

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 0072

9694 SENATE RESOURCES

HJR

39

SENATE COMMITTEE REPORT

DATE: 1/12/98

FURTHER:

DATE TURNED IN TO OFFICE: 2/6/98

Resources Committee considered HOUSE JOINT RESOLUTION NO. 39

Urging the United States Congress to enact legislation that prohibits the President of the United States from extending or establishing national monuments without the express authorization of the Congress.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Chris L. Taylor</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>H. Resources</i>	<i>5/6</i>	<i>X</i>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
997 LEGISLATIVE SESSION

No. 1
BILL NO. Bill Version: HJR 39
(H) Publish Date: 5/8/97

Title: Limiting the Declaration of National
Monuments
Sponsor: Representative Ogan
Requestor: _____

Dept. Affected _____
BRU: _____
Components: _____
Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS :

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Resources Committee
Co-Chairman Ogan
Scott Ogan - CO-CHA

Date: May 6, 1997
Phone: 465-3715
Phone:

Alaska State Legislature

House Resources Committee

Co-Chair Scott Ogan
(907) 465-3715
FAX (907) 465-3265
Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Bill Hudson
(907) 465-6820
FAX (907) 465-2273
Committee Meetings
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene Nicholia, William Williams

SPONSOR STATEMENT HJR39

HJR39 was introduced as a means to articulate the resolve of the citizens of this state to stand against further attempts by the federal government to encroach upon our autonomy and rights as a state.

HJR39 simply requests that the United States Congress enact legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of the Congress. Currently, under the turn of the century Antiquities Act of 1906 (16 U.S.C. 431-433) the President, without authorization by the Congress and despite the wishes of state public officials, can establish national monuments. This law is ambiguous and terribly flawed because of its lack of public process.

This point is illustrated by President Clinton's action in 1996 to establish the Grand Staircase-Escalante National Monument. By taking this action, the President set aside 1.7 million acres of land in southern Utah, thus creating the largest national monument in the continental United States. He took this action even though the public officials of the State of Utah opposed this measure, and despite the fact that it resulted in the loss of significant economic resources for the public schools and taxpayers of the state of Utah.

This is a timely request of Congress, as they now have before them three bills that would rectify the situation. All of these bills will help in the effort to bring meaning back to the phrase "balance of power." This is not a resolution against conservation or environmentalism. It is a resolution supporting the public process and the rights of states. Please join me in sending this message to the United States Congress.

105TH CONGRESS
1ST SESSION

S. 477

To amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1997

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Antiquities Act to require an Act of Congress and the consultation with the Governor and State legislature prior to the establishment by the President of national monuments in excess of 5,000 acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This act may be cited as the "National Monument
5 Fairness Act of 1997".

1 SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE
2 LEGISLATURE.

3 Section 2 of the Act of June 8, 1906, commonly re-
4 ferred to as the "Antiquities Act" (34 Stat. 225; 16
5 U.S.C. 432) is amended by adding the following at the
6 end thereof: "A proclamation under this section issued by
7 the President to declare any area in excess of 5,000 acres
8 to be a national monument shall not be final and effective
9 unless and until the Secretary of the Interior submits the
10 Presidential proclamation to Congress as a proposal and
11 the proposal is passed as a law pursuant to the procedures
12 set forth in article 1 of the United States Constitution.
13 Prior to the submission of the proposed proclamation to
14 Congress, the Secretary of the Interior shall consult with
15 and obtain the written comments of the Governor of the
16 State in which the area is located. The Governor shall have
17 90 days to respond to the consultation concerning the
18 area's proposed monument status. The proposed procla-
19 mation shall be submitted to Congress 90 days after re-
20 ceipt of the Governor's written comments or 180 days
21 from the date of the consultation if no comments were re-
22 ceived."

○

105TH CONGRESS
1ST SESSION

H. R. 1127

To amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. HANSEN (for himself, Mr. CANNON, and Mr. COOK) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Monument
5 Fairness Act of 1997".

1 **SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE**
2 **LEGISLATURE.**

3 Section 2 of the Act of June 8, 1906, commonly re-
4 ferred to as the "Antiquities Act" (34 Stat. 225; 16
5 U.S.C. 432) is amended by adding the following at the
6 end thereof: "A proclamation under this section issued by
7 the President to declare any area in excess of 5,000 acres
8 to be a national monument shall not be final and effective
9 unless and until the Secretary of the Interior submits the
10 Presidential proclamation to Congress as a proposal and
11 the proposal is passed as a law pursuant to the procedures
12 set forth in Article 1 of the United States Constitution.
13 Prior to the submission of the proposed proclamation to
14 Congress, the Secretary of the Interior shall consult with
15 and obtain the written comments of the Governor of the
16 State in which the area is located. The Governor shall have
17 90 days to respond to the consultation concerning the
18 area's proposed monument status. The proposed procla-
19 mation shall be submitted to Congress 90 days after re-
20 ceipt of the Governor's written comments or 180 days
21 from the date of the consultation if no comments were re-
22 ceived."

○

and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 691. A bill entitled the "Public Land Management Participation Act of 1997"; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 692. A bill to require that applications for passports for minors have parental signatures; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. 693. A bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent; to the Committee on Finance.

By Ms. SNOWE:

S. 694. A bill to establish reform criteria to permit payment of United States arrearsages in assessed contributions to the United Nations; to the Committee on Foreign Relations.

S. 695. A bill to restrict intelligence sharing with the United Nations; to the Committee on Foreign Relations.

S. 696. A bill to establish limitations on the use of funds for United Nations peace-keeping activities; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT (for himself, Mr. D'AMATO, Mr. HELMS, Mr. DODD, Mr. ASHCROFT, Mrs. HUTCHISON, and Mr. BROWNBACK):

S. Res. 82. A resolution expressing the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. Con. Res. 24. A concurrent resolution expressing the sense of Congress on the importance of the Eastern Orthodox Ecumenical Patriarchate; to the Committee on Foreign Relations.

S. Con. Res. 25. A concurrent resolution expressing the sense of the Congress that the Russian Federation should be strongly condemned for its plan to provide nuclear technology to Iran, and that such nuclear transfer would make Russia ineligible under terms of the Freedom Support Act; to the Committee on Foreign Relations.

* STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 691. A bill entitled the "Public Land Management Participation Act of 1997"; to the Committee on Energy and Natural Resources.

THE PUBLIC LAND MANAGEMENT PARTICIPATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I will take this opportunity to rise this afternoon to introduce a very important piece of legislation that I know the occupant of the chair will find interesting. It is called the Public Land Management Participation Act of 1997.

This legislation is intended to put the word "public" and the populace

back into public land management and the word "environment," back into environmental protection.

Passage of this act will assure that all the gains that we made over the past quarter of a century in creating an open, participatory Government which affords strong environmental protection for our public lands are really protected.

For those who thought that those battles were fought and won with the passage of the National Environmental Protection Act in 1969 and the Federal Land Policy Management Act in 1976, I have some bad news. There is one last battle to be fought.

Standing in this very Chamber on January 20, 1975, Mr. President, Senator Henry "Scoop" Jackson of Washington State spoke to the passion Americans feel for their public lands. He said:

The public lands of the United States have always provided the arena in which we Americans have struggled to fulfill our dreams. Even today dreams of wealth, adventure, and escape are still being acted out on those far-flung public lands. These lands and the dreams—fulfilled and unfulfilled—which they foster are part of our national destiny. They belong to all Americans.

I quote and emphasize, Mr. President, "They belong to all Americans."

Amazingly—there exist today legal authorities by which the President, without the public process or congressional approval, can create vast land management units called national monuments, world heritage sites, and biospheric reserves.

Special management units which affect how millions of acres of our public lands are managed. What people can do on those lands is also affected, what the future will be for surrounding communities.

That is a powerful trust to bestow on anyone, even a President.

On September 12, 1996, the good people of Utah woke up to find themselves the most recent recipient of a philosophy that says, "Trust us. We are from the Government, and we know what is best for you." On that day, standing not in Utah but in the State of Arizona, our President invoked the 1906 Antiquities Act to create 1.7 million acres of national monument in southern Utah.

Notice, Mr. President, he did not do this in Utah. He did it in Arizona. One can only assume he might have had some protests if he had done it in Utah. The withdrawal, however, took place in Utah. It created a 1.7 million acre national monument in the southern part of the State. By utilizing this antiquated law, the President was able to avoid—that's right, avoid—Nation's environmental laws and ignore public participation laws as well. With one swipe of the pen, every shred of public input and environmental law promulgated in this country over the past quarter of a century was shoved into the trash heap of political expediency.

What happened in Utah last fall is but the latest example of a small cadre

of administration officials deciding for all Americans how our public lands should be used. It is by no means the only one, Mr. President. As the Senator from Alaska, I have had a great deal of personal experience in this area.

In 1978, President Jimmy Carter created 17 national monuments in Alaska covering more than 55 million acres of lands. That is an area about the size of South Carolina. He withdrew these lands, with the stroke of his pen—no public process, no hearing, no participation from the State. This was then followed in short order by Secretary of the Interior Cecil Andrus, who withdrew an additional 50 million. A total of 105 million acres, Mr. President. All this land was withdrawn for multiple use without any input from the people of my State, the public, or the Congress of the United States. With over 100 million acres of withdrawn land held over Alaska's head, like the sword of Damocles; we were forced to cut the best deal we could. Twenty years later, the people of my State are still struggling to cope with the weight of these decisions.

I would not be here this afternoon if the public, the people of Utah and Congress, had not been denied a voice in the creation of the Grand Staircase-Escalante National Monument. I would not be here if environmental protection procedures had not been ignored.

But the people were denied the opportunity to speak. Mr. President, Congress was denied its opportunity to participate, and environmental procedure was simply ignored. The only voice we have heard was the President's. Without bothering to ask us what we thought about it, he told the citizens of Utah and the rest of the country that he knew better than we did what was good for us.

Now, this is an administration that prides itself in a public process. There was no public process here, Mr. President. We had been debating for some time the issue of Utah wilderness. It was ongoing, but the President, for political expediency, took it upon himself to invoke the Antiquities Act. It has been a long time since anyone has had the right to make those kind of unilateral public land decisions for the American public. Since the passage of the Federal Land Policy and Management Act in 1976, we have had a system of law underpinning public land use decisions. Embodied with this law is public participation. Agencies propose an action, they present the action to the public, the public debates the issue. The public can then appeal bad decisions, the courts resolve the disputes, and the management unit is then created.

Where was this public process, Mr. President. In the special use designation of 1.7 million acres of Federal land in southern Utah? The answer is clear. There wasn't any. Since the passage of the National Environmental Policy Act

of 1969, activities which affect the environment are subject to strict environmental laws. Does anyone believe there was no environmental threat posed by the creation of a national monument?

Imagine how the sensitive natural features of the high desert environment would respond to the rhythmic pounding of unlimited hiking boots worn by legions of adoring visitors as they romp through the area. Where is the NEPA compliance documentation associated with this action? There is not any.

The creation of specialized public use designations such as national parks and wilderness areas are debated within the Halls of Congress, right here. These debates provide for the financial and legal responsibilities which come with the creation of special management units.

Where are the proceedings from those debates? There aren't any, Mr. President. They simply don't exist because, in the heat of an election year, the administration determined that the public process, environmental analyses and congressional deliberations were simply a waste of time.

Mr. President, either you believe in a public process or you do not; you can't have it both ways. If we can no longer trust the administration to involve the public in major land use decisions, then where does it fall? It falls right here to the Congress.

Mr. President, the legislation which I offer today will require any future designations of national monuments, world heritage sites, or biospheric reserves to follow the public participation principles laid down under existing law over the past 25 years. No poetic images, no flowery words, no smoke and mirrors, just good old-fashioned public land management process.

Before these special land management units can be created, my legislation will require that the agencies gather and analyze resource data affected by the land use decisions; full public participation in the creation of these units with all appeal rights protected; compliance with the National Environmental Policy Act; congressional review and ratification, and Presidential signature.

