett (Calif.). The House subcommittees have held committee briefings, overview hearings, and general hearings during the

spring and summer of 1977. In the Senate the d-2 lands issue will be handled by the Committee on Energy and Natural Resources (formerly the Committee on Interior and Insular Affairs) chaired by Senator Jackson (Wash.). The House subcommittees and the Senate committee dealing with d-2 lands have or will visit Alaska this summer or fall. The substantive work on the d-2 bills will begin during the fall of 1977.

The Alaska delegation in Congress and Governor Hammond have held meetings on the d-2 lands issue in order to formulate a State position. The result of these discussions has been a bill which was introduced in June, 1977 by Senator Ted Stevens. This legislation has been referred to as the "Alaska Consensus" Bill, although the state's other senator, Mike Gravel, has not supported it.

The Carter administration has not taken a position on the issue. This administration is not likely to introduce legislation, but will attempt to influence the substance of the d-2 legislation while the bills are in committee. The Department of the Interior is reviewing its past d-2 proposals in order to assure that they conform with the policy of the Carter administration. This review is due to be completed in September, 1977. The Department of the Interior's position will be very influential in affecting the outcome of the d-2 issue.

Another factor in determining the outcome of d-2 legislation is the report to Congress by the Joint Federal-State Land Use Planning Commission for Alaska. The Commission which was established by the Alaska Native Claims Settlement Act made its recommendations to Congress in spring, 1977. The Commission's recommendations contained proposals for smaller additions to the existing National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems than contained in many of the bills before Congress. In addition, a new system of land management, the Alaska National Lands System, is proposed. This new land management system would be unique to Alaska. It would be designed to allow a high degree of flexibility in managing the lands by balancing protection of exceptional scenic, wildlife, and other values of these lands with the development and utilization of the resources which may exist on these lands. A proposal for cooperative management of federal, state, and private land is included in the Commission's recommendations.

The outcome of the d-2 land issue is more complicated than it would appear from a listing of each bill and the total acreage affected. Such listings, though useful for descriptive purposes, actually obscure the significance of each proposal. The location and amount of land placed into each of the federal land management systems varies with each proposal and thus the overall implications of each bill before Congress differ greatly. It is important to remember that much more is involved in the d-2 lands issue than just land. The final d-2 legislation passed by Congress will not only designate so many million acres of land as national parks, wildlife refuges, etc., but will also affect in some way or another, state management of wildlife resources, the subsistence life style of Native Alaskans, state selection of its remaining statehood entitlement, mineral and agricultural development, outdoor recreation, and any other human activity which is directly related to land and natural resources.

PART II. LEGISLATION CURRENTLY BEFORE CONGRESS

WHICH AFFECTS LAND IN ALASKA

U.S. HOUSE OF REPRESENTATIVES

H.R. 39 Rep. Udall (Ariz.)

The "Alaska National Interest Lands Conservation Act" establishes or enlarges 14 national parks, 14 wildlife refuges, and 23 wild or scenic rivers in Alaska. The bill also includes an authorization to enlarge the Chugach and Tongass National Forests by a maximum of 1,600,000 acres. The total area affected by these designations is 116,170,000 acres.

This bill also designates 30,470,000 acres of existing national parks, wildlife refuges, and national forests along with the 116,170,000 acres of parks, refuges, and wild and scenic rivers established by the Act as wilderness areas. The total area designated as wilderness in Alaska by H.R. 39 is 146,640,000 acres.

Surface management of the National Petroleum Reserve is transferred to the Fish and Wildlife Service.

Subsistence activities are permitted to continue on those areas affected by this Act.

State selections within areas affected by this Act are revoked. The state will be able to select areas of approximately equal acreage.

(H.R. 39 is reviewed in more detail on pages 11-18.)

H.R. 1207 Rep. Roe (N.J.)

The "Endangered American Wilderness Act of 1977" establishes eleven wilderness areas and seven wilderness study areas throughout the nation. This bill designates 405,000 acres of the Tongass National Forest as the West Chichagof-Yakobi Wilderness Area.

H.R. 1454 Rep. Alexander (Ark.)

This bill creates the Lake Clark National Park and authorizes a study of the park's wilderness potential.

H.R. 1652 Rep. Dingell (Mich.)

The "Alaska Refuges Act" establishes ten national wildlife refuges totaling 67,900,000 acres in Alaska. Among the refuges established are the North Slope Refuge, Bristol Bay Refuge, Yukon Flats Refuge, Gulf of Alaska Refuge, and the Kuskokwim Refuge.

H.R. 1720 Rep. Sebelius (Kan.)

This bill designates 2,603,547 acres of Katmai National Monument as wilderness.

H.R. 1907 Rep. Udall (Ariz.)

This bill designates parts of 39 national wildlife refuges and 12 national forests throughout the country as wilderness areas. Among the areas affected are ten wildlife refuges in Alaska.

H.R. 1974 Rep. Udall (Ariz.)

This bill is the same as H.R. 39.

H.R. 2082 Rep. Leggett (Calif.)

This bill revises the laws relating to the National Wildlife Refuge System and adds 70,750,000 acres to the Refuge System by enlarging two existing refuges and establishing 19 new refuges.

H.R. 2876 Rep. Udall (Ariz.)

This bill is the same as H.R. 39.

H.R. 3454 Rep. Udall (Ariz.)

The "Endangered American Wilderness Act of 1977" designates 13 wilderness areas and seven wilderness study areas. Among the areas established is the West Chichagof-Yakobi Wilderness Area consisting of 405,000 acres in Southeast Alaska. This bill is similar to H.R. 12J7.

H.R. 4254 Rep. Udall (Ariz.)

This bill is the same as H.R. 3454.

H.R. 5505 Rep. Quillen (Tenn.)

This bill is the same as H.R. 39.

H.R. 5542 Rep. Udall (Ariz.)

This bill is identical to H.R. 3454.

H.R. 5605 Rep. Seiberling (Ohio)

This bill establishes the Admiralty Island National Preserve as a unit of the National Park System.

H.R. 6564 Rep. Murphy (N.Y.)

The "Alaska Conservation Act of 1977" establishes or enlarges eleven units of the National Park System, nine units of the National Wildlife

Refuge System, and four units of the National Forest System. Two national wild rivers and one national scenic river are also established. The total area affected by this bill is approximately 83,500,000 acres. This bill is similar to the Secretary of the Interior's proposal of December, 1973.

U.S. SENATE

S. 164 Sens. Stevens and Gravel (Alaska)

This bill establishes the Seward National Recreation Area consisting of 1,400,000 acres in the Chugach National Forest on the northeastern Kenai Peninsula.

S. 315 Sen. Jackson (Wash.)

This bill establishes wilderness areas in 26 national parks throughout the nation. In Alaska 2,600,000 acres of Katmai National Monument are designated as wilderness.

S. 499 Sen. Jackson (Wash.)

The "Alaska Conservation Act of 1977" establishes or enlarges eleven national parks, nine wildlife refuges, and four national forests. Two wild rivers and one scenic river are also established. The total area affected by this bill is approximately 83,500,000 acres. This bill is similar to the Secretary of the Interior's proposal of December, 1973.

S. 500 Sen. Jackson (Wash.)

The "Alaska National Interest Lands Conservation Act" establishes or enlarges 14 national parks, 14 wildlife refuges, and 23 wild or scenic rivers in Alaska. The bill also includes an authorization to add 1,600,000 acres to the Tongass and Chugach National Forests. The total area affected by these designations is 116,470,000 acres.

This bill also designates 30,970,000 acres of existing national parks, wildlife refuges, and national forests along with the 116,470,000 acres of proposed parks, refuges, and wild and scenic rivers as wilderness areas. The total area designated as wilderness is about 147,440,000 acres.

Surface management of the National Petroleum Reserve is transferred to the Fish and Wildlife Service.

Subsistence activities are permitted to continue on those areas affected by this Act.

State selections within areas affected by this Act made after December, 1971 are revoked. The State will be able to select areas of approximately equal acreage.

This bill is very similar to H.R. 39, but contains "technical improvements" proposed by the "Alaska Coalition", a group of conservationist organizations, and by staff counsel.

S. 1180 Sen. Church (Id.)

The "Endangered American Wilderness Act of 1977" designates ten wilderness areas and seven wilderness study areas throughout the nation. The West Chichagof-Yakobi area of the Tongass National Forest which comprises 405,000 acres is designated as a wilderness study area.