No longer will an administration be able to sidestep public participation and environmental reviews to further political agendas. Nobody—not even the President of the United States—should be above the law.

The Public Land Management Participation Act will make all future land use decisions a joint responsibility of the public, the Congress, and the President—no more loopholes.

I don't question the need for national monuments, world heritage sites, or biospheric reserves. Sometimes they are needed to protect historic treasures, natural resources, et cetera. But if they are to serve the common good, they must be created under the same system of land management law that has governed the use of the public domain for the past 25 years.

There has always been a sacred bond between the American people and the lands they hold in common ownership. No one, regardless of high station or political influence, has the right to impose his will over the means by which the destiny of those lands is decided. This legislation reestablishes that bond.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 611

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Land Management Participation Act of 1997."

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States.

SEC. 3. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN DECLARATION OF NATIONAL MONUMENTS.

The Antiquities Act (16 U.S.C. 431a) is amended by adding the following new section:

"431b. PUBLIC AND CONGRESSIONAL ROLES IN NATIONAL MONUMENT DECLARATIONS.—(a) The Secretaries of the Interior and Agriculture shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the declaration of national monuments upon the lands owned or controlled by the Government of the United States pursuant to the authority of the Antiquities Act (16 U.S.C. 431)."

"(b) In addition, the Secretary of the Interior and Agriculture shall, prior to any recommendations for declaration of an area,

"(i) ensure compliance with all applicable federal land management and environmental statutes, including the National Environmental Policy Act (40 U.S.C. 4321-4370f);

"(ii) cause mineral surveys to be conducted by the Geological Survey to determine the mineral values, if any, that may be present in such areas;

"(iii) identify all existing rights held on federal lands contained within such areas by title and acreage; and

"(iv) identify all State lands contained within such areas."

"(c) After such reviews and mineral surveys, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned or controlled by the Government of the United States warrant declaration as a national monument.

"(d) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to declaration as national monuments of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Management Participation Act a recommendation of the President for declaration of a national monument shall become effective only if so provided by an Act of Congress."

SEC. 4. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1) is amended

(1) in subsection (a) in the first sentence, by

(A) inserting "(in this section referred to as the Convention)" after "1973"; and

(B) inserting "and subject to subsections (b), (c), (d), (e), and (f)" before the period at the end;

(2) in subsection (b) in the first sentence, by inserting ", subject to subsection (d)," after "shall"; and

(3) adding at the end the following new subsections:

"(d) If the area proposed for designation is not wholly contained within an existing unit of the National Park System, the Secretary of the Interior and Agriculture;

"(1) shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the designation of any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention."

"(2) After such review, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned by the United States warrant inclusion on the World Heritage List pursuant to the Convention."

"(3) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to the designation of any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Management Participation Act, a recommendation of the President for designation of any lands owned by the United States for inclusion on the World Heritage List shall become effective only if so provided by an Act of Congress."

"(e) The Secretary of the Interior or Agriculture shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article II.4 of the Convention unless

"(1) The Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

"(2) The Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

"(f) The Secretary of the Interior and Agriculture shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all non-governmental organizations contributing to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site."

SEC. 5. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN THE DESIGNATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is amended by adding at the end the following new section:

"Sec. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve is specifically authorized by an Act of Congress.

"(c) The Secretary of the Interior and Agriculture shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the designation of any lands owned by the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(d) After such review, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned by the United States warrant inclusion as a Biosphere Reserve.

"(e) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to the designation of any lands owned by the United States for inclusion as a Biosphere Reserve. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Participation Management Act, a recommendation of the President for declaration of a Biosphere Reserve shall become effective only if so provided by an Act of Congress.

"(f) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all non-governmental organizations contributing to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve."

SECTION BY SECTION ANALYSIS OF S. 691

SECTION 1. SHORT TITLE

Public Land Management Participation Act of 1977.

SECTION 2. PURPOSE

To ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States.

SECTION 3. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN DECLARATION OF NATIONAL MONUMENTS

This section amends the Antiquities Act by adding language that requires future National Monument Declarations be preceded by full public participation and Congressional Ratification.

3(a) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the National Monument declaration process.

3(b) Directs the Secretaries to conduct mineral surveys and identify all existing rights on lands contained within proposed National Monument boundaries.

3(c) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a National Monument.

3(d) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a national monument. Further states that no declaration of a monument shall become effective until so provided by an Act of Congress.

SECTION 4. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN WORLD HERITAGE SITE LISTING

This section amends the National Historic Preservation Act by adding language that requires future World heritage Site designations be preceded by full public participation and Congressional ratification.

4(d) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the World Heritage Site Listing process.

4(f) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a World heritage Site.

4(g) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a World heritage Site. Further states that no declaration of a World heritage Site shall become effective until so provided for by an Act of Congress.

4(e) Directs the secretaries of Interior and Agriculture to object to the inclusion of property in the United States on a list of World heritage in Danger without explicit approval to do so by a joint resolution of Congress.

4(f) Requires the Secretaries of Interior and Agriculture to submit an annual report to Congress detailing the cost of operating each World heritage Site, who contributed to the management of the site, and how any complaints about the site were handled.

SECTION 5. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN THE DESIGNATION OF UNITED NATIONS BIOSPHERE RESERVES

This section amends the National Historic Preservation Act by adding language that requires future Biosphere Reserve designations be preceded by full public participation and Congressional ratification.

5(c) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the Biosphere Reserve declaration process.

5(d) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a Biosphere Reserve.

5(e) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a national monument. Further states that no declaration of a Bio-

sphere Reserve shall become effective until so provided for by an Act of Congress.

5(e) Directs the secretaries of Interior and Agriculture to object to the inclusion of property of the United States without explicit approval to do so by a joint resolution of Congress.

5(f) Requires the Secretaries of Interior and Agriculture to submit an annual report to Congress detailing the cost of operating the site, who contributed to the management of the site, and how any complaints about the site were handled.

By Mr. REID:

S. 692. A bill to require that applications for passports for minors have parental signatures; to the Committee on Foreign Relations.

PASSPORT LEGISLATION

Mr. REID. Mr. President, today I rise to introduce legislation which will help resolve a serious problem that plagues this Nation. Last year, and unless we do something this year, 1,000 young boys and girls will be abducted from their home and taken to foreign countries. Most of them will never come back to this country. These are young people who have every right to be in this country, but one of their parents gets a passport and takes them someplace.

This legislation I am introducing involves a young boy by the name of Mikey Kale. His father was Croatian. His father got a passport signed—not notifying the mother—and went to Croatia. This is one of the happy endings of these stories. This young boy was allowed to come home with his mother—not allowed to come home. She went through a lot of time and effort and spent a lot of money to get him so she could bring him home.

Most of the time the children never return. For example, Mr. President, this last week on ABC's "Prime Time," they featured a case very similar to the Mikey Kale case, a case that involved a mother who took a daughter to Costa Rica. She did not have custody of the child. Sole custody was awarded to the father. A warrant was issued for her arrest. For more than 3 years this father has searched, and suffered, trying to get back his daughter. He has been unable to do so. It appears, even pursuant to that television program, that they know where the child is, but because of the complexity of the law in Costa Rica, the child has not been allowed to return.

Extradition law, generally, does not include child abduction. So most parents are stymied. I repeat, 1,000 young boys and girls each year are abducted in this manner. Usually, these abductions take place during or after a contentious divorce, sometimes even by an abusive parent, many times by an abusive parent. At a time when these children are most vulnerable and most uncertain about their future, they are snatched and taken to a foreign country.

The tragedy of this wrong is best illustrated by an ordeal forced upon people from the State of Nevada. No family should have to go through what

Section 3
Percentage of Land in Each State Managed
by Four Federal Land Management Agencies

within each state that is managed by each of the four agencies, individually.

Table 2.1: Percentage of Each State's Acreage Managed by the Four Federal Agencies, as of September 30, 1983

State*	Total acres	Acres managed by four federal agencies	Agencies' percentage
Alabama	32,878,400	798,485	2.44
Alaska	365,481,600	239,509,874	65.53
Arizona	72,888,000	29,867,816	41.09
Arkansas	33,599,360	3,219,380	9.58
California	100,208,720	42,987,899	42.90
Colorado	66,485,760	23,437,010	35.25
Connecticut	3,135,380	8,892	0.21
Delaware	1,265,920	23,968	1.89
District of Columbia	39,040	8,928	17.74
Florida	34,721,280	3,838,610	11.05
Georgia	37,295,360	1,391,611	3.73
Hawaii	4,105,600	528,732	12.88
Idaho	52,933,120	32,437,748	61.28
Illinois	35,795,200	339,475	0.95
Indiana	23,158,400	212,275	0.92
Iowa	35,860,480	39,996	0.11
Kansas	52,510,720	135,772	0.28
Kentucky	25,512,320	778,815	3.05
Louisiana	28,867,840	1,383,174	4.72
Maine	19,847,680	168,516	0.85
Maryland	6,319,360	97,908	1.55
Massachusetts	5,034,880	65,184	1.29
Michigan	36,492,160	3,729,649	10.22
Minnesota	51,205,760	3,626,258	7.08
Mississippi	30,222,720	1,498,890	4.96
Missouri	44,248,320	1,600,992	3.62
Montana	93,271,040	28,745,813	28.08
Nebraska	49,031,880	527,205	1.08
Nevada	70,284,320	56,845,790	80.90
New Hampshire	5,768,960	735,068	12.74
New Jersey	4,813,440	103,369	2.15
New Mexico	77,766,400	22,920,318	29.47
New York	30,880,960	86,258	0.28

(continued)

**Section 3
Percentage of Land in Each State Managed
by Four Federal Land Management Agencies**

State*	Total acres	Acres managed by four federal agencies	Agencies' percentage
N. Carolina	31,402,880	2,009,825	6.38
N. Dakota	44,452,480	1,894,152	3.81
Ohio	26,222,080	251,480	0.96
Oklahoma	44,087,880	410,656	0.93
Oregon	61,598,720	32,104,965	52.12
Pennsylvania	28,604,480	588,638	2.04
Rhode Island	677,120	1,487	0.22
S. Carolina	19,374,080	741,851	3.93
S. Dakota	48,881,920	2,838,447	5.39
Tennessee	28,727,880	1,019,636	3.81
Texas	168,217,600	2,299,264	1.37
Utah	52,898,960	32,448,350	61.57
Vermont	5,938,640	384,391	6.14
Virginia	25,486,320	2,088,739	8.19
Washington	42,693,760	11,598,482	27.17
West Virginia	15,410,560	1,083,988	7.03
Wisconsin	35,011,200	2,003,012	5.72
Wyoming	62,343,040	30,103,822	48.29
Total	2,271,343,360	623,113,504	27.43

Note: Acreage totals may not add due to rounding.

*For our analysis, we included the District of Columbia as a state.

Source: GAO's analysis of data provided by the Departments of Agriculture and the Interior.

**Section 2
Percentage of Land in Each State Managed
by Four Federal Land Management Agencies**

Table 2.2: Acreage of Each State Managed by the Four Federal Agencies, as of September 30, 1993

State*	Forest Service	Bureau of Land Management	Fish and Wildlife Service	National Park Service	Total acreage managed
Alabama	661,309	110,983	14,882	11,501	798,485
Alaska	22,124,288	88,880,328	70,321,744	52,203,513	239,509,874
Arizona	11,247,052	14,255,889	1,672,499	2,692,176	29,867,616
Arkansas	2,540,103	291,166	285,135	102,976	3,219,380
California	20,821,894	17,284,258	238,780	4,842,767	42,987,899
Colorado	14,471,811	8,309,082	63,910	592,207	23,437,010
Connecticut	24	0	342	6,327	6,692
Delaware	0	0	23,968	0	23,968
District of Columbia	0	0	0	6,926	6,926
Florida	1,136,796	25,277	240,882	2,433,876	3,836,810
Georgia	863,980	0	470,064	57,567	1,391,611
Hawaii	1	0	272,278	258,453	528,732
Idaho	20,442,914	11,848,708	47,061	99,065	32,437,746
Illinois	270,760	227	68,346	142	339,475
Indiana	191,583	0	7,802	12,880	212,275
Iowa	0	378	37,955	1,663	39,996
Kansas	108,175	0	27,131	466	135,772
Kentucky	682,879	0	2,040	94,097	778,815
Louisiana	602,090	309,611	439,454	12,019	1,363,174
Maine	53,040	0	44,319	71,158	168,516
Maryland	0	0	38,308	58,600	97,908
Massachusetts	0	0	12,127	53,057	65,184
Michigan	2,852,172	74,054	112,940	889,883	3,729,049
Minnesota	2,820,183	150,104	422,762	233,199	3,626,258
Mississippi	1,153,507	57,211	185,521	102,651	1,498,890
Missouri	1,487,022	2,232	45,619	88,120	1,600,992
Montana	16,847,192	8,076,362	600,274	1,221,784	26,745,613
Nebraska	351,973	7,493	162,183	5,556	527,205
Nevada	5,803,829	47,989,220	2,292,739	777,902	56,863,790
New Hampshire	722,753	0	3,042	9,279	735,068
New Jersey	0	0	55,002	48,387	103,369
New Mexico	9,323,059	12,888,035	326,581	382,643	22,920,318
New York	13,446	0	23,602	49,210	86,258
N Carolina	1,239,318	0	395,700	368,807	2,003,825
N Dakota	1,105,789	60,223	455,788	72,351	1,694,152

(continued)

Section 2
Percentage of Land in Each State Managed
by Four Federal Land Management Agencies

State*	Forest Service	Bureau of Land Management	Fish and Wildlife Service	National Park Service	Total acreage managed
Ohio	217,942	0	7,772	25,748	251,460
Oklahoma	301,448	2,338	98,891	9,880	410,556
Oregon	15,660,825	15,722,868	525,901	195,371	32,104,965
Pennsylvania	513,170	0	9,980	85,508	588,638
Rhode Island	0	0	1,492	5	1,497
S. Carolina	610,882	0	104,638	28,331	741,851
S. Dakota	2,011,804	279,085	191,413	54,944	2,636,447
Tennessee	628,590	0	44,891	48,155	1,019,836
Texas	754,843	0	375,673	1,188,748	2,299,264
Utah	8,108,302	22,147,772	100,158	2,090,120	32,448,350
Vermont	350,294	0	5,928	8,169	384,391
Virginia	1,649,524	0	117,449	321,768	2,088,739
Washington	9,167,362	351,753	135,797	1,943,549	11,598,462
West Virginia	1,032,121	0	1,708	50,158	1,083,988
Wisconsin	1,519,089	160,167	188,179	135,577	2,003,012
Wyoming	9,258,719	18,394,884	58,748	2,393,471	30,103,622
Total	191,525,377	267,640,286	87,375,983	76,571,878	623,113,504

Note: Acreage totals may not add due to rounding.

*For our analysis, we included the District of Columbia as a state.

Source: GAO's analysis of data provided by the Departments of Agriculture and the Interior.

**Section 3
 Federally Managed Land Encumbered for
 Conservation Purposes by Legislative or
 Administrative Restrictions**

Table 3.2: Acres Managed by the Four Federal Agencies and Percentage With Conservation Restrictions, by State, as of September 30, 1993

State ^a	Acres managed	Acres with conservation restrictions	Percentage of land with conservation restrictions
Alabama	798,465	69,068	8.65
Alaska	239,509,874	150,788,769	62.98
Arizona	29,867,616	8,471,260	28.36
Arkansas	3,219,380	662,726	20.59
California	42,987,699	33,358,998	77.81
Colorado	23,437,010	5,774,565	24.63
Connecticut	6,692	6,669	99.83
Delaware	23,968	23,968	100.00
District of Columbia	6,928	6,928	100.00
Florida	3,836,610	2,846,197	74.19
Georgia	1,391,611	699,239	50.25
Hawaii	528,732	528,732	100.00
Idaho	32,437,746	9,673,448	29.82
Illinois	339,475	99,421	29.29
Indiana	212,275	33,705	15.88
Iowa	39,898	39,818	99.05
Kansas	135,772	27,597	20.33
Kentucky	778,815	138,407	17.77
Louisiana	1,363,174	544,033	39.91
Maine	168,516	127,477	75.85
Maryland	97,906	97,906	100.00
Massachusetts	65,184	65,184	100.00
Michigan	3,729,649	917,658	24.60
Minnesota	3,626,258	1,467,556	40.47
Mississippi	1,498,890	300,676	20.06
Missouri	1,600,992	181,204	11.32
Montana	28,745,613	7,412,851	27.72
Nebraska	527,205	182,833	34.68
Nevada	56,845,790	9,532,800	16.77
New Hampshire	735,088	117,242	15.95
New Jersey	103,369	103,369	100.00
New Mexico	22,920,318	4,105,287	17.91
New York	80,258	72,912	94.41
N. Carolina	2,003,825	995,353	49.67
N. Dakota	1,694,152	528,891	31.22

(continued)

**Section 3
Federally Managed Land Encumbered for
Conservation Purposes by Legislative or
Administrative Restrictions**

State ^a	Acres managed	Acres with conservation restrictions	Percentage of land with conservation restrictions
Ohio	251,460	33,595	13.30
Oklahoma	410,556	147,291	35.88
Oregon	32,104,965	7,096,777	22.10
Pennsylvania	598,636	109,580	18.62
Rhode Island	1,497	1,497	100.00
S. Carolina	741,651	207,050	27.92
S. Dakota	2,836,447	442,905	16.80
Tennessee	1,019,836	468,411	45.94
Texas	2,299,264	1,581,821	68.80
Utah	32,446,350	7,402,687	22.82
Vermont	364,391	110,208	30.24
Virginia	2,088,739	676,222	32.37
Washington	11,598,462	4,793,535	41.33
West Virginia	1,083,988	190,641	17.59
Wisconsin	2,003,012	369,411	18.44
Wyoming	30,103,622	7,466,862	24.80
Total	623,113,504	271,096,949	43.51

Note: Acres totals may not add due to rounding.

^aFor our analysis, we included the District of Columbia as a state.

Source: GAO's analysis of data provided by the Departments of Agriculture and the Interior.

Federally Managed Land Encumbered for Conservation Purposes by Legislative or Administrative Restrictions

Over the 29-year period from June 30, 1964, through September 30, 1993, the amount of federal land managed by the Forest Service, BLM, FWS, and NPS that had legislative or administrative restrictions placed on its use for conservation purposes increased from about 51 million acres in fiscal year 1964, to about 131 million acres in fiscal year 1979, and to about 271 million acres in fiscal year 1993. Of the 1964 acreage, FWS and NPS had about 50 million of the nearly 51 million acres, and the Forest Service and BLM had the remainder. The percentage of these four agencies' lands that had conservation restrictions was about 7 percent in fiscal year 1964, nearly 19 percent in fiscal year 1979, and nearly 44 percent in fiscal year 1993. The acreage with conservation restrictions may change in future years as congressional decisions are made about the designation of additional land for such things as wilderness and national parks. For example, the California Desert Protection Act of 1994 (Public Law 103-433) designated an additional 7.7 million acres of BLM, NPS, and Forest Service lands as wilderness and created three new parks from BLM land.

All of the lands managed by FWS and NPS are generally considered to be restricted for conservation purposes. Both of these two agencies had substantial increases in the amount of land they were responsible for between fiscal years 1964 and 1993. Generally, the Forest Service and BLM do not restrict all lands for conservation purposes. Rather, they manage their lands for multiple uses to best meet the present and future needs of the American people and to sustain, in perpetuity, outputs of various renewable natural resource commodities and to provide for other uses. However, some Forest Service and BLM lands have special or unique qualities that warrant protection through restrictions that are placed on how the lands are to be managed and used. The portions of Forest Service and BLM lands that have had legislative or administrative restrictions placed on their use for conservation purposes increased from the end of fiscal year 1964 through fiscal year 1993. Restrictions on such things as the use of motorized equipment, construction of buildings and roads, development of commercial enterprises, and landing of aircraft are imposed at the time the land is legislatively or administratively set aside for conservation purposes.

Wilderness area designations are authorized by the Wilderness Act of 1964 (16 U.S.C. 1131). As of September 30, 1993, 96 million acres of Forest Service, BLM, FWS, and NPS land had been designated as wilderness by the Congress. Another 33 million acres had been designated as wilderness study areas. Until a decision has been made by the Congress about which wilderness study areas should be named as wilderness areas, these acres

**Section 3
Federally Managed Land Encumbered for
Conservation Purposes by Legislative or
Administrative Restrictions**

are protected for conservation purposes and therefore are not available for other purposes, with certain exceptions. Wild and scenic river designations are made pursuant to the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271 et seq.). Since that time, over 1 million acres of federal lands along rivers have been designated by the Congress as part of the National Wild and Scenic Rivers System.

The fact that land has a restriction that sets it aside for conservation purposes does not preclude all activities within the designated area. For example, although the Wilderness Act restricts access to, and the development of, a given wilderness area, the "wilderness" designation generally allows, among other things, the existence of administrative structures, the development of minerals and the grazing of livestock in those instances where valid existing rights have already been established, access to private lands inside the wilderness, and use of nonmotorized recreational vehicles. Similar restrictions and allowances apply to wilderness study areas.

A principal protection afforded by a wild and scenic river designation is the prohibition of water resource projects that may divert or hinder the flow of the river. Road construction, hunting, fishing, and mining and mineral leasing may be permitted under some circumstances, depending on the classification of the river and whether the activities are consistent with the values of the area being protected and other federal and state laws.

Most of the federal acreage with conservation restrictions is located in 13 western states. Figure 3.1 shows, as of September 30, 1983, the percentage of land in each of these states managed by the Forest Service, BLM, FWS, and NPS (as reflected in the shading of each state) and the percentage of that land that is further restricted for conservation purposes (as reflected by the number shown within each state).

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
September 18, 1996

Establishment of the Grand Staircase-Escalante National Monument

By the President of the United States of America

A Proclamation

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermillion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare "double arch." The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlying Wahweap

and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia. Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the document entitled "Grand Staircase-Escalante National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is

the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON

[GSE National Monument](#) / [UGS Circular 93](#) / [The White House](#)

[UGS Home](#)

Grand Staircase-Escalante National Monument

Testimony to the Energy and Natural Resources Interim Study Committee of the Utah Legislature

By M. Lee Allison,
State Geologist and Director
of the Utah Geological Survey

Wednesday, October 16, 1996

I have been asked to testify today on two subjects:

1. **Energy and mineral resources in the Grand Staircase - Escalante National Monument**
2. **Mineral resources in Utah that could be exchanged for trust land inholdings**

It is the mission of the Utah Geological Survey to provide the best scientific and technical information we can, to you and to the public. As advisors under contract to the Trust Lands Administration, we are making information available to you and other decision makers to ensure that the citizens of Utah and the school children of Utah get fair compensation for the resources they own. Therefore, we are attempting to undertake a comprehensive inventory of the energy and mineral resources within the monument. This morning I will quickly summarize what we have found thus far.

RESOURCES

Most of you are already aware of the vast coal resources in the Kaiparowits coal field. I will detail the newest information on the amount of coal in a moment. Before that however, I would like to summarize the other mineral inventories in the monument. I need to state up front that these are geologic resources in the ground. In some cases the economics, the technologies, or the transportation infrastructure are not present to justify developing them at this time.

First, we conservatively estimate that there are between 2 and 4 trillion cubic feet of **natural gas** within the coal beds (coalbed methane) of the Kaiparowits coal field. This is based on a range of gas contents comparable to other coal fields in Utah and nearby states. At current market prices of \$1.20 to \$1.35 per Mcf, this would be worth \$2.5 - 5 billion.