S. 1500 Sen. Metcalf (Mont.)

The "Alaska National Interest Lands Conservation Act" establishes or enlarges 14 national parks, 14 wildlife refuges, and 23 wild or scenic refuges in Alaska. This bill also authorizes an additional 1,600,000 acres for the Chugach and Tongass National Forests. The total area affected by these designations is 116,370,000 acres.

This bill also designates 27,570,000 acres of wilderness areas in existing national parks, wildlife refuges, and national forests, as well as in the 116,370,000 acres of proposed parks, refuges, and wild and scenic rivers. Ten areas in the Tongass National Forest totaling 550,000 acres are designated as wilderness study areas. The total area affected by S. 1500 is 145,490,000 acres.

The responsibility for surface management of the National Petroleum Reserve is transferred to the Fish and Wildlife Service.

Subsistence activities are permitted to continue on those areas affected by this Act.

State selections within areas affected by this Act which were made after December, 1971 are revoked. The State will be able to select areas of approximately equal acreages to compensate for those selections which are revoked.

Land which had been set aside for Native selection and which was not selected by a Native corporation will be added to the proposed national interest lands if the land lies within the boundaries.

This bill has evolved from H.R. 39 and S. 500. It is basically the same bill, but contains "technical improvements" to the previous versions.

S. 1546 Sen. Abourezk (S.D.)

This bill establishes the Admiralty Island National Preserve as a unit of the National Park System.

S. 1787 Sen. Stevens (Alaska)

The "Alaska National Interest Lands Act" establishes or enlarges seven national parks, eight national wildlife refuges and three national

forests. Three wild rivers are also established. The total acreage added to the four national conservation systems is 25,210,000 acres.

Additional areas of federal land are designated as Federal Cooperative Lands. The Federal Cooperative Lands are to be managed by either the Park Service, Fish and Wildlife Service, or Forest Service under the direction of the Alaska Land Classification Commission. The Commission shall be composed of four federal appointees and four state appointees. The Commission shall determine the appropriate uses for the land under its jurisdiction through its authority to classify the federal cooperative lands. A total of 56,890,000 acres of Federal Cooperative Lands is proposed.

The state must designate a significant proportion of state land as Alaska Cooperative Lands to be administered by the Alaska Land Classification Commission before the Commission can become operational.

This Act establishes a trust fund which receives a portion of state and federal revenues derived from national interest lands. This fund would be used to purchase land for inclusion in parks, refuges, and wild and scenic rivers outside of Alaska.

State and Native land selection rights are affirmed by this Act.

(S. 1787 is reviewed in more detail on pages 19-37.)

PART III. H.R. 39

"ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT"

(Introduced by Representative Morris Udall)

SYNOPSIS

H.R. 39 as introduced by Representative Udall is meant to be a comprehensive land preservation package for Alaska and is offered as a countermeasure to that proposed by the Secretary of the Interior for the disposition of lands in Alaska which have been classified as National Interest Lands under Section 17(d)(2) of the Alaska Native Claims Settlement Act. Mr. Udall acknowledges that this bill affects vast areas of Alaska when compared with the contiguous United States, but he considers these areas as "merely samples of the vast and diverse federally owned landscapes of Alaska." In August, however, after hearings in Alaska, Mr. Udall was quoted as saying that some reduction in the amount of land that would be withdrawn under his bill would be appropriate.

This bill is directed at the allocation of National Interest Lands among the four national conservation systems (National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, and the National Forest System) but also addresses Native subsistence issues and other administrative policies on the affected lands. The major provisions of the bill are summarized below.

116.17 million acres are dedicated as new units of the four national conservation systems.

- 64.1 million acres will be added to the National Park System
- 46.4 million acres are added to the National Wildlife Refuge System
- 4.07 million acres are added to the National Wild and Scenic Rivers System
- A maximum of 1.6 million acres may be added to the existing National Forest System by Presidential Order.

All 116.17 million acres dedicated as new units of the four national conservation systems as well as 30.47 million acres of existing units of the national conservation systems are designated as units of the National Wilderness Preservation System. The total acreage of wilderness established by this bill is 146.4 million acres.

Surface management of the national petroleum reserve (Naval Petroleum Reserve No. 4) becomes the responsibility of the U.S. Fish and Wildlife Service.

Subsistence uses of natural resources are authorized to continue on the lands affected by this Act under regulations promulgated by the Secretary of the Interior. The regulations issued by the Secretary may prescribe the hunting season, bag limits, and methods of taking. Subsistence uses of resources have precedence over all competing consumptive uses. Subsistence users are defined in general terms by the Act. The right to subsist is granted to those who fit the definition of subsistence user and their direct descendants as long as they continue to fit the definition.

Hunting (undefined as to whether it is sport, commercial, or subsistence) will be permitted on the 12.6 million acres of national preserves established by the Act.

All lands designated by this Act as national parks, monuments, preserves, wildlife ranges, wildlife refuges, and national wild and scenic rivers are closed to further entry for mining and prospecting purposes. Existing claims and other existing mining rights are allowed to continue as long as regulations applicable to mineral location and mining activities on federal lands are followed.

Lands within the areas affected by this Act available for selection by Native village corporations but which are not selected shall be incorporated into the appropriate unit. The amount of land affected by this provision is unknown.

State land selections within the areas affected by this Act are revoked. Areas of approximately equal acreage will be made available to the State for selection.

The Secretary of the Interior is authorized to pursue cooperative agreements with state and private landowners who have land adjacent to units established by this Act in order to preserve the environments of the units.

"ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT"

SECTION-BY-SECTION SUMMARY

SECTION 1 (a) This subsection lists the titles of the Act and the national conservation systems which are affected.

(b) The intent of Congress is "to preserve unrivaled scenic and geologic values associated with natural landscapes; to provide for the maintenance of sound populations of, habitat for, resident and nonresident wildlife species...; to protect and preserve cultural values of indigenous peoples and the resources related to their subsistence needs; to protect and preserve historic and archeologic sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities...; and to maintain opportunities for scientific research and undisturbed ecosystems."

(c) This subsection designates which maps are to be used to describe National Park Service, National Wildlife Refuge, and National Wild and Scenic River areas affected by this Act. These maps are to be available for public inspection in the office of the Secretary of the Interior. As soon as practicable after the passage of this Act, the Secretary shall publish in the Federal Register a map and legal description of each change in land management status.

TITLE I NATIONAL PARK SYSTEM

PART A ESTABLISHMENT OF NEW AREAS

SECTION 101 This section creates eleven additional national parks, monuments, and preserves affecting 56.0 million acres of federal land in Alaska. The specific areas established as part of the National Park System are given in Table 2b on page 45.

PART B ADDITIONS TO EXISTING AREAS

SECTION 102 This section adds a total of 8.1 million acres to existing national parks and monuments and redesignates the expanded Katmai National Monument and the expanded Glacier Bay National Monument as Katmai National Park and Glacier Bay National Park, respectively. The additional acreage allocated to each unit is given in Table 2b on page 45.

PART C ADMINISTRATIVE PROVISIONS

SECTION 103 This section requires the Secretary of the Interior to administer the new units established by this Title as part of

the National Park System except that hunting may be permitted under provisions of Section 702 of this Act.

TITLE II NATIONAL WILDLIFE REFUGE SYSTEM

PART A ESTABLISHMENT OF NEW AREAS

SECTION 201 This section establishes twelve new wildlife refuges or ranges on 31.7 million acres in Alaska. A list of the new units established and the acreages involved are given in Table 2c on page 47.

PART B ADDITIONS TO EXISTING AREAS

SECTION 202 This section adds 14.7 million acres to existing national wildlife ranges as well as merging or renaming certain units of the National Wildlife Refuge System. The additional acreage allocated to each unit is given in Table 2c on page 47.

TITLE III NATIONAL WILD AND SCENIC RIVERS SYSTEM

PART A ESTABLISHMENT OF NEW RIVERS

SECTION 301 This section establishes all or part of 23 rivers as wild rivers or scenic rivers. These wild or scenic rivers are to be managed by the National Park Service. Those rivers affected by this section and the acreage involved are listed in Table 2d on page 51.

PART B ADMINISTRATIVE PROVISIONS

SECTION 302 (a) This subsection authorizes the Secretary of the Interior to establish boundaries for wild and scenic rivers of at least two miles on each side of the river except that village corporation lands along the Anaktuvuk River, Melozitna River, Susitna River, Coleville River, and Gulkana River are excluded from inclusion in the system. The Secretary is further authorized to seek cooperative agreements with owners of non-federal land adjoining the wild and scenic rivers.