The **Upper Valley oil field** lies partly in national forest and partly in the monument. The field currently produces about 250,000 barrels of oil per year or about 1% of Utah's oil production.

The western part of the **Circle Cliffs tar sands** deposit holds an estimated 447 million barrels of oil.

Conoco and Rangeland Exploration have been carrying out an exploration and leasing program in the Kaiparowits Plateau region for the past year and announced plans to expand their drilling program. They stated they identified 30 to 50 geologic structures capable of holding 100 million barrels of oil per structure. The UGS has compiled a map of

Grand Staircase-Escalante National Monument Utah Legislature - Utah Geological Survey <http://utstdpwww.state.ut.us/~ugs/gscnmlg.htm>
 geologic structures that are widely known in the geologic community [refer to map]. As you can see, they extend throughout the monument and surrounding region. Although we have not made our own independent study of these structures, we believe that Conoco's maximum estimates of oil potential are not unreasonable. I need to emphasize that although the exploration potential is there, the probability of finding that much oil is very small.

There are four small **alabaster quarries** in the monument that supply high quality material for sculpting. About 300 tons of alabaster are recovered each year with a wholesale value of about \$500 per ton.

We also estimate there are as many as 3 million tons of high grade **zirconium-titanium ore** in a 40-50 mile long belt running south from Escalante. These are strategic and critical minerals currently stockpiled by the Dept of Defense.

Now let me elaborate on the **Kaiparowits coal field**. It contains over 62 billion tons of coal making it by far the largest coal field in Utah. In fact, it contains 3/4 of all the coal in Utah. These figures are from a new report by the US Geological Survey. That report has just been made public in the last two weeks.

{Map of Grand Staircase-Escalante National Monument and Kaiparowits Coal Field}

Kaiparowits coal has very low sulfur content meaning it will burn cleanly in power plants to generate electricity.

Our analyses of recoverable coal are shown on the sheet we have handed out. The USGS determined that 32 billion tons of the resource are not recoverable because the coals are too thick -over 14 feet; too thin - less than 3.5 feet thick; too deep- over 3000 feet; or dip too steeply - over 12 degrees. The UGS believes another 7.5 billion tons between 3.5 and 6 feet thick are also not recoverable because they are too thin.

This leaves 22.75 billion tons minable. Assuming a conservative recovery of 50%, we have 11.375 billion tons of coal that could be produced and sold. [For comparison, on the Wasatch Plateau, current longwall mining commonly recovers 60-70% of minable coal.] We calculate the share of recoverable coal on school trust lands in the monument at about 876 million tons. The actual amount that might produced in the Kaiparowits coal field could be larger using higher recovery rates. The amount would also increase if longwall mining machines were built that could cut coal seams thicker than 14 feet. Some Kaiparowits coal seams are over 20 feet thick.

Also, the State of Utah would normally expect to receive a 50% share of royalties from production of the 10.4 billion tons of coal on federal lands in the monument. {Summary of the Coal Resources of Kaiparowits Plateau and Its Value}

Kaiparowits Coal Resource Data				
(derived by the Utah Geological Survey from U.S. Geological Survey <u>Open-file Report 96-539</u>)				
All figures in billions of short tons				
Resource Category	Federal	Private	State	Total
In-place	57.2	0.3	4.8	62.3
Estimated minable	20.88	0.11	1.75	22.74
Estimated recoverable	10.44	0.05	0.87	11.36

COMPARABLE RESOURCES

The UGS has been undertaking a preliminary inventory of federal coal and other energy resources left in Utah.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

geologic structures that are widely known in the geologic community [refer to map]. As you can see, they extend throughout the monument and surrounding region. Although we have not made our own independent study of these structures, we believe that Conoco's maximum estimates of oil potential are not unreasonable. I need to emphasize that although the exploration potential is there, the probability of finding that much oil is very small.

There are four small **alabaster quarries** in the monument that supply high quality material for sculpting. About 300 tons of alabaster are recovered each year with a wholesale value of about \$500 per ton.

We also estimate there are as many as 3 million tons of high grade **zirconium-titanium ore** in a 40-50 mile long belt running south from Escalante. These are strategic and critical minerals currently stockpiled by the Dept of Defense.

Now let me elaborate on the **Kaiparowits coal field**. It contains over 62 billion tons of coal making it by far the largest coal field in Utah. In fact, it contains 3/4 of all the coal in Utah. These figures are from a new report by the US Geological Survey. That report has just been made public in the last two weeks.

{Map of Grand Staircase-Escalante National Monument and Kaiparowits Coal Field}

Kaiparowits coal has very low sulfur content meaning it will burn cleanly in power plants to generate electricity.

Our analyses of recoverable coal are shown on the sheet we have handed out. The USGS determined that 32 billion tons of the resource are not recoverable because the coals are too thick -over 14 feet; too thin - less than 3.5 feet thick; too deep- over 3000 feet; or dip too steeply - over 12 degrees. The UGS believes another 7.5 billion tons between 3.5 and 6 feet thick are also not recoverable because they are too thin.

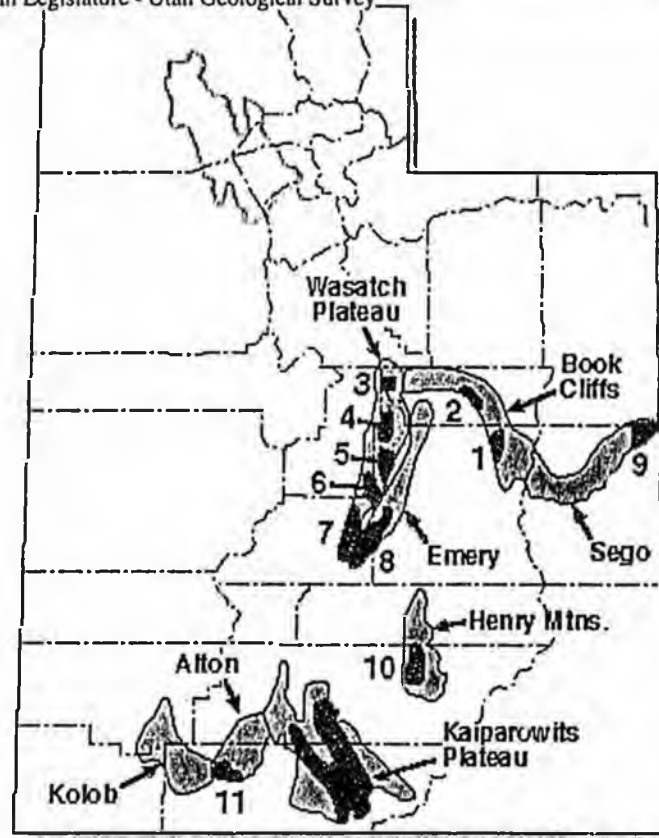
This leaves 22.75 billion tons minable. Assuming a conservative recovery of 50%, we have 11.375 billion tons of coal that could be produced and sold. [For comparison, on the Wasatch Plateau, current longwall mining commonly recovers 60-70% of minable coal.] We calculate the share of recoverable coal on school trust lands in the monument at about 876 million tons. The actual amount that might produced in the Kaiparowits coal field could be larger using higher recovery rates. The amount would also increase if longwall mining machines were built that could cut coal seams thicker than 14 feet. Some Kaiparowits coal seams are over 20 feet thick.

Also, the State of Utah would normally expect to receive a 50% share of royalties from production of the 10.4 billion tons of coal on federal lands in the monument. {Summary of the Coal Resources of Kaiparowits Plateau and Its Value}

Kaiparowits Coal Resource Data				
(derived by the Utah Geological Survey from U.S. Geological Survey <u>Open-file Report 96-539</u>)				
All figures in billions of short tons				
Resource Category	Federal	Private	State	Total
In-place	57.2	0.3	4.8	62.3
Estimated minable	20.88	0.11	1.75	22.74
Estimated recoverable	10.44	0.05	0.87	11.36

COMPARABLE RESOURCES

The UGS has been undertaking a preliminary inventory of federal coal and other energy resources left in Utah.



Undeveloped federal coal areas

Prepared by the Utah Geological Survey
October 10, 1996

The map shows the general location and size of the unleased and leased-but-not-yet-developed federal coal tracts that have potential to be mined. We have identified approximately 1.6 billion tons of minable coal in the Wasatch Plateau, Book Cliffs, Alton, Segoo, Emery, and Henry Mtns coal fields that we believe could be mined and produced [see Table 1 (table below)]. However, there are some concerns with many of the deposits we identified: for example, southern Wasatch Plateau coals have high sodium; Segoo coals are in amongst oil and gas fields; Emery coals have both higher ash and sulfur values; to recover the full 700+ million tons in the Henry Mtns and Alton fields would require strip mining. If they were mined underground, the amount of recovery would drop from about 90% of the coal in place to about 50%. There would likely be opposition to mining in these two areas because of their proximity to Capitol Reef NP and Bryce Canyon NP. The eastern half of the Alton coal field is already deemed 'unsuitable for mining' because it might be visible from locations within Bryce Canyon.

Undeveloped Federal Coal Areas
prepared by the Utah Geological Survey, Oct. 10, 1996

Leased But Unmined

Area	Est. Rec. Tons	Comments
1. Geneva South	28 MM	faulting, higher sulfur
2. Sunnyside North	45 MM	higher sulfur
3. Winter Quarters	35 MM	faulting

Proposed for Lease

Area	Est. Rec. Tons	Comments
4. East and Trail Mtns	140 MM	some deep cover

Unleased Areas

Area	Est. Rec. Tons	Comments
5. N and S Horn Mtn	170 MM	high sodium, some deep cover
6. Flagstaff Peak	60 MM	poorly known, little data
7. Old Woman Plateau	135 MM	some faulting
8. Emery Coal Field	155 MM*	higher ash and sulfur
9. Sego Coal Field	130 MM	oil & gas conflicts
10. Henry Mtns	500 MM*	environmental concerns
11. Alton Coal Field	200 MM*	environmental concerns
Grand Total	1,598 MM*	

*includes surface minable as well as underground minable reserves.

ALTERNATIVES

In addition to the presently undeveloped coal in Utah, there are between 100 and 200 million tons of coal reserves remaining in currently active coal mines on federal lands. Those active federal leases are another resource available for exchange.

Other federal resources include producing oil and gas fields and coalbed methane deposits. Oil production is declining in Utah and is just half of what it was 10 years ago. Gas production however is increasing and coalbed methane is turning out to be a significant source of natural gas.

CONCLUSIONS

In our view it is questionable whether the federal government has sufficient coal and other resources in Utah comparable to the school trust's coal in the Kaiparowits coal field, let alone the trust's other energy and mineral resources within the Grand Staircase - Escalante National Monument.

At the current production rate of 28 million tons per year, the 1.6 billion tons of mineable coal left in Utah will be completely mined out in 60 years; less than that if all of that coal cannot be developed. In comparison, the coal in the Kaiparowits coal field would last over 400 years at Utah's current rate of mining.

Memo

To: The Cabinet

From: Governor Michael O. Leavitt

Subject: Direction on Public Land Issues in Utah

Date: October 11, 1996

The debate over protecting public land in Utah has been going on for nearly two decades. The Bureau of Land Management (BLM) has spent more than \$10 million, an amount that does not include the money spent by the state, local government, business and the general public. Literally hundreds of hearings have been held and thousands upon thousands of comments have been written, read and heard.

Public/private consensus efforts, such as the one sponsored by the Coalition for Utah's Future, have attempted to reach agreement. For over a year, the Coalition focused on Emery County and came very close, but in the end did not succeed.

In 1995, I joined our Congressional Delegation in a renewed effort to develop a balanced wilderness proposal. We believed that the time was right. It seemed with a Democratic administration and a Republican Congress that the necessary checks and balances were in place to achieve equity. Once again, that did not prove to be the case.

Complicating matters even more, on September 18, 1996, President Clinton invoked a provision of the 1906 Antiquities Act establishing the Grand Staircase - Escalante National Monument. His secrecy, lack of process and the blatant political nature of his action have widened the gap even further. This debate is becoming increasingly complicated and deeply emotional. It is dividing our people.