(b) This subsection requires the Secretary to establish the boundaries for the wild and scenic rivers within three years after the Act is passed.

TITLE IV NATIONAL FOREST SYSTEM

Within one year after the effective date of this Act, the President shall, after consultation with the Secretary of Agriculture and the Secretary of the Interior, add a maximum of 1.6 million acres to the Tongass and Chugach National Forests.

TITLE V NATIONAL PETROLEUM RESERVE IN ALASKA

Surface management of the National Petroleum Reserve (formerly Naval Petroleum Reserve, Number Four) shall be the responsibility of the U.S. Fish and Wildlife Service until Congress decides otherwise.

TITLE VI DESIGNATION OF WILDERNESS AREAS

SECTION 601 This section designates all lands added to the National Park System, National Wildlife Refuge System, and the Wild and Scenic Rivers System by this Act as components of the National Wilderness Preservation System. The total acreage affected by this section is approximately 116.17 million acres.

SECTION 602 This section designates a total of 7.3 million acres from existing portions of the National Park System as components of the Wilderness Preservation System.

SECTION 603 This section designates portions of nine existing wildlife refuges or ranges as components of the National Wilderness Preservation System. The total acreage affected is approximately 19.5 million acres.

SECTION 604 Six areas within the national forests in Alaska are designated as components of the National Wilderness Preservation System. The total acreage affected is approximately 5.0 million acres. Native village corporation lands within the areas designated as wilderness are excluded from the proposals.

SECTION 605 All wilderness lands designated by this Act are to be administered according to the Wilderness Act except that the responsibility for management is transferred to the Secretary of the Interior.

TITLE VII GENERAL ADMINISTRATIVE PROVISIONS

SECTION 701 (a) This subsection authorizes the Secretary of the Interior to permit the continuation of subsistence uses of fish and wildlife resources within the areas established by this Act. The Secretary is further authorized to establish regulations prescribing the hunting season, the number and species of game to be harvested, and the conditions under which subsistence uses are conducted. The Secretary may designate "Subsistence Management Zones" on those lands in and adjacent to national interest lands. The "Subsistence Management Zones" need not coincide with the boundaries of the national interest lands. In each "Subsistence Management Zone" the Secretary shall establish a "Regulatory Subsistence Board" consisting of ten subsistence users. These boards shall review all subsistence permit applications and advise the Secretary on matters of concern to subsistence users and other residents of the "Subsistence Management Zone". The Secretary is not obligated to comply with the recommendations of the boards.

(b) Subsistence uses of national interest lands shall receive preference over any competing consumptive use of resources. The Secretary may curtail subsistence uses of resources if it is necessary to protect the resource, but, unless an emergency exists, the Secretary must consult with the subsistence boards.

(c) Subsistence users are defined as those "people who exercise and continue to exercise customary, consistent, and traditional use of subsistence resources...and their direct descendants." Subsistence users will be permitted to continue subsistence activities "if they are primarily and directly dependent...upon local natural resources for either food, shelter", etc.

(d) This subsection requires the Secretary to conduct research on the use of subsistence resources, seek data from subsistence users, and make findings of the research available to the public.

(e) The Secretary is required to report to Congress on the effect of all hunting and fishing upon the flora and fauna of the national interest lands within ten years after this Act becomes effective and every five years thereafter. The Secretary must consult with the subsistence boards and the Alaska Department of Fish and Game.

SECTION 702 The Secretary may permit hunting in National Preserves established by this Act. The Secretary shall designate the zones and seasons for hunting by regulation and shall consult with the Department of Fish and Game, except in emergencies.

SECTION 703 (a) This subsection withdraws from appropriation under the mining laws and from operation of mineral leasing laws all lands designated as National Parks, National Monuments, National Preserves, National Wildlife Ranges, National Wildlife Refuges, and Wild and Scenic Rivers by this Act. Valid existing rights on these lands are reaffirmed.

(b) This section authorizes the Secretary to validate existing mineral leases, patents, or claims within his existing authority. All mining claims within these units must proceed toward patent within three years or they will lapse. The Secretary has the right of first refusal for mining inholdings which are offered for sale.

SECTION 704 (a) All lands lying within the units established by this Act which are subject to selection by Native village corporations but which are not selected shall be incorporated in the appropriate unit.

(b) Land selections by the State of Alaska which lie within the units established by this Act are revoked. An approximately equal acreage will be made available to the State for selection.

SECTION 705 The Secretary of the Interior and the Secretary of Agriculture are authorized to acquire lands or interest in lands within units established by this Act which are under their respective supervision.

SECTION 706 The Secretary of the Interior is authorized to purchase land outside of the boundaries of the Yukon-Charley National Preserve, Kobuk Valley National Monument, and Chukchi-Imuruk National Monument for the protection of archeological sites or construction of administrative or visitor facilities.

SECTION 707 (a) Whenever it is convenient and desirable for both parties, the administrative and visitor facilities for the areas established by this Act shall be located on adjacent Native-owned land.

(b) Before entering into any contract for provision of revenue-producing visitor services, the Secretary must grant the Native village or regional corporation the right of refusal to provide such services.

SECTION 708 (a) The Secretary of the Interior is authorized to identify Areas of Ecological Concern adjacent to any unit established by this Act. These areas contain resources that are part of the total ecosystem, geologic formation, or reflect a cultural heritage related to any unit of the national interest lands. For those lands within Areas of Ecological Concern, the Secretary may seek agreements with other federal agencies, the state, and private land holders that will assure the management and development of those lands in a manner consistent with preservation of the environmental quality of the units established by this Act.

(b) All federal agencies must consult with the Secretary of the Interior prior to undertaking any action in an area included in an Area of Ecological Concern.

(c) The Secretary is authorized to seek cooperative management agreements with the State of Alaska and its political subdivisions for lands adjacent to the units of the National Park System, National Refuge System, National Wild and Scenic River System, and the National Forests. Within three years the Secretary must report to Congress on whether the agreements have been consummated and whether the appropriate land use controls have been instituted by the state.

SECTION 709 The U.S. Fish and Wildlife Service and the National Park Service are required to cooperate on resource studies and planning in the National Parks, Wild and Scenic Rivers, and National Wildlife Refuges.

SECTION 710 The Fish and Wildlife Service, National Park Service, and Bureau of Outdoor Recreation are authorized to maintain regional offices in Alaska.

SECTION 711 The appropriation of such funds as are necessary to carry out the purpose of this Act is authorized.

PART IV. S. 1787

"ALASKA NATIONAL INTEREST LANDS ACT"

(Introduced by Senator Ted Stevens)

SYNOPSIS

This bill has been offered as an alternative to the Udall bill, H.R. 39, and the 1973 proposal of the Secretary of the Interior. By introducing this bill, Senator Stevens is proposing solutions to the conflicts surrounding the d-2 lands issue that are considered to be more favorable to the interests of the state and the people of Alaska. The significant proposals of S. 1787 include the designation of only 25.21 million acres as parks, refuges, wild and scenic rivers, and forests and the creation of a new land management mechanism by which certain federal, state and private land would be managed by a federal-state land commission.

S. 1787 is the result of consultations between Alaska's congressional delegation and Governor Hammond in an effort to reach an "Alaskan consensus" on the d-2 lands issue. Senator Gravel participated in the initial discussions but ultimately withdrew from the effort due to differences of opinion as to what provisions the bill should contain.

The major provisions of the bill are given below.

A total of 25.21 million acres is dedicated as units of the four national conservation systems.

- 10.45 million acres are added to the National Park System
- 8.04 million acres are added to the National Wildlife Refuge System
- 1.00 million acres are added to the National Wild and Scenic Rivers System
- 5.72 million acres are added to the National Forest System.

Another 56.89 million acres of federal land in Alaska are designated as Federal Cooperative Lands. These federal lands, as well as a significant portion of state lands, are to be managed by the Alaska Land Classification Commission. This commission will be a permanent joint state and federal commission with a structure similar to the existing Joint Federal-State Land Use Planning Commission for Alaska but with authority to implement its land management decisions on those lands subject to its jurisdiction.

Before the Alaska Land Classification Commission can become operational, the State of Alaska must commit a significant portion of its land to the care of the commission. The Secretary of the Interior shall determine what constitutes a significant portion of state land.

Private land owners may participate in the cooperative management system by dedicating their undeveloped land to cooperative management by the Alaska Land Classification Commission for a ten-year period. Exemptions from real property taxes, for those private lands which are dedicated as private cooperative lands, are possible if the state decides to grant them.

The State of Alaska retains jurisdiction over the management of fish and wildlife on those federal lands affected by this bill.

A review of the wilderness potential of all federal lands affected by this bill must be completed within five years after the effective date of this Act.

A trust fund is established from a portion of the state and federal revenues derived from the federal land affected by this bill. This fund will provide money to purchase privately owned lands in the "lower 48" states for addition to parks, refuges, and other areas.

State and Native land selections shall not be affected by the designation of National Interest Lands. Within 90 days after the effective date of this Act the Secretary of the Interior must make available for state selection all federal land not established as d-2 areas or part of existing federal reserves.

"ALASKA NATIONAL INTEREST LANDS ACT"

SECTION BY SECTION SUMMARY

SECTION 1 This section gives the Act its title.

SECTION 2 (a) This subsection lists the congressional findings, which declare that it is necessary to manage Alaska's national interest lands in order to protect values of national interest, to continue to catalog resource values on national interest lands in Alaska, and to promote cooperative management of federal, state, and private land.

(b) The purpose of this Act is to protect the national interest in federal lands in Alaska and to promote a program of flexible cooperative land management.

SECTION 3 This section defines the key words and phrases used in the Act.

TITLE I ANIAKCHAK CALDERA NATIONAL MONUMENT

SECTION 101 (a) The Aniakchak Caldera National Monument comprising 180,000 acres is established.

(b) A map and legal description of the monument should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 102 Aniakchak Caldera National Monument is to be administered as a unit of the National Park System.

TITLE II CAPE KRUSENSTERN NATIONAL MONUMENT

SECTION 201 (a) The Cape Krusenstern National Monument comprising 190,000 acres is established.

(b) A map and legal description of the monument should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 202 The Cape Krusenstern National Monument is to be administered as a unit of the National Park System.

TITLE III KOBUK SAND DUNES NATIONAL MONUMENT

SECTION 301 (a) The Kobuk Sand Dunes National Monument comprising 100,000 acres is established.

(b) A map and legal description of the monument should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 302 The Kobuk Sand Dunes National Monument is to be managed as a unit of the National Park System.

TITLE IV GATES OF THE ARCTIC NATIONAL PARK

SECTION 401 (a) The Gates of the Arctic National Park comprising 3,550,000 acres is established.

(b) A map and legal description of the park should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 402 The Gates of the Arctic National Park is to be administered as a unit of the National Park System.

TITLE V KATMAI NATIONAL PARK

SECTION 501 (a) The Katmai National Monument addition comprising 400,000 acres is established and the monument is designated as a national park.

(b) A map and legal description of the park should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 502 The Katmai National Park is to be managed as a unit of the National Park System.

TITLE VI MOUNT MCKINLEY NATIONAL PARK ADDITION

SECTION 601 (a) The Mount McKinley National Park Addition comprising 1,130,000 acres is established.

(b) A map and legal description of the addition should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 602 The Mount McKinley National Park Addition is to be administered as a unit of the National Park System.

TITLE VII WRANGELL-SAINT ELIAS NATIONAL PARK

SECTION 701 (a) The Wrangell-Saint Elias National Park comprising 4,900,000 acres is established.

(b) A map and legal description of the park should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 702 The Wrangell-Saint Elias National Park is to be managed as a unit of the National Park System.

TITLE VIII ALASKA COASTAL NATIONAL WILDLIFE REFUGE

SECTION 801 (a) The Alaska Coastal National Wildlife Refuge comprising 150,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 802 The Alaska Coastal National Wildlife Refuge is to be administered as a unit of the National Wildlife Refuge System.

TITLE IX INNOKO NATIONAL WILDLIFE REFUGE

SECTION 901 (a) The Innoko National Wildlife Refuge comprising 600,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 902 The Innoko National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE X KAIYUH NATIONAL WILDLIFE REFUGE

SECTION 1001 (a) The Kaiyuh National Wildlife Refuge comprising 190,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1002 The Kaiyuh National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XI KANUTI NATIONAL WILDLIFE REFUGE

SECTION 1101 (a) The Kanuti National Wildlife Refuge comprising 430,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1102 The Kanuti National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XII KOYUKUK NATIONAL WILDLIFE REFUGE

SECTION 1201 (a) The Koyukuk National Wildlife Refuge comprising 1,580,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1202 The Koyukuk National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XIII SELAWIK NATIONAL WILDLIFE REFUGE

SECTION 1301 (a) The Selawik National Wildlife Refuge comprising 730,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1302 The Selawik National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XIV SHISHMAREF NATIONAL WILDLIFE REFUGE

SECTION 1401 (a) The Shishmaref National Wildlife Refuge comprising 760,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1402 The Shishmaref National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XV YUKON DELTA NATIONAL WILDLIFE REFUGE

SECTION 1501 (a) The Yukon Delta National Wildlife Refuge comprising 3,600,000 acres is established.

(b) A map and legal description of the refuge should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1502 The Yukon Delta National Wildlife Refuge is to be managed as a unit of the National Wildlife Refuge System.

TITLE XVI COLLEGE FJORD ADDITION TO THE CHUGACH NATIONAL FOREST

SECTION 1601 (a) The College Fjord Addition to the Chugach National Forest comprising 720,000 acres is established.

(b) A map and legal description of the addition should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1602 The College Fjord Addition to the Chugach National Forest is to be administered as a unit of the National Forest System.

TITLE XVII NELLIE JUAN ADDITION TO THE CHUGACH NATIONAL FOREST

SECTION 1701 (a) The Nellie Juan Addition to the Chugach National Forest comprising 280,000 acres is established.

(b) A map and legal description of the addition should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1702 The Nellie Juan Addition to the Chugach National Forest is to be administered as part of the National Forest System.

TITLE XVIII PORCUPINE NATIONAL FOREST

SECTION 1801 (a) The Porcupine National Forest comprising 2,590,000 acres is established.

(b) A map and legal description of the forest should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1802 The Porcupine National Forest is to be administered as a unit of the National Forest System.

TITLE XIX YUKON FLATS NATIONAL FOREST

SECTION 1901 (a) The Yukon Flats National Forest comprising 2,130,000 acres is established.

(b) A map and legal description should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 1902 The Yukon Flats National Forest is to be administered as a unit of the National Forest System.

TITLE XX BIRCH CREEK NATIONAL WILD RIVER

SECTION 2001 (a) The Birch Creek National Wild River comprising 200,000 acres is established.

(b) A map and legal description of the wild river should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2002 The Birch Creek National Wild River is to be administered as a wild river within the Wild and Scenic Rivers System.

TITLE XXI CHARLEY NATIONAL WILD RIVER

SECTION 2101 (a) The Charley National Wild River comprising 400,000 acres is established.

(b) A map and legal description of the wild river should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2102 The Charley National Wild River is to be administered as a wild river within the Wild and Scenic Rivers System.

TITLE XXII NOATAK NATIONAL WILD RIVER

SECTION 2201 (a) The Noatak National Wild River, comprising 400,000 acres, is established.

(b) A map and legal description of the wild river should be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2202 The Noatak National Wild River is to be administered as a wild river within the Wild and Scenic Rivers System.

TITLE XXIII KATMAI FEDERAL COOPERATIVE LANDS

SECTION 2301 (a) The Katmai Federal Cooperative Lands, comprising 1,590,000 acres, is established.

(b) A map and legal description of the Katmai Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2302 (a) The National Park Service shall manage the Katmai Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Katmai Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXIV GATES OF THE ARCTIC FEDERAL COOPERATIVE LANDS

SECTION 2401 (a) The Gates of the Arctic Federal Cooperative Lands, comprising 3,550,000 acres, is established.

(b) A map and legal description of the Gates of the Arctic Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2402 (a) The National Park Service shall manage the Gates of the Arctic Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Gates of the Arctic Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXV MOUNT MCKINLEY FEDERAL COOPERATIVE LANDS

SECTION 2501 (a) The Mount McKinley Federal Cooperative Lands, comprising 1,960,000 acres, is established.

(b) A map and legal description of the Mount McKinley Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2502 (a) The National Park Service shall manage the Mount McKinley Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Mount McKinley Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXVI WRANGELL-ST. ELIAS FEDERAL COOPERATIVE LANDS

SECTION 2601 (a) The Wrangell-St. Elias Federal Cooperative Lands, comprising 8,740,000 acres, is established.