The past month I have spent considerable time reflecting on our state's approach to these dilemmas. I have concluded that we must redirect our course.

Years of dealing with these problems have led me to a key conclusion: Utahns share a common love of the land. There is a disagreement on how to protect sensitive lands but a common desire to preserve them. For decades our efforts have revolved around our conflicts. It is time to build on what unites us.

Accordingly, after consulting with legislative leaders, our Congressional Delegation and local officials, I am proposing some new policy directives. I do not want to represent this as a united proposal. It is not. It is my best thinking on these issues at this time. If someone can show me a better alternative I am willing to listen. Until that time I will pursue the following course:

I. Incremental Wilderness Strategy

I must impress that my desire is to find an overall solution to the designation of wilderness. If it ever becomes evident that we can resolve wilderness in a comprehensive way I am prepared to continue forward toward a balanced solution. However, the road to resolution must begin with a willingness to agree on something. I have spent enough time walking the land and looking at maps with people from all sides of this dispute to know that there are areas of

agreement. For now, this administration will withdraw from the "numbers game" where the argument centers around acreage figures that have become largely symbolic. Our efforts will be devoted to finding a contiguous grouping of Wilderness Study Areas where differences are small and agreement is great. They do exist. Once we have identified an area that most have agreed upon for wilderness protection, we will pose this challenge to all sides of the debate: let's quit arguing and take some beginning steps. Incremental progress is superior to perpetually deferred perfection. After nineteen years of debate, let's do something, let's actually designate wilderness.

This administration proposes that both sides agree in advance that "more wilderness is needed." For now, we need not agree on "how much more." It will be a start and we can build from there, step by step. This process will provide a foundation of agreement. Once we have passed legislation on this piece, a second step can be taken and so forth.

Will we ultimately agree on everything? Perhaps not. But we CAN and SHOULD designate wilderness. Time and weaving a pattern of trust will take us a long way.

II. Grand Staircase - Escalante National Monument

I have previously made strong public statements regarding my deeply felt belief that President Clinton did not keep public trust in the way he used executive power to create the Grand Staircase - Escalante National Monument. I have also made it clear that I did not find the idea of a monument inconsistent with proposals I have made for the protection of the region. Without any modification in my objection to the President's tactics, it is now time to look forward and begin the process of planning the monument. In my personal conversations with the President and in his public statements, the President has guaranteed that state and local governments will be full players in the development of the area's management plan. It will be the policy of this administration to fully engage as a partner in the planning process. If the President and Secretary "make good" on their promises, the state will not only come to the table, we will bring resources with us, including talented people and money. Done properly, this monument can become a national showcase for environmental management. Done improperly, it could devastate an area already in severe economic peril. I am prepared to fully utilize the Consistency Review provisions of the Federal Land Policy and Management Act to ensure Utah's involvement in the process is adequate. In addition, we must move forward quickly to find a beneficial and fair exchange for school trust lands.

III. Preserving Basic Protections

In 1976 this nation made an important public policy decision. Congress passed landmark legislation (Federal Land Policy and Management Act) requiring great deliberation and careful process in determining how public lands would be used. That act, and other related legislation, contains protections for states and local communities. It is the policy of this administration to assure that our state is not denied those protections. We will defend Utah's interest against abuses of our existing protections and we will seek additional protections where they are currently inadequate.

The President's recent use of the Antiquities Act to create the new monument in Utah was a clear example of inadequate protection. Our system of government was constructed to prevent one person from having that much power without check or balance from another source. This law was originally intended to provide emergency power to protect Indian ruins and other matters of historic importance. Over ninety years the federal courts have allowed a gradual expansion of the powers. The President's recent proclamation was a classic demonstration of why the founders of this nation divided power. Power unchecked is power abused. Utah and other states need protection from further abuses of the 1906 Antiquities Act. This administration will join other states in support of appropriate amendments.

Another example of a process being abused is Secretary Babbitt's wilderness re-inventory. In 1979, after three years of vigorous debate and discussion, the BLM established a criteria for wilderness. Neither side of the debate particularly liked the criteria, but it was arrived at through a fair and deliberate process. The Secretary of Interior has now decided to review again certain lands to determine if they have wilderness potential. However, the Secretary has decided to create a "new" criteria, substantially different than the one used since 1979 and is being applied uniquely in Utah. The law requires that the Secretary go through a process to change the criteria. It is not something he can do on a whim or at his discretion. In addition, the Secretary's "review" includes state trust land. That land is owned by the school children of our state. This is a clear violation of the protections contained in law. These are actions this administration

IV. Land Preservation and the Economic Resettlement of Rural Utah

Land preservation decisions must consider the relationship between the land and the local economy. Many rural jobs are tied to public lands in mining, agriculture and tourism. However, all of these industries are not growing in the number of new job opportunities. This administration announced in July of 1994 a policy pertaining to the economic resettlement of rural Utah. That policy is reaffirmed. We intend to intensify our efforts and will challenge the national government to be responsive to the needs of their action in Southern Utah have created.

Historically, whenever the federal government has determined that a local interest is subordinate to the national interest, then some form of federal assistance is provided. We should all focus on developing real economic opportunities for rural Utah counties in order to build a more diversified and sustainable economy.

Return to the [Initiatives](#).

Return to [Home Page](#).

Matter of trust

By Lucinda Dillon

Deseret News staff writer

Editor's note: Utah's trust lands again made headlines when President Clinton created the Grand Staircase-Escalante National Monument. But what are these lands and why should the average Utah care about them? In a five-part series, Deseret News staff writer Lucinda Dillon looks at the politics and players that shape Utah's trust lands and the fortunes of Utah schools.

Barneys Canyon Gold Mine is visible on the Oquirrh mountainside, dwarfed to the south by Kennecott's Bingham copper production and nestled between the pit and the landmark smelter tower.

In Moab, tourists peddle pedal their mountain bikes over land that sells for \$40,000 per acre.

From there, down the Colorado River near the Arizona border, a dusty slab of coal is exposed on the southeast corner of the Kaiparowits Plateau.

And in the state's West Desert, west desert, there is nothing as far as the eye can see. Cattle graze on expanses where optimists believe any site could be the next mining birthplace of a little known mineral or resource.

These are the locations where concerns of animals and opportunists collide; where environmentalist views of wilderness protection crash against the interests of schoolchildren in underfunded, crowded Utah classrooms.

These are Utah's institutional trust lands, designated primarily to benefit schoolchildren with the profits made off the leases, the mining and the sale of these lands.

Utah's Permanent School Trust Fund, through which this money finds its ways to its beneficiaries, reached record totals at the end of the 1996 fiscal year. The fund was almost \$106 million, up from \$39 million in 1990.

Trust lands -- both the phrase and what these two simple words represent -- came into the state spotlight this fall when President Bill Clinton designated the Grand Staircase-Escalante National Monument in southern Utah.

Utah schoolchildren were an unlikely component in the heated discussion

Clinton stole jobs, said Kane County residents; he orchestrated an egregious political ploy, said the state's conservative congressional contingent. The monument's proponents went on the offensive, praising Clinton's preservation of an area rich in beauty and scientific value.

In the fervor, a few vocal devotees to the school trust lands expressed outrage at the designation. Millions in potential revenue -- what might be gleaned from 175,000 trust land acres now imprisoned within the monument boundaries -- is in limbo.

Margaret Bird, trust lands expert for the Utah State Office of Education, reminded people that the federal government had already taken control of about 200,000 acres as contained in American Indian reservations, national parks, forests and monuments.

That's a problem because the rules governing national parks strictly restrict what types of activities can occur on them. Careful consideration is given to the impact on the areas' wildlife, archaeological and environmental well-being. Such restrictions nearly eliminate money-making potential of trust lands in these areas.

So trust land managers try to trade these areas for others. But that hasn't worked well in the past.

The federal government already owes up to its eyeballs, Bird said. "Would you extend credit to someone like that?"

The act was the equivalent of stealing textbooks and hot lunches from schoolchildren, according to other trust land advocates.

It's been more than 100 years since the land-rich federal government first turned over about 7 million acres to Utah in state trust lands.

There were conditions to that arrangement. In exchange for the trust lands, officials in the fledgling Beehive State said they wouldn't tax the federal lands that make up the other 70 percent of the state.

So, what are these trust lands? Whose trust is involved? Why should Utahns care about a scratchy patch of dirt on the Kaiparowits Plateau or a few plots covered by scrub brush near St. George?

"It's vitally important," said Bird, who has been fighting on behalf of trust lands for nearly 25 years. "This is a monumental asset, and we must care for it. That hasn't always happened."

Utahns should care because of the resources masked beneath the barren and dusty exterior. Coal. Coal-bed methane gas. Gold. Oil.

When Clinton, on the virtual eve of the national election, swaggered into the West to claim 1.7 million Utah acres for a new national monument, it was highway robbery, according to guardians of the trust lands.

Here's what trust land advocates see:

- About 175,000 acres of school trust lands within the area designated to be the

Grand Staircase-Escalante National Monument.

- Estimates by the U.S. Geological Survey that show 62 billion tons of coal tucked beneath the Kaiparowits coal basin.
- The knowledge that schools -- through the trust lands -- own one-ninth of that coal.
- The fact that coal sells for \$20 per ton.
- That royalties on coal production are 8 percent -- about \$1.60 per ton.
- Between 10 percent and 30 percent of the coal is recoverable.

Therefore, knocking those 175,000 acres out of moneymaking potential is a \$1 billion to \$3 billion hit for the trust's fund.

"We expect a written commitment from the president to compensate our schools with full value," reads a statement by Scott Bean, superintendent of Utah's schools.

Just after the September monument announcement, made outside Utah at the Grand Canyon, Bean came as close as he dared to calling a joke the president's guarantee of an equal land swap. Clinton had said he would exchange all trust lands within the monument for land outside its boundaries.

In the world of trust lands and land exchanges -- when the future and livelihoods of Utah's young people are at stake -- it is too simplistic to evaluate a piece of land by its size alone.

A patch of ground does not equal a patch of ground.

Rather, the land's value is measured by what is underneath the dusty topsoil. Coal? Minerals? Gas? Is it rich with resources, or valuable only for the brush off which a herd of cattle might feed? Is it close to anything valuable; a lucrative housing development? Or close to something distasteful?

In other words, it's no bargain to get an acre of barren land in Emery County in exchange for a Kaiparowits Plateau plot.

Previous land exchanges arranged with the federal government have never been completed. Once the government makes good on those, how much valuable land is left? Bean wondered after the monument designation.

"We expect all disputes over value to be resolved in favor of our children and the president committed in his speech," he said in a statement. "We expect full compensation to be expedited."

For many Utahns, the conflict over the monument designation is all they know about state trust lands.

"Ninety-nine percent of people probably have no idea what trust lands are," said Dave Hebertson, a spokesman for the School and Institutional Trust Lands Administration. "And the monument is the reason that 1 percent knows what they do."

By statute, title to the trust lands is vested in the state as trustee to be administered for the financial support of the trust beneficiaries.

But "the state's trust" oversimplifies a monstrously complex and political system of management for these lands, so simply designated to be managed for the benefit of common school and other institutional beneficiaries.

As it is with discussions about water, the simplicity of dirt and land is beguiling.

The century is pockmarked with lawsuits and legal fights over land values and land use. This trend has not changed.

This year, the State Institutional Trust Land Administration spent more than \$2 million -- 40 percent of its annual budget -- arguing legal details of this land's value.

This trust land arena is muddied with its politics and players.

Over the years there has been scandal, sweet deals and fraudulent practices, land giveaways and broken promises.

Now, a relatively new board of directors leads the trust lands into the 21st century.

Ruland Gill, the board's president, says the administration is taking control over the buyer-driven system that has plagued the administration and drawn criticism in the past. The board operates more like a real estate developer, he said.