(b) A map and legal description of the Wrangell-St. Elias Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2602 (a) The National Park Service shall manage the Wrangell-St. Elias Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classi-

fication Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Wrangell-St. Elias Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXVII LAKE CLARK FEDERAL COOPERATIVE LANDS

SECTION 2701 (a) The Lake Clark Federal Cooperative Lands, comprising 3,490,000 acres, is established.

(b) A map and legal description of the Lake Clark Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2702 (a) The National Park Service shall manage the Lake Clark Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Lake Clark Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXVIII CHARLEY RIVER FEDERAL COOPERATIVE LANDS

SECTION 2801 (a) The Charley River Federal Cooperative Lands, comprising 990,000 acres, is established.

(b) A map and legal description of the Charley River Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2802 (a) The National Park Service shall manage the Charley River Federal Cooperative Lands in accordance with the regulations of the park service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the park service and the regulations of the Commission, the Commission shall prevail.

(b) The Charley River Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXIX INNOKO FEDERAL COOPERATIVE LANDS

SECTION 2901 (a) The Innoko Federal Cooperative Lands, comprising 1,240,000 acres, is established.

(b) A map and legal description of the Innoko Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 2902 (a) The Fish and Wildlife Service shall manage the Innoko Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Innoko Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXX CHANDALAR FEDERAL COOPERATIVE LANDS

SECTION 3001 (a) The Chandalar Federal Cooperative Lands, comprising 8,270,000 acres, is established.

(b) A map and legal description of the Chandalar Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3002 (a) The Fish and Wildlife Service shall manage the Chandalar Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Chandalar Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXI SHISHMAREF-IMURUK FEDERAL COOPERATIVE LANDS

SECTION 3101 (a) The Shishmaref-Imuruk Federal Cooperative Lands, comprising 1,840,000 acres, is established.

(b) A map and legal description of the Shishmaref-Imuruk Federal Cooperative Lands shall be published in the Federal

Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3102 (a) The Fish and Wildlife Service shall manage the Shishmaref-Imuruk Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Shishmaref-Imuruk Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXII CAPE NEWENHAM FEDERAL COOPERATIVE LANDS

SECTION 3201 (a) The Cape Newenham Federal Cooperative Lands, comprising 240,000 acres, is established.

(b) A map and legal description of the Cape Newenham Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

SECTION 3202 (a) The Fish and Wildlife Service shall manage the Cape Newenham Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Cape Newenham Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXIII NOATAK FEDERAL COOPERATIVE LANDS

SECTION 3301 (a) The Noatak Federal Cooperative Lands, comprising 11,470,000 acres, is established.

(b) A map and legal description of the Noatak Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3302 (a) The Fish and Wildlife Service shall manage the Noatak Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Noatak Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXIV YUKON DELTA FEDERAL COOPERATIVE LANDS

SECTION 3401 (a) The Yukon Delta Federal Cooperative Lands, comprising 1,500,000 acres, is established.

(b) A map and legal description of the Yukon Delta Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3402 (a) The Fish and Wildlife Service shall manage the Yukon Delta Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Yukon Delta Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXV ANDREAFSKY FEDERAL COOPERATIVE LANDS

SECTION 3501 (a) The Andreafsky Federal Cooperative Lands, comprising 3,500,000 acres, is established.

(b) A map and legal description of the Andreafsky Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3502 (a) The Fish and Wildlife Service shall manage the Andreafsky Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Andreafsky Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXVI ILIAMNA FEDERAL COOPERATIVE LANDS

SECTION 3601 (a) The Iliamna Federal Cooperative Lands, comprising 2,800,000 acres, is established.

(b) A map and legal description of the Iliamna Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3602 (a) The Fish and Wildlife Service shall manage the Iliamna Federal Cooperative Lands in accordance with the regulations of the Fish and Wildlife Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Fish and Wildlife Service and the regulations of the Commission, the Commission shall prevail.

(b) The Iliamna Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXVII CHUGACH FEDERAL COOPERATIVE LANDS

SECTION 3701 (a) The Chugach Federal Cooperative Lands, comprising 1,770,000 acres, is established.

(b) A map and legal description of the Chugach Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3702 (a) The National Forest Service shall manage the Chugach Federal Cooperative Lands in accordance with the regulations of the Forest Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Forest Service and the regulations of the Commission, the Commission shall prevail.

(b) The Chugach Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXVIII PORCUPINE FEDERAL COOPERATIVE LANDS

SECTION 3801 (a) The Porcupine Federal Cooperative Lands, comprising 3,400,000 acres, is established.

(b) A map and legal description of the Porcupine Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3802 (a) The National Forest Service shall manage the Porcupine Federal Cooperative Lands in accordance with the regulations of the Forest Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Forest Service and the regulations of the Commission, the Commission shall prevail.

(b) The Porcupine Federal Cooperative Lands may be opened to all uses allowed under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXIX YUKON RIVER FEDERAL COOPERATIVE LANDS

SECTION 3901 (a) The Yukon River Federal Cooperative Lands, comprising 540,000 acres, is established.

(b) A map and legal description of the Yukon River Federal Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

SECTION 3902 (a) The National Forest Service shall manage the Yukon River Federal Cooperative Lands in accordance with the regulations of the Forest Service and the Alaska Land Classification Commission. If a conflict should arise between the regulations of the Forest Service and the regulations of the Commission, the Commission shall prevail.

(b) The Yukon River Federal Cooperative Lands may be opened to all uses under the public land laws except those laws which permit conveyance of the land from federal ownership. Valid existing rights shall be continued.

TITLE XXXX ALASKA COOPERATIVE LANDS

SECTION 4001 (a) In compliance with procedures established by Alaska State Law, state land may be committed for inclusion in a system of Alaska Cooperative Lands. The State of Alaska and the Secretary of the Interior shall determine the location and boundaries of the Alaska Cooperative Lands by mutual agreement. The Secretary of the Interior must find that a sub-

stantial proportion of state land is committed to the Alaska Cooperative Lands before the system becomes operational. The Alaska Cooperative Lands will be classified and managed by the Alaska Land Classification Commission. The State may exchange land at a later time for land initially included in the system, following consultation with the Commission and concurrence of the Secretary of the Interior.

(b) A map and legal description of those lands dedicated as Alaska Cooperative Lands shall be published in the Federal Register and filed with the appropriate congressional committees as soon as practicable.

TITLE XXXXI PRIVATE COOPERATIVE LAND

SECTION 4101 (a) Private landowners in the State of Alaska may dedicate their land as private cooperative lands for a period of ten years if the Alaska Land Classification Commission approves. Private cooperative lands shall be classified by the Commission and managed by the landowner.

(b) If the State of Alaska agrees, private cooperative lands may be exempted from state and local real property taxation as long as the land is not developed or leased to a third party.

(c) Private cooperative lands shall be open to all uses except those which are not permitted by the Commission. The landowner may remove his land from the private cooperative lands at any time, but if the landowner should remove his land prior to the expiration of a ten year period, the landowner shall be liable for accrued property taxes plus the interest due for delinquent taxes on the land.

TITLE XXXXII ALASKA LAND CLASSIFICATION COMMISSION

SECTION 4201 (a) When the Secretary of the Interior determines that the State of Alaska has dedicated a substantial proportion of its land to the Alaska Cooperative Lands, the Alaska Land Classification Commission shall be established. The Commission shall consist of eight members, one of which must be an Alaskan Native appointed by the President, with four members appointed by the Governor and four members appointed by the President. Co-chairmen shall be designated by the President and Governor respectively.

(b) The members of the Commission serve at the pleasure of the appointing authority. A vacancy in the membership shall be filled in the same manner as the original appointment.

(c) The Federal Co-chairman shall be compensated at a rate not to exceed that for a GS-18. The other federal appointees shall be compensated at a rate not to exceed that of GS-16. The state appointees shall be compensated as provided for in state law.