The members acknowledge the lands' tumultuous history. No. 1 on a list of "Critical Success Factors" recently adopted by the board is to "conduct business and agency activities with honesty and integrity."

The administration has a better accounting system now. It has re-evaluated its land inventories and adjusted lease agreements to better benefit the beneficiaries.

"We're in a much better position to avoid the kind of mistakes we've made in the past," said David Terry, trust land administration director. "We're in a position to limit the size of the mistakes we make."

The new board and Terry's staff are committed to a better process that "keeps everything aboveboard." Not that anything shady happened before, he said, but an open, public process about the way 3.7 million acres of trust lands are managed will prevent some of the criticism that has included bad management and favoritism, he said.

"We're definitely not trying to act in a vacuum here."

The following is an outline of the groups and players that affect the trust lands:

The land

Someone who stands at the steps of the Utah State Capitol can look west on a clear day and see the Salt Lake International Airport. It's 6 miles as the crow flies to the terminal of the region's busiest travel hub.

If that person shifts his position and looks to the south, there are no landmarks to mark the area 6 miles away; it's about the area where 3300 South meets I-15. But

that space -- from the Capitol to the airport and the same distance out to the south -- is about the area encompassed in a township.

Township boundaries were the main measuring unit when Utah first got the trust lands 100 years ago.

The townships had 36 one-mile-square sections, and that's how Utah got its 7 million acres doled out. Most states received two separate parcels within a township. Utah was so arid -- and the land considered less valuable -- it was given four.

Fifty years passed between settlement and statehood, so many of the choice lands along the Wasatch Front already had been designated for settlement by the time trust lands were distributed. Consequently, the early trust land map looked like a checkerboard dotting the rural areas.

The original 7 million acres is now about 3.7 million. Over time, much of the land has been sold.

The beneficiaries

"Common schools" in Utah, represented by the Utah State Office of Education, have the largest share of the beneficiary pie -- about 95 percent.

School officials nationwide fend off attacks against their financing.

In Utah, a group of lawmakers would like to stop funding education through property taxes. Utah spends less to educate its students than any other state. Purse strings are tight: even a generous appropriation from the Legislature pays bare-bones expenses but not much else.

Many lawmakers and other state officials would like to see more school funding come from the Permanent Trust Fund.

Eleven other institutions, including the state's universities, the State Schools for the Deaf and Blind and Utah State Hospital, command a fraction of the assets.

The money man

State Treasurer Ed Alter is in charge of investing the more than \$100 million that make up the trust's permanent fund.

Revenue into the permanent fund comes from several sources: fees paid by farmers who graze animals on the land, royalties from wells or sales of trust lands.

Most of the \$5.5 billion in the state's operating budget goes in and out quickly -- it comes in through property, sales and other taxes plus federal funds and other sources and goes out in department expenses and salaries. Because the trust has long-term investing potential, Alter calls it a "bit of a novelty."

"It's kind of exciting for us," said Alter, who coordinates with beneficiaries and institutional trust land administrators but ultimately makes final decisions about investments.

About a year ago, the Utah Legislature changed the Money Management Act and

gave Alter the power to invest trust money in stocks. Wise, aggressive investing in a variety of funds has paid off -- about \$10 million in interest from the trust permanent fund went into Uniform School Fund coffers last year.

The managers

In 1994, on the 100-year anniversary of the designation of Utah trust lands, the Utah Legislature said something was dreadfully wrong with the way the state was managing its trust lands.

By statute, it took trust lands from the Utah Division of State Lands and created a separate division, the State Institutional Trust Lands Administration Board, sometimes called SITLA.

With a long history of mining industry work in the mountain and Western states, Terry was hired by the board of directors 14 months ago to supervise the division.

Questar Corp. Vice Chairman Ruland Gill heads the seven-member board, whose members are recommended by a task force and appointed by Gov. Mike Leavitt.

Terry has a few top priorities for the board: to get the administration to operate more like a business, to reposition assets so land protected by other jurisdictions gets traded for acreage with which the division can do something, and to work on a positive recognition of state trust lands.

And everyone wants to boost money in the fund. Their goal? \$200 million in the fund by 2002.

There are the steady contributors to the fund. For example, lease profits from the gold mined at Barneys Canyon contribute about \$1 million into state trust land coffers each year.

There are sales from Christmas tree permits sold and land sales.

And there are the benefits not yet realized.

Most of the easily recognized bodies of ore throughout the state are mined out, so the untapped Basin and Range region in the desert of western Utah could be a spot for riches. There's no reason to believe the lucrative gold belt near Carlin, Nev., extends across the border into Utah -- but there's no reason to believe it doesn't.

The bulldog

Margaret Bird feels like a full-time whistle blower.

It was Bird who came to state schools attorney Doug Bates in the mid-1980s. She said she'd been doing a little research, and that it appeared the schools had been cheated out of about \$21 million by bad management related to some coal leases. It turns out the schools had indeed been cheated, Bates said.

Thus began Bird's career as a trust lands advocate.

She attends most board meetings, lobbies the Legislature, meets with governor. Technically, she works part-time for the State Office of Education with the charge to stay on top of all issues related to the trust lands.

She's done that and more. Over time, Bates said, Bird has saved the trust fund millions with her tenacious scrutiny of trust lands dealings.

Wilderness watchers

Bird considers the nationwide effort to protect wilderness to be the trust's greatest threat. At every turn wilderness advocates raise issue with land use and its impact on animals, plants and landscape.

When Clinton designated the monument this fall, the Southern Utah Wilderness Alliance dismissed any negative impact on education funding. 'The monument will cost each of Utah's schoolchildren one egg-salad sandwich each year -- a small price to pay for the protection for some of our greatest natural wonders,' Ken Rait, head of the alliance, said at the time.

Monday: The junkyard dog of trust lands.

Published 15 December, ©; 1996 Deseret News Publishing Co.

MONUMENT IS COSTLY, EXPERT SAYS

BLM Can't Compensate Utah School-Trust Fund

BY MIKE GORRELL
THE SALT LAKE TRIBUNE



The Bureau of Land Management (BLM) does not have enough coal in Utah to compensate the school-trust fund for potential revenues lost when the Grand Staircase-Escalante National Monument was created, legislators were told Wednesday.

State Geologist M. Lee Allison told the Energy, Natural Resource and Agriculture Interim Committee that the terrain within the newly designated southern Utah monument was a potential energy wonderland, with estimates of:

-- 11.4 billion tons of recoverable coal, "the premier coal resource" in the lower 48 states.

-- 3 billion to 5 billion barrels of oil.

-- 2 billion to 4 trillion cubic feet of coal bed-methane gas.

-- Several billion cubic feet of natural gas and deposits of relatively obscure minerals such as alabaster, titanium and zirconium.

By contrast, Allison said, BLM lands in Utah contain an estimated 1.6 billion tons of unleased coal.

It would take less than 60 years to mine that total, whereas the Kaiparowits coal field in the monument "could supply our needs for more than 400 years," he said.

Consequently, State and Institutional Trust Land Administration director David Terry said "it may be impossible" for the BLM to live up to President Clinton's promise that school-trust funds within the 1.7 million-acre monument can be traded for BLM lands of equal value elsewhere.

The state's figures for the monument's resources are grossly overestimated, said Southern Utah Wilderness Alliance (SUWA) issues coordinator Ken Rait.

"They must be operating in some other world. Dozens of coal leases have been dropped out there [at the monument] because [mining companies] have found it uneconomic to develop. This pie-in-the-sky estimate is totally unrealistic."

BLM state director Bill Lamb and Cedar City district manager Jerry Meredith told legislators that their agency has set up two teams to develop and implement a management plan for the new monument. That includes devising a procedure by which school-trust land sections -- deeded to Utah at statehood to raise money for public education -- within the monument are traded for BLM lands of equal value outside of the area.

Initial emphasis is likely to be on state sections among 25,000 acres of coal leases that Andalex Resources wants to mine in the southern Kaiparowits Plateau.

Although the preparation of an environmental impact statement on the proposed mine will proceed, most observers believe the monument was created specifically to kill the mine.

Revised figures released Wednesday by the Governor's Office of Planning and Budget show that each of the seven state sections in the proposed mine would generate about \$18 million (a maximum of \$1,035,151 annually) for the school fund.

Rait said the new figures confirm SUWA's argument that the economic return is inconsequential ``\$2 per pupil on an annual basis -- a small price to pay for the protection of some of our greatest natural wonders."

But to Margaret Bird, who represents trust beneficiaries for the Utah Department of Education, Andalex's mine represents less than 1 percent of the Kaiparowits coal field, which, fully tapped, could yield at least 70 times more money for the fund.

That's the important sum total, she said. If the BLM does not have enough coal to replace that, ``get the checkbook out. It's important to every American that their government should not be a thief."



© Copyright 1996, The Salt Lake Tribune

All material found on Utah OnLine is copyrighted *The Salt Lake Tribune* and associated news services. No material may be reproduced or reused without explicit permission from *The Salt Lake Tribune*.

[Credits & Conditions](#)[Structure](#)[Your Comments](#)

- **UNITED STATES CODE**

- **TITLE 16 - CONSERVATION**

- **CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES**

- **SUBCHAPTER LXI - NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS**

.....

§ 431. National monuments; reservation of lands; relinquishment of private claims

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

.....

§ 431a. Limitation on further extension or establishment of national monuments in Wyoming

No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

.....

§ 432. Permits to examine ruins, excavations, and gathering of objects; regulations

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this section and sections 431 and 433 of this title.

.....

§ 433. American antiquities

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than \$500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

.....

HJR

49

SENATE COMMITTEE REPORT

DATE: 2/4/98

FURTHER:

DATE TURNED
IN TO OFFICE:

2/19/98

Resources Committee considered CS FOR SS FOR HOUSE JOINT RESOLUTION NO. 49 (RES)

Relating to opposition to a moratorium on the building of roads in the roadless areas of national forests.

and recommends:

- be replaced with S CS CSSS HJR 49 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:
- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Henry D. Holden</i>	✓	<i>Amigama Lincoln</i>	✓		
<i>Bob K... ..</i>	✓				
<i>John C. Taylor</i>	✓				
CHAIR: <i>Rick Hubbard</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>LAA</i>	<i>1/30</i>	<i>X</i>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NC

No: 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSSS IJR 49 (RES) _____
(H) Publish Date: 2/2/98 _____

Revision Date: _____
Title: "Relating to opposition to a moratorium
on the building of roads in the roadless areas of"
Sponsor: Williams
Requestor: House Resources Committee

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact to the Legislative Affairs Agency.

Prepared By: Karla Schofield, Deputy Director
Division: Administrative Services

Karla Schofield

Phone: 465-3852
Date: 1/30/98

Approved By: Pamela A. Varni, Executive Director
Agency: Legislative Affairs Agency

Pamela A. Varni

Date: 1/30/98

COMMITTEE COPY

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

Alaska State Legislature

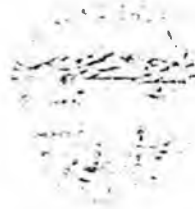
Committees

Transportation, Chairman

Resources

Economic Development

Rules



Diemig Street
State Capitol
Juneau, AK 99801-1102
(907) 465-3424
Fax (907) 465-3743

In Ketchikan
52 Front Street, Suite 207
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-7347

Representative William K. Williams

Sponsor Statement

House Joint Resolution 49

The Forest Service recently announced a sweeping two-year moratorium on development of 'roadless' areas of national forests. Although the announced 'land freeze' appears to have exempted the Tongass National Forest from the policy, that is not necessarily the case.

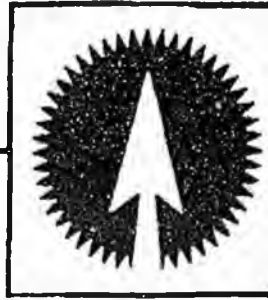
The public has 30 days to comment on the roadless policy, after which the Tongass could be included in the moratorium. Also, the Chief of the Forest Service, Mike Dombeck, has said that the final long-term policy will apply to all forests.