- (d) Five members of the Commission constitute a quorum.
- (e) The Secretary of the Interior, the Secretary of Agriculture, or the Governor of Alaska may veto a decision of the Commission which affects land under their respective jurisdiction.
- (f) The two co-chairmen when acting jointly may hire and dismiss employees of the Commission and procure office space, supplies, and equipment.
- (g) The Commission is authorized to use the services, equipment, and personnel of federal and other agencies.
- (h) The Commission may accept donations and grants and utilize them to support its work.
- (i) The Commission shall keep accounts and records.
- (j) The federal government shall pay 50 percent of the expenses of the Commission.
- (k) The principal office of the Commission shall be in Alaska.
- (l) All Commission meetings shall be public.
- (m) The Alaska Land Classification Commission shall:
 - 1) inventory the land under its jurisdiction,
 - 2) develop land use plans,
 - 3) classify land pursuant to the land use plans,
 - 4) assist in the development of land use plans for Native corporations,
 - 5) review existing state and federal land withdrawals,
 - 6) recommend changes in state or federal land law, policies, and programs,
 - 7) make recommendations for orderly economic growth, and
 - 8) suggest means of improving coordination of state and federal land use decisions.
- (n) The Joint Federal-State Land Use Planning Commission for Alaska shall dissolve four months after the Alaska Land Classification Commission is established.

(o) If the State of Alaska fails to designate a significant proportion of state land as Alaska Cooperative Lands, those lands designated as federal cooperative lands shall be subject to the full jurisdiction of those agencies designated to manage them, as stated in Titles XXIII through XXIX of this Act.

TITLE XXXVIII MANAGEMENT AND ADMINISTRATION

SECTION 4301 The Alaska Land Classification Commission shall take action as necessary to guarantee access across the lands affected by this Act.

SECTION 4302 Mineral exploration and development shall continue on national interest lands classified for this purpose. Locatable minerals shall be developed under a location-lease system which is yet to be proposed.

SECTION 4303 (a) Minor revision in the boundaries of the national interest lands may be made following a publication of a notice in the Federal Register and notification of the appropriate congressional committees.

(b) The Secretary of the Interior, Secretary of Agriculture, and the Commission are prohibited from administratively enlarging or establishing units of the Park System, Refuge System, Forest System, or Wild and Scenic Rivers System in Alaska.

SECTION 4304 Fish and wildlife management on national interest lands shall be the responsibility of the State of Alaska. Subsistence harvests of fish and game shall take priority over other consumptive uses if a conflict should arise over resource allocation.

SECTION 4305 Long term leases may be granted for agricultural development on national interest lands where permitted by the Commission.

SECTION 4306 The appropriate federal land management agencies shall conduct a wilderness review of the national interest lands within five years. The Commission is authorized to conduct the wilderness review of federal cooperative lands.

SECTION 4307 Federal revenues derived from the lands affected by this Act as well as 50 percent of the state's share of revenues from those lands shall be placed in a fund to be used to purchase privately owned land in the "Lower 48" states for park, refuge, and wild and scenic rivers purposes.

SECTION 4308 State land selections are not to be adversely affected by the designation of national interest lands. For a period of at least 21 months following the passage of this Act the

state shall be eligible to make land selections from all federal land in Alaska except those lands dedicated to a particular use. Most of the land made available to the state shall be d-1 lands and relinquished Native selections.

SECTION 4309 Native land selections are not to be adversely affected by national interest land designations. Those Native land selections which lie within a designated national interest land but which are relinquished shall be incorporated into the national interest lands.

SECTION 4310 The Secretary of the Interior, Secretary of Agriculture, and the Commission are authorized to formulate cooperative management agreements among themselves and with any government unit (state, local, or international) or private individual.

SECTION 4311 The federal agencies managing the national interest lands may acquire land within their boundaries; however, state, local government or private lands cannot be acquired without the consent of the appropriate owner. The exchange of lands of equal value may be used to acquire land within the national interest lands. In certain instances the Congress may veto land exchanges.

TITLE XXXIV MISCELLANEOUS

SECTION 4401 The Secretary of the Interior, Secretary of Agriculture, and the Alaska Land Classification Commission are authorized to issue regulations.

SECTION 4402 This Act shall supercede all conflicting provisions of federal law.

SECTION 4403 The invalidity of any provision of this Act shall not affect the remaining provisions.

SECTION 4404 Funds such as are necessary to carry out the provisions of this Act are authorized.

TITLE XXXV LOCATION-LEASE SYSTEM FOR HARDROCK MINERAL EXPLORATION AND DEVELOPMENT

(The provisions of this title had not been made available as of 26 August 1977.)

PART V. TABULAR COMPARISON OF ACREAGES
AFFECTED BY LEGISLATION CURRENTLY BEFORE CONGRESS

Table 1. COMPARATIVE SUMMARY

Table 2. PROPOSED ADDITIONS TO THE FOUR NATIONAL CONSERVATION SYSTEMS

- a. Summary
- b. National Park System
- c. National Wildlife Refuge System
- d. National Wild and Scenic Rivers System
- e. National Forest System

Table 3. PROPOSED FEDERAL COOPERATIVE MANAGEMENT OR 'FIFTH SYSTEM' AREAS

Table 4. PROPOSED 'INSTANT' WILDERNESS AREAS

- a. Summary
- b. National Park System
- c. National Wildlife Refuge System
- d. National Wild and Scenic Rivers System
- e. National Forest System

Table 5. PROPOSED WILDERNESS STUDY AREAS

Table 1.

**COMPARATIVE SUMMARY
OF ACREAGES AFFECTED BY LEGISLATION
CURRENTLY BEFORE CONGRESS**

HOUSE BILL NUMBER AND PRIME SPONSOR										
	HR 39 UDALL	HR 1207 ROE	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1720 SEBELIUS	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	HR 6564 MURPHY	
PROPOSED DESIGNATIONS	MILLION ACRES									
PARKS, REFUGES, FORESTS, AND										
WILD AND SCENIC RIVERS	116.17	0.00	2.61	67.90	0.00	17.75	70.75	1.04	83.45	
WILDERNESS AREAS	146.64	0.40	0.00	0.00	2.60	37.46	0.00	1.04	0.00	
WILDERNESS STUDY AREAS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
OTHER SPECIAL DESIGNATIONS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

TOTAL ACREAGE AFFECTED *	148.24	0.40	2.61	67.90	2.60	55.21	70.75	1.04	83.45	

SENATE BILL NUMBER AND PRIME SPONSOR										
	S 164 STEVENS	S 315 JACKSON	S 499 JACKSON	S 500 JACKSON	S 1180 CHURCH	S 1500 METCALF	S 1546 ABDUREZK	S 1787 STEVENS		FSLUPC ** PROPOSAL
PROPOSED DESIGNATIONS	MILLION ACRES									
PARKS, REFUGES, FORESTS, AND										
WILD AND SCENIC RIVERS	1.40	0.00	83.45	116.47	0.40	116.37	1.04	25.21	44.01	
WILDERNESS AREAS	0.00	2.60	0.00	147.44	0.00	144.94	1.04	0.00	0.00	
WILDERNESS STUDY AREAS	0.00	0.00	0.00	0.00	0.40	0.55	0.00	0.00	0.00	
OTHER SPECIAL DESIGNATIONS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56.89	46.70	

TOTAL ACREAGE AFFECTED *	1.40	2.60	83.45	149.04	0.40	146.54	1.04	82.10	90.71	

* -- THE 'TOTAL ACREAGE AFFECTED' IS ADJUSTED FOR OVERLAPPING DESIGNATIONS

** -- FSLUPC = FEDERAL-STATE LAND USE PLANNING COMMISSION

Table 2a.