The resolution speaks to the inappropriate manner in which the White House is dictating management of our national forests. The Forest Service has turned the public process upside down by announcing their policy first, then searching for scientific evidence to support their position and reaching out for public participation.

The resolution also speaks to the Tongass Land Management Plan. Alaskans and Outsiders spent over 10 years and \$13 million dollars revising how we manage the Tongass. It would be wrong to come back later with a unilateral amendment which alters the balance struck in the plan.

I urge your swift passage of the resolution, as the 30 day public comment clock is ticking

Alaska Forest Association, Inc.



111 STEEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920

Statement of Support House Joint Resolution 49

The forest products industry in Southeast Alaska is heavily dependent upon the purchase of timber from the Tongass National Forest. The Tongass Land Management Plan Revision of 1997 has greatly reduced the land within the Tongass that is available for timber harvest from 1.7 million acres to a mere 676,000 acres, and the maximum average annual allowable sales quantity from 520 million board feet (mmbf) to 267 mmbf. This is considerably below the amount the industry needs to sustain the remaining mills in the region. The promises made by Congress in 1990, at the time the Tongass Timber Reform Act was made law, that sufficient volume would be made available to sustain direct timber employment in Southeast Alaska have now proven to be hollow.

The impact on Southeast Alaska of the reduced harvest of Tongass timber has been drastic. Thousands of jobs have been lost through mill closures, and Federal payments to communities in the form of timber receipts have fallen to a tiny fraction of what they were previously. Recently released data indicate that timber receipts this year will be down by 83 percent compared to last year. This money is used for schools and road maintenance, so the decline hurts all the residents of the region.

Now comes the Clinton Administration with its proposed roadless moratorium. This policy is being superimposed upon the National Forest System in violation of the national Environmental Policy Act and the National Forest Management Act, both of which require a public process, not unilateral government actions unrelated to sound science and public review. The government's new roadless policy is top-down management of the worst sort. It subverts public process and asserts a political strategy in place of sound, scientific, professional forest management. It is bad public policy and is aimed only at promoting the radical environmental agenda of stopping all logging on federal land. The much-touted 'exemption' for the Tongass and other Western forests is not, in fact, an exemption, but an announcement that the policy will be applied through a different mechanism; that is, through forest plan amendments.

The recent TIMP revision took more than 10 years to write and cost the taxpayers more than \$13 million. It includes protection of some 90 percent of the roadless areas remaining on the Tongass. The Chugach Land Management Plan revision is just beginning, and the Chugach National Forest is more than 98 percent roadless. Application of the new roadless policy to the Chugach amounts to predetermining the plan revision in the direction of no development at all. Among other consequences, this will effectively prevent the Forest Service from addressing the growing spruce bark beetle devastation through active forest management. In the case of both Alaska national forests, the roadless policy is unnecessary and very harmful to Alaska's economic future.

forests, the roadless policy is unnecessary and very harmful to Alaska's economic future.

The estimated impact on the Tongass timber program is 202.5 mmbf per year over the life of the plan. Given an Allowable Sale Quantity of 267 mmbf, and expected offerings of around 200 mmbf, it doesn't take a rocket scientist to figure out that this would finally spell the end to industrial logging in the Tongass. Furthermore, full implementation of the roadless policy (whether through direct application or through a plan amendment) will immediately result in a further reduction in timber receipts— amounting to as much as \$2.5 million in FY98. Alaska simply cannot afford this government boondoggle into anti-development politics.

In short, the government's proposed roadless policy is bad for national forests, bad for the American public, and particularly bad for Alaska. The Alaska Forest Association urges the legislature to take immediate action to protest this terrible public policy by quickly passing House Joint Resolution 49. We should send a message to the Clinton Administration on behalf of Alaskans and on behalf of our counterparts in other states, that the Alaska people will not tolerate the Administration's attempts to force a radical agenda upon the people of this state and of this country.

FACT SHEET ON MORATORIUM

- Federally-owned forests are primarily used by smaller timber companies that hire local workers. According to the U.S. Forest Service, over a two-year period, a moratorium would eliminate 12,640 jobs and result in \$160 million in lost revenues.
- According to the Forest Service, approximately 40 million acres of our national forests are at high risk of being consumed by catastrophic wildfire, and many of these acres are in roadless areas. Forest roads are an integral part of maintaining forest health. The moratorium would prohibit the type of remedial management needed to protect many of these areas.
- Ninety-seven percent of forest roads are open to skiers, bikers, hikers and other recreational users. Only three percent of the National Forest roads are used by the timber industry alone. The road system plays an important role in providing the public access to our national forests.
- A top-down, Washington-dictated directive undermines the ability of local foresters and communities to properly manage forests based on local conditions. The Forest Service should make this decision based on forest health and not political concerns.
- The industry believes that if creating wilderness is the ultimate goal of the moratorium, it should be done through the appropriate legal land management planning process set up by the Forest Service. This established system has already placed 151 million acres of federal land into the National Wilderness Preservation System.
- The timber industry has a long record of conscientious forest and resource management. We are good environmental stewards and should be considered a part of the solution on forest health issues. Our Sustainable Forestry Initiative, which is a condition of membership in AF&PA, is a comprehensive program of forestry and conservation practices designed to ensure that future generations of Americans will have the same abundant forests we enjoy today. Our industry standards go far beyond federal government mandates and regulations, and hold our industry to the highest standard for forestry practices in the world.
- The moratorium could also have an impact on already scheduled timber sales and roads that may already be under construction. A reduction in timber sales will impact some rural economies because presently, twenty-five percent of the gross receipts from timber sales in national forests goes to fund education and local roads in nearby communities. Under a moratorium, these funds could be greatly reduced leaving communities searching for ways to make up the shortfall.
- AF&PA and the forest products industry will work with concerned members of Congress and the Forest Service to address all of these concerns and others.
- AF&PA and the forest industry support the continued decommissioning of forest roads, which has led to a yearly decrease in the mileage of roads in our national forests.

HJR 49

Testimony of Michael F. G. Williams January 29th 1998

My name is Michael Williams and I am a Vice President of Chugach Alaska Corporation. We are here today to give our support to HJR 49.

Chugach Alaska Corporation is an Alaskan Native Corporation, established under the Alaska Native Claims Settlement Act. As part of this Act, significant areas of land were conveyed to the Corporation, including 73,000 acres situated in the Carbon Mountain area, some 25 miles east of the Copper River. Access to this property requires a road to be built across part of the Chugach National Forest. The original Settlement Agreement between Chugach and the Federal Government recognized this, and guaranteed Chugach a right of way to its property, across federal land.

It is not only the Carbon Mountain tracts that will be affected by the Clinton proposal on No New Roads. CAC owns approximately one million acres of land, rich in natural resources of which approximately 40% requires road access across Forest Service lands.

We are very concerned that the moratorium on no new roads, will delay or kill Chugach's plans to log the Carbon Mountain area, and the exploitation of its natural resources in other areas.

The social consequences of the proposed moratorium are:

- The roadless policy will frustrate the intent of ANCSA by making it impossible for Alaska Natives to achieve a fair and just settlement of aboriginal land claims and prevents the realization of "...maximum participation by Natives in decisions affecting their rights and property...".
- The roadless policy will frustrate the intent of ANILCA by disrupting the balance struck between preservation, traditional use and economic utilization.
- This roadless policy will result in costly and time consuming appeals and litigation thereby harming local economies and disrupting the flow of business.
- The Forest Service is already subverting their own planning regulations under Title 36 of the Code of Federal Regulations which require the agency to solicit tribal and Alaska Native input into all planning processes that impact management of Native and Indian owned lands.

The economic consequences of this action will be:

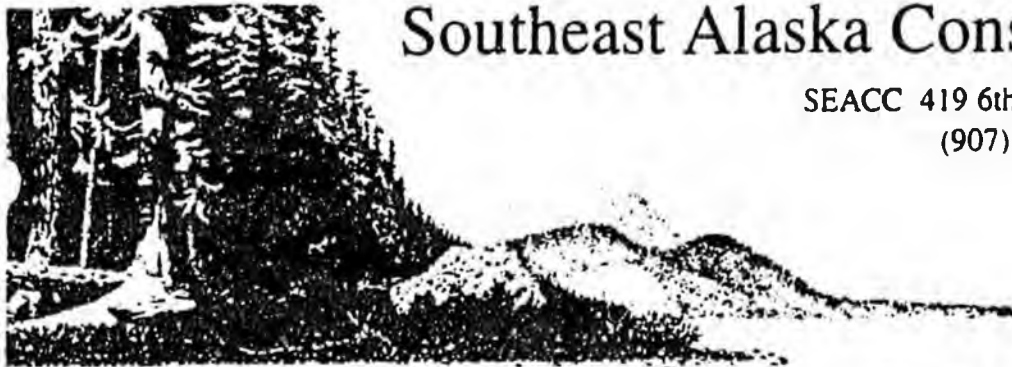
- If Chugach cannot get access to its land across federal lands, the Company will be restricted from developing its resources valued in excess of 1 billion dollars.
- Employment value (i.e. payroll) for such development is estimated to be about 25% of total value which makes jobs lost by this roadless policy worth about \$250 million from Chugach alone.
- The impact of loss of resource revenue is statewide due to the ANCSA 7(i) sharing provisions between Regional and Village Corporations.

This proposal is bad policy because :

- The Forest Service actions have been developed in a vacuum. They forget that their policies impact inholders and adjacent landowners.
- No provision is being made in the roadless policy to acknowledge valid existing rights of adjacent State and private lands and inholdings.
- 98.8 % of the Chugach National Forest is inventoried as roadless, virtually all of this roadless area is either within or adjacent to Conservation System Units which will result in an automatic lock-up of almost the entire National Forest under the proposed roadless area policy.

Conclusion:

With so much of the Chugach National Forest and the State of Alaska already protected and in a "roadless" condition there is no public need for this policy in Alaska.



Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 328, Juneau, AK 99801
(907) 586-6942 phone (907) 463-3312 fax
info@seacc.org

**Statement of Buck Lindekugel
Conservation Director for the
Southeast Alaska Conservation Council
on HJR No. 49 before the House Resource Committee
Alaska State Legislature
January 29, 1998**

Mr. Chairman, members of the House Resources Committee, and honored guests, my name is Buck Lindekugel and I am the Conservation Director for the Southeast Alaska Conservation Council (SEACC). Thank you for the opportunity to participate on one of the panels testifying before you today and I respectfully request that my written testimony and accompanying materials be entered into the official record of this Committee hearing.

Founded in 1970, SEACC is a coalition of fifteen local community, volunteer conservation groups in twelve Southeast Alaska communities, from Ketchikan to Yakutat. SEACC's 1200 individual members include commercial fishermen, Native Alaskans, value-added wood manufacturers, tourism and recreation business owners, hunters and guides, and Alaskan conservationists from all walks of life. SEACC is dedicated to preserving the integrity of Southeast Alaska's unsurpassed natural environment while providing for balanced, sustainable use of our region's resources.

We strongly object to this proposed resolution.

The 1997 Tongass Land Management Plan (TLMP) is no reason to exempt the Tongass from a "national" moratorium on road building in roadless areas. The Forest Service's failed to meaningfully consider a range of alternatives that protected roadless areas important to local communities for subsistence, sport and commercial uses of fish and wildlife. Over 71 percent of all the comments received on the revised supplement, and 52 percent of those from within Alaska, supported protecting key roadless areas on the Tongass, which are important to local communities, such as the Cleveland Peninsula, Port Houghton/Cape Fanshaw, East Kuiu Island, Poison Cove/Ushk Bay, Upper Tenakee Inlet, Castle River, and many others.

The roadless area moratorium would not prejudice the ongoing TLMP appeal process, it would just focus logging in roaded portions of the timber base until new procedures are in place to assure that decisions to locate and construct roads are consistent with the best available scientific information and the appeals are decided.