PROPOSED ADDITIONS TO
THE FOUR NATIONAL CONSERVATION SYSTEMS
IN ALASKA

SUMMARY

	BILL NUMBER AND PRIME SPONSOR									
	HR 39 UDALL	HR 1454 ALEXANDER	HR 1652 D'INGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLUPC * PROPOSAL
MILLION ACRES										
NATIONAL PARK SYSTEM										
EXISTING PARKS	8.10	0.00	0.00	0.00	0.00	0.00	5.05	8.00	1.53	3.77
NEW PARKS	56.00	2.61	0.00	0.00	0.00	1.04	27.21	56.30	8.92	15.95
TOTAL	64.10	2.61	0.00	0.00	0.00	1.04	32.26	64.30	10.45	19.72
NATIONAL WILDLIFE REFUGE SYSTEM										
EXISTING REFUGES	14.70	0.00	19.01	14.30	7.08	0.00	8.92	14.70	0.00	2.17
NEW REFUGES	31.70	0.00	48.89	3.45	63.67	0.00	22.65	31.70	8.04	16.65
TOTAL	46.40	0.00	67.90	17.75	70.75	0.00	31.57	46.40	8.04	18.82
NATIONAL WILD AND SCENIC RIVERS SYSTEM										
NEW WILD RIVERS	3.59	0.00	0.00	0.00	0.00	0.00	0.50	3.59	1.00	0.37
NEW SCENIC RIVERS	0.48	0.00	0.00	0.00	0.00	0.00	0.32	0.48	0.00	0.32
TOTAL	4.07	0.00	0.00	0.00	0.00	0.00	0.82	4.07	1.00	0.69
NATIONAL FOREST SYSTEM										
EXISTING NATIONAL FORESTS	1.60	0.00	0.00	0.00	0.00	0.00	0.50	1.60	1.00	4.78
NEW NATIONAL FORESTS	0.00	0.00	0.00	0.00	0.00	0.00	18.30	0.00	4.72	0.00
TOTAL	1.60	0.00	0.00	0.00	0.00	0.00	18.80	1.60	5.72	4.78
GRAND TOTAL	116.17	2.61	67.90	17.75	70.75	1.04	83.45	116.37	25.21	44.01

* -- FSLUPC = FEDERAL-STATE LAND USE PLANNING COMMISSION

Table 2c. THE FOUR NATIONAL CONSERVATION SYSTEMS IN ALASKA

NATIONAL WILDLIFE REFUGE SYSTEM

BILL NUMBER AND PRIME SPONSOR

	HR 39 UDALL	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLP/C PROPOSAL
EXISTING REFUGES										
KENAI N. MOOSE RANGE	0.00	0.00	0.00	0.00	0.28	0.00	0.00	0.00	0.00	0.04
CLARENCE RHODE N. W. RANGE	6.30	0.00	19.01	6.50	0.00	0.00	5.16	6.30	0.00	0.00
ARCTIC N. W. RANGE	8.40	0.00	0.00	7.80	6.80	0.00	3.76	8.40	0.00	1.89
CAPE NEMENHAM N. W. REFUGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.24
SUBTOTAL	14.70	0.00	19.01	14.30	7.08	0.00	8.92	14.70	0.00	2.17

NEW REFUGES

	MILLION ACRES									
ALASKA PENINSULA N. W. RANGE	1.20	0.00	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0.00
COPPER RIVER DELTA N. W. REFUGE	0.90	0.00	0.00	0.00	1.30	0.00	0.00	0.90	0.00	0.35
SELAWIK N. W. RANGE	2.50	0.00	0.00	0.00	0.00	0.00	1.40	2.50	0.73	1.48
YUKON FLATS N. W. RANGE	12.30	0.00	3.71	0.00	16.80	0.00	3.59	12.30	0.00	2.33
KOYUKUK N. W. RANGE	3.70	0.00	2.94	0.00	3.00	0.00	4.43	2.90	1.58	2.53
INNOKO N. W. RANGE	2.30	0.00	0.00	0.00	3.40	0.00	0.00	3.00	0.60	1.99
TOGIAK N. W. RANGE	3.50	0.00	0.00	3.45	3.94	0.00	2.74	3.50	0.00	0.00
ALASKA COASTAL N. W. REFUGES	0.30	0.00	0.00	0.00	2.80	0.00	2.85	2.90	0.00	0.00
KANUTI N. W. REFUGE	0.80	0.00	0.00	0.00	0.13	0.00	0.05	0.30	0.15	0.18
KATYUH N. W. REFUGE	0.30	0.00	0.00	0.00	0.80	0.00	0.00	0.20	0.19	0.43
NOMITNA N. W. REFUGE	1.00	0.00	0.00	0.00	1.00	0.00	0.00	1.00	0.00	0.00
NOATAK N. ARCTIC RANGE	0.00	0.00	0.00	0.00	8.30	0.00	7.59	0.00	0.00	0.00
NORTH SLOPE N. W. REFUGE	0.00	0.00	14.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00
KOTZEBUE N. W. REFUGE	0.00	0.00	7.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00
BRISTOL BAY N. W. REFUGE	0.00	0.00	5.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GULF OF ALASKA N. W. REFUGE	0.00	0.00	5.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00
KUSKOKWIM N. W. REFUGE	0.00	0.00	6.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00
GULKANA N. W. REFUGE	0.00	0.00	2.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SNAG CREEK N. W. REFUGE	0.00	0.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00
SHISHMARF N. W. REFUGE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.76	1.50
YUKON DELTA N. W. REFUGE	0.00	0.00	0.00	0.00	3.50	0.00	0.00	0.00	3.60	5.67

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Table 2c. (continued) PROPOSED ADDITIONS TO
THE FOUR NATIONAL CONSERVATION SYSTEMS
IN ALASKA

NATIONAL WILDLIFE REFUGE SYSTEM

BILL NUMBER AND PRIME SPONSOR

	HR 39 UDALL	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLUPC PROPOSAL
	MILLION ACRES									
NEW REFUGES (continued)										
UTUKOK N. WILDLAND	0.00	0.00	0.00	0.00	7.50	0.00	0.00	0.00	0.00	0.00
TESHEKLIK LAKE N. WILDLAND	0.00	0.00	0.00	0.00	1.80	0.00	0.00	0.00	0.00	0.00
ADMIRALTY ISLAND N. WILDLAND	0.00	0.00	0.00	0.00	1.20	0.00	0.00	0.00	0.00	0.00
AFOGNAK N. WILDLAND	0.00	0.00	0.00	0.00	0.50	0.00	0.00	0.00	0.00	0.00
YAKUTAT N. WILDLAND	0.00	0.00	0.00	0.00	1.80	0.00	0.00	0.00	0.00	0.00
TETLIN N. WILDLAND	0.00	0.00	0.00	0.00	3.10	0.00	0.00	0.00	0.00	0.00
SUBTOTAL	31.70	0.00	48.89	3.45	63.67	0.00	22.65	31.70	8.04	16.65
NEW REFUGES	46.40	0.00	67.90	17.75	70.75	0.00	31.57	46.40	8.04	18.82
TOTAL FOR ALL REFUGES										

Table 2d.

PROPOSED ADDITIONS TO
THE FOUR NATIONAL CONSERVATION SYSTEMS
IN ALASKA

NATIONAL WILD AND SCENIC RIVERS SYSTEM

BILL NUMBER AND PRIME SPONSOR

	HR 33 UDALL	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLUPC PROPOSAL
MILLION ACRES										
ANAKTUVUK RIVER	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.40	0.00	0.00
BIRCH CREEK	0.20	0.00	0.00	0.00	0.00	0.00	0.20	0.20	0.20	0.00
NOWITNA RIVER	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.00
UNALAKLEET RIVER	0.05	0.00	0.00	0.00	0.00	0.00	0.10	0.05	0.00	0.10
MELOZITNA RIVER	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00
HOLITNA-HOHOLITNA RIVERS	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.23	0.00	0.00
SUSITNA RIVER	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00
NELCHINA-TAZLINA RIVERS	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.08	0.00	0.00
NUYAKUK RIVER	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.06	0.00	0.00
UTUKOK RIVER	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.30	0.00	0.00
SITUK RIVER	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.00
KOYUK RIVER	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00
IKPIKPUK RIVER	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.30	0.00	0.00
KISARILIK RIVER	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00
COLVILLE RIVER	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.50	0.00	0.00
KUK-KETUK RIVERS	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.00
YUKON RIVER (RAMPART SECTION)	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.30	0.00	0.00
MIDDLE KUSKOKWIM RIVER	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.00	0.00
STIKINE RIVER	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.00	0.00
COPPER RIVER (ILIAMNA)	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.00	0.00
BEAVER CREEK	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00	0.00
NOATAK RIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.40	0.00
CHARLEY RIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.40	0.00
ANIACHAK RIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.07
ALAGNAK RIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.09
KANEKTOK RIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.11

SUBTOTAL										
NEW WILD RIVERS	3.59	0.00	0.00	0.00	0.00	0.00	0.50	3.59	1.00	0.37

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Table 2d. (continued) PROPOSED ADDITIONS TO
THE FOUR NATIONAL CONSERVATION SYSTEMS
IN ALASKA

NATIONAL WILD AND SCENIC RIVERS SYSTEM

BILL NUMBER AND PRIME SPONSOR

	HR 39 UDALL	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLUPC PROPOSAL
NEW SCENIC RIVERS										
	MILLION ACRES									
FORTY MILE RIVER	0.32	0.00	0.00	0.00	0.00	0.00	0.32	0.32	0.00	0.32
DELTA RIVER	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.00	0.00
GULKANA RIVER	0.13	0.00	0.00	0.00	0.00	0.00	0.00	0.13	0.00	0.00
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SUBTOTAL NEW SCENIC RIVERS	0.48	0.00	0.00	0.00	0.00	0.00	0.32	0.48	0.00	0.32
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
TOTAL FOR ALL WILD AND SCENIC RIVERS	4.07	0.00	0.00	0.00	0.00	0.00	0.82	4.07	1.00	0.69

Table 2e.