LYNN CASAL CONSERVATION Haines • FRIENDS OF GLACIER BAY Gustavus • FRIENDS OF BERNERS BAY Juneau
WRANGELL RESOURCE COUNCIL • ALASKA SOCIETY OF AMERICAN FOREST DWELLERS Point Baker • PELICAN FORESTRY COUNCIL
ALASKANS FOR JUNEAU • NARROWS CONSERVATION COALITION Petersburg • TONGASS CONSERVATION SOCIETY Ketchikan
CHIHUAHUI CONSERVATION COUNCIL Tenakee • JUNEAU GROUP SIERRA CLUB • SITKA CONSERVATION SOCIETY
YAKUTAT CONSERVATION SOCIETY Juneau • PRINCE OF WALES CONSERVATION LEAGUE Craig • YAKUTAT RESOURCE CONSERVATION COUNCIL



The exaggerated claims of timber demand and the Tongass timber industry are inconsistent with the best available information. According to the most recent timber demand projections by the Forest Service's best economic experts, the "medium" demand scenario for Tongass timber from 1998-2002 is 113 mmbf.¹ Recent timber sale documents show, as of June 30, 1997, there was 504 mmbf of timber "under contract" to the timber industry. About 300 mmbf of this timber is allocated to Ketchikan Pulp Company and 204 mmbf under contract to independent operators.

Based on Tongass timber cutting rates over the past two years, the timber "under contract" to the industry will provide several years of timber currently available to the Tongass timber industry. In 1996, the industry cut nearly 100 mmbf, and in 1997, approximately 109 mmbf. The proposed roadless moratorium would not affect any operations in currently roadless areas already under contract to the industry. Therefore, the assertion in the resolution that "the proposed moratorium would eliminate the timber industry that remains in Southeast Alaska" is simply not supported by the facts.

Recent analysis also shows that the Forest Service has authorized the export of about 113 mmbf of cedar, hemlock and spruce in 1997, "more than double the volume authorized in the average year of the previous three years."² Support for this resolution means that the Alaska legislature endorses exporting timber and jobs from Southeast Alaska in order to build expensive and damaging roads into areas important to local communities, like the Cleveland Peninsula, the Port Houghton/Cape Fanshaw, and East Kuiu.

In conclusion, a strong moratorium is consistent with SEACC's vision for development of a new Tongass timber industry that is compatible with providing for the long-term stability of other forest-dependent sectors of the economy, like commercial and sport fishing, tourism, recreation, and subsistence. It would also allow the Forest Service to shift scarce agency resources towards developing a new Tongass timber sales program that avoids controversy over development in important roadless areas which supply local communities with sustainable levels of fish and wildlife for subsistence, sport and commercial uses.

We urge you to withdraw this resolution today.

¹ Brooks and Haynes, *Timber Products Output and Timber Harvests in Alaska: Projections for 1997-2101* 11 (Sept. 1997)(attached).

² See Memo from Huberth to Loescher, President and CEO of Sealaska (1/13/98)(attached).

Historical Note

References in Text. The Federal Land Policy and Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-379, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 33 (section 1701 et seq.) of Title 43, Public Lands. For

complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 96-487, see 1980 U.S. Code Cong. and Adm. News, p. 5070.

Library References

Public Lands ◊70
Woods and Forests ◊8

C.J.S. Public Lands §6 154, 157
C.J.S. Woods and Forests §§ 11, 12

Notes of Decisions

Isolated land 2
Railroad's right of access 3
Territorial application of section 1

1. Territorial application of section

This section, providing for access to nonfederally owned lands surrounded by certain kinds of federal lands is not limited in its application to state of Alaska but, rather, has nationwide application, term "National Forest System" being of general application. *Montana Wilderness Ass'n. Nine Quarter Circle Ranch v. U.S. Forest Service*, C.A. Mont. 1981, 655 F.2d 931, certiorari denied 102 S.Ct. 1612, 455 U.S. 959, 71 L.Ed.2d 948.

2. Isolated land

Proposed mountain subdivision bounded on two sides by national forest and bounded on other side by public highway was "isolated."

since one would have to cross land belonging either to Forest Service or public highway to obtain access to such subdivision; therefore developer had right to access to such subdivision across Service land. *Board of County Commissioners, Albany County v. Federal Development Company*, Wyo. 1984, 642 P.2d 1062.

3. Railroad's right of access

Railroad had right of access across federal land to its holdings of timberland, under this section providing for access to nonfederally owned lands surrounded by certain kinds of federal lands. *Montana Wilderness Ass'n. Nine Quarter Circle Ranch v. U.S. Forest Service*, C.A. Mont. 1981, 655 F.2d 931, certiorari denied 102 S.Ct. 1612, 455 U.S. 959, 71 L.Ed.2d 948.

§ 3211. Yukon Flats National Wildlife Refuge agricultural use

Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

(Pub. L. 96-487, Title XIII, § 1324, Dec. 2, 1980, 94 Stat. 2488.)

Historical Note

References in Text. This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the

Code, see Short Title note set out under section 1301 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 96-487, see 1980 U.S. Code Cong. and Adm. News, p. 5070.

§ 3212. Terror Lake Hydroelectric Project in Kodiak National Wildlife Refuge

Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

(Pub. L. 96-487, Title XIII, § 1325, Dec. 2, 1980, 94 Stat. 2488.)

Historical Note

References in Text. This Act, referred to in text, is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables volume.

The National Wildlife Refuge System Administration Act of 1966, referred to in text,

consists of sections 4 and 5 of Pub. L. 89-679, Dec. 15, 1966, 80 Stat. 927, as amended, and is classified to sections 668dd, 668e of this title. For further details, see Short Title note set out under section 668dd of this title.

Legislative History. For legislative history and purpose of Pub. L. 96-487, see 1980 U.S. Code Cong. and Adm. News, p. 5070.

§ 3213. Future executive branch actions

(a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

(Pub. L. 96-487, Title XIII, § 1326, Dec. 2, 1980, 94 Stat. 2488.)

Unconstitutionality of Legislative Veto Provisions

The provisions of section 1253(c)(2) of Title 8, Alien and Nationality, which authorize a House of Congress, by resolution, to invalidate an action of the Executive Branch, were declared unconstitutional in Immigration and Naturalization Service v. Chadha, 1982, 103 S.Ct. 2764, 462 U.S. 919, 77 L.Ed.2d 317. See similar provisions in this section.

1/16/98

K.D.N.

Smith: Logging policy based mostly on politics

By SCOTT SONNER
Associated Press Writer

WASHINGTON (AP) — It is "very possible" Congress will act to blunt President Clinton's new logging policy if he goes forward with an anticipated moratorium on harvests in roadless areas of national forests, a senator said Thursday.

"They are dictating to Congress a policy that is more based on politics than good forest policy," Sen. Gordon Smith, R-Ore., said in an interview. "These are extremists who are simply trying to subvert all responsible policy on good forest health management."

The extremists include Vice President Al Gore and environmentalists who are "pushing a policy that has little to do with science," he said.

'President Clinton is no longer executing the nation's laws, he's dictating this nation's laws.'

— Rep. Helen Chenoweth, R-Idaho

Rep. Helen Chenoweth, R-Idaho and chairwoman of a House subcommittee with jurisdiction over national forests, expressed similar concerns.

"President Clinton is no longer executing the nation's laws, he's dictating this nation's laws," she said in a statement.

The Forest Service is expected in the next two to three weeks to unveil a policy that could ban logging on millions of acres where there are no roads.

Forest Service officials briefed congressional aides on the progress on the policy Thursday, but several aides said few details were provided. Forest Service spokesman Chris Wood said no final decisions have been made.

Smith and Chenoweth are among several Western Republicans who have been pressing the administration to exempt from the policy forests in Alaska, the Pacific Northwest and Columbia River Basin, on grounds that new man-

agement plans are being developed or are already in place there.

Critics fear that if a new roadless policy is implemented, the Forest Service will be unable to make good on Clinton's promise to log 1 billion board feet of timber from national forests in Oregon and Washington under a plan in effect there since 1993.

"All I'm saying is we have a Northwest forest plan. We have a Columbia Basin plan in the works. A lot of time and effort have gone into the development of these policies," Smith said.

"Don't do an end run on the people of the Northwest who want to believe still in the word of this administration."

The Republican-led Congress likely will respond in a "hostile" manner if it

See 'Logging policy,' page 3

Logging policy ————— Continued from page 1

feels its input is being ignored, Smith said.

"I think it is very possible that we simply will act in the Congress to hold the Clinton administration to its word and its plan, not to end run us with a new political proposal," he said.

Mike McCurry, White House press secretary, said Wednesday he didn't think the Forest Service would act without input from key members of Congress.

"They've been talking to all those who have got some stake in the economic livelihood of the forests and uses of the forests," McCurry said.

"They're not going to adopt any new roadless policies without first taking input from all interested parties, and I would presume that they would want to consult very closely with members of the Senate as well."

HJR

51



Alaska State Legislature

Representative Beverly Masek

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue
Wasilla, AK 99654
907-376-2679
907-376-6180 (fax)

During Session:

State Capitol
Juneau, AK 99801-1182
907-465-2679
907-465-4822 (fax)
1-800-505-2678

SPONSOR STATEMENT - HOUSE JOINT RESOLUTION NO. 51 Supporting Selection of Native Allotments under the Native Allotment Act

House Joint Resolution No. 51 supports the efforts of Alaska Congressman Don Young and his bill H.R. 2924. H.R. 2924 will allow certain Alaska Native Veterans to apply for their allotments under the Native Allotment Act. These Native Veterans missed their opportunity to apply within the specified time period, because they were either serving in war zones, or did not receive their applications from the Bureau of Indian Affairs. This has resulted in inequitable treatment for these veterans. H.R. 2924 will remedy this inequity and allow these veterans to apply for their Native allotments.

HJR No. 51 also supports allowing the restoration of 50,000 acres to the Elim Native Corporation. After 1927, President Hoover revoked approximately 50,000 acres from the Norton Bay Reservation for use of homesteading by ex-servicemen of World War I. President Hoover's Executive Order violated 43 U.S.C. 150, 41 Stat. 34, which stated that only Congress could withdraw public lands for use as an Indian Reservation. H.R. 2924 seeks to remedy this situation by restoring 50,000 acres to the Elim entitlement.

Between 800 and 2000 Alaska Native Veterans will be affected by H.R. 2924, should it become law.

SENATE COMMITTEE REPORT

DATE: 3/3/98

FURTHER:

DATE TURNED IN TO OFFICE: 3/31/98

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 51(MLV)

Relating to support for H.R. 2924, which allows certain Alaska Native Vietnam era veterans and the Elim Native Corporation to select land under the Alaska Native Claims Settlement Act.

and recommends:

- be replaced with S CS HJR 51 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING TO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Ingum</i>	✓	<i>[Signature]</i>			
<i>Corey D. Hester</i>	✓	<i>[Signature]</i>			
<i>Lynne Green</i>	✓				
<i>Bob Thayer</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>Rick Halford</i>	✓				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
House (MLV)	2/4	X	

APPL
TO
CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 1

B Version: CSHJR 51 (MLV)

(H) Publish Date: 2/25/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
Title: A Resolution Supporting H.R. 2924

Dept. Affected: None
BRU: _____
Component: _____

Sponsor: Rep. Masek, Foster, Ivan
Requester: House Special Cmte on Military & Veterans' Affairs

Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1037 GF Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Office of Rep. Beverly Masek
Division: Donah M. [unclear]
Approved by: Beverly Masek
Agency: _____

Phone: 465-2679
Date: Feb 4, 1998
Date: Feb 4, 1998

105TH CONGRESS
1ST SESSION

H. R. 2924

To amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elin Native Corporation.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elin Native Corporation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. VIETNAM VETERANS ALLOTMENT.**

4 The Alaskan Native Claims Settlement Act (43
5 U.S.C. 1600, et seq.) is amended by adding at the end
6 the following:

1 "OPEN SEASON FOR CERTAIN NATIVE ALASKAN
2 VETERANS FOR