**PROPOSED ADDITIONS TO
THE FOUR NATIONAL CONSERVATION SYSTEMS
IN ALASKA**

NATIONAL FOREST SYSTEM

	BILL NUMBER AND PRIME SPONSOR									
	HR 39 UDALL	HR 1454 ALEXANDER	HR 1652 DINGELL	HR 1907 UDALL	HR 2082 LEGGETT	HR 5605 SEIBERLING	S 499 JACKSON	S 1500 METCALF	S 1787 STEVENS	FSLUPC PROPOSAL
EXISTING NATIONAL FORESTS										
	MILLION ACRES									
TONGASS N. FOREST	0.00 *	0.00	0.00	0.00	0.00	0.00	0.00	0.00 *	0.00	2.01
CHUGACH N. FOREST	0.00 *	0.00	0.00	0.00	0.00	0.00	0.50	0.00 *	1.00	2.77

SUBTOTAL										
EXISTING NATIONAL FORESTS	1.60 *	0.00	0.00	0.00	0.00	0.00	0.50	1.60 *	1.00	4.78
NEW NATIONAL FORESTS										
	MILLION ACRES									
PORCUPINE N. FOREST	0.00	0.00	0.00	0.00	0.00	0.00	5.50	0.00	2.59	0.00
WRANGELL MOUNTAINS N. FOREST	0.00	0.00	0.00	0.00	0.00	0.00	5.50	0.00	0.00	0.00
YUKON-KUKUKWIM N. FOREST	0.00	0.00	0.00	0.00	0.00	0.00	7.30	0.00	0.00	0.00
YUKON FLATS N. FOREST	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.13	0.00

SUBTOTAL										
NEW NATIONAL FORESTS	0.00	0.00	0.00	0.00	0.00	0.00	18.30	0.00	4.72	0.00

TOTAL FOR ALL NATIONAL FORESTS	1.60	0.00	0.00	0.00	0.00	0.00	18.80	1.60	5.72	4.78

* -- A MAXIMUM OF 1.6 MILLION ACRES MAY BE ADDED TO THE CHUGACH AND TONGASS NATIONAL FORESTS BY PRESIDENTIAL ORDER.

Table 3.

PROPOSED FEDERAL COOPERATIVE MANAGEMENT
OR 'FIFTH SYSTEM' AREAS
IN ALASKA

MANAGEMENT AREA	BILL NUMBER AND PRIME SPONSOR	
	S 1787 STEVENS	FSLUPC * PROPOSAL
	MILLION ACRES	
KATMAI	1.59	0.00
GATES OF THE ARCTIC	3.55	0.00
MOUNT MCKINLEY	1.96	0.00
WRANGELL-ST. ELIAS	8.74	0.00
LAKE CLARK	3.49	3.49
CHARLEY RIVER	0.99	0.00
CATHEDRAL SPIRES	0.00	0.40
CHITINA	0.00	1.05
NEBESNA	0.00	2.87
NUNAMIUT	0.00	1.98
INNOKO	1.24	0.00
CHANDALAR	8.27	5.56
SHISHMAREF-IMURUK	1.84	0.00
CAPE NEWENHAM	0.24	0.00
NOATAK	11.47	11.87
YUKON DELTA	1.50	0.00
ANDREAFSKY	3.50	3.54
ILIAMNA	2.80	0.00
BECHAROF	0.00	6.88
CHUGACH	1.77	0.00
PORCUPINE	3.40	5.49
YUKON RIVER	0.54	0.00
NOWITNA	0.00	3.52
YUKON MOUNTAINS	0.00	6.05

TOTAL	56.89	46.70

* -- FSLUPC = FEDERAL-STATE LAND USE PLANNING COMMISSION

Table 4a.

**PROPOSED 'INSTANT' WILDERNESS AREAS
IN ALASKA**

SUMMARY

	BILL NUMBER AND PRIME SPONSOR						
	HR 39 UDALL	HR 1207 ROE	HR 1907 UDALL	HR 3454 UDALL	HR 5605 SEIBERLING	S 315 JACKSON	S 1500 METCALF
	MILLION ACRES						
NATIONAL PARK SYSTEM							
EXISTING PARKS	15.42	0.00	0.00	0.00	0.00	2.60	14.75
NEW PARKS	56.00	0.00	0.00	0.00	1.04	0.00	56.30
TOTAL	71.42	0.00	0.00	0.00	1.04	2.60	71.05
NATIONAL WILDLIFE REFUGE SYSTEM							
EXISTING REFUGES	37.91	0.00	37.46	0.00	0.00	0.00	35.71
NEW REFUGES	28.20	0.00	0.00	0.00	0.00	0.00	28.20
TOTAL	66.11	0.00	37.46	0.00	0.00	0.00	63.91
NATIONAL WILD AND SCENIC RIVERS SYSTEM							
NEW WILD RIVERS	3.59	0.00	0.00	0.00	0.00	0.00	3.59
NEW SCENIC RIVERS	0.48	0.00	0.00	0.00	0.00	0.00	0.48
TOTAL	4.07	0.00	0.00	0.00	0.00	0.00	4.07
NATIONAL FOREST SYSTEM							
TONGASS NATIONAL FOREST	4.44	0.40	0.00	0.40	0.00	0.00	4.91
CHUGACH NATIONAL FOREST	0.60	0.00	0.00	0.00	0.00	0.00	1.00
TOTAL	5.04	0.40	0.00	0.40	0.00	0.00	5.91
GRAND TOTAL	146.64	0.40	37.46	0.40	1.04	2.60	144.94

Table 4b - PROPOSED 'INSTANT' WILDERNESS AREAS IN ALASKA

NATIONAL PARK SYSTEM

BILL NUMBER AND PRIME SPONSOR

	HR 39 UDALL	HR 1207 ROE	HR 1907 UDALL	HR 3454 UDALL	HR 5605 SEIBERLING	S 315 JACKSON	S 1500 METCALF
EXISTING PARKS							
MOUNT MCKINLEY N. PARK	6.60	0.00	0.00	0.00	0.00	0.00	6.60
KATMAI N. MONUMENT	5.22	0.00	0.00	0.00	0.00	2.60	5.22
GLACIER BAY N. MONUMENT	3.60	0.00	0.00	0.00	0.00	0.00	2.93
SUBTOTAL	15.42	0.00	0.00	0.00	0.00	2.60	14.75

NEW PARKS

MILLION ACRES

GATES OF THE ARCTIC N. PARK	13.60	0.00	0.00	0.00	0.00	0.00	13.60
YUKON-CHARLEY N. PRESERVE	3.20	0.00	0.00	0.00	0.00	0.00	3.20
KOBUK VALLEY N. MONUMENT	1.90	0.00	0.00	0.00	0.00	0.00	1.90
CAPE KRUSENSTERN N. MONUMENT	0.90	0.00	0.00	0.00	0.00	0.00	0.90
WRANGELL-ST. ELIAS N. PARK	14.00	0.00	0.00	0.00	0.00	0.00	14.00
CHISANA N. PRESERVE	1.80	0.00	0.00	0.00	0.00	0.00	1.80
LAKE CLARK N. PARK	7.50	0.00	0.00	0.00	0.00	0.00	7.50
KENAI FJORDS N. MONUMENT	0.60	0.00	0.00	0.00	0.00	0.00	0.60
ANIAKCHAK CALDERA N. MONUMENT	0.40	0.00	0.00	0.00	0.00	0.00	0.40
CHUKCHI-IMURUK N. MONUMENT	4.50	0.00	0.00	0.00	0.00	0.00	4.50
NOATIAK N. PRESERVE	7.60	0.00	0.00	0.00	0.00	0.00	7.60
ADMIRALTY ISLAND N. PRESERVE	0.00	0.00	0.00	0.00	1.04	0.00	0.00
SUBTOTAL	56.00	0.00	0.00	0.00	1.04	0.00	56.30

TOTAL	71.42	0.00	0.00	0.00	1.04	2.60	71.05
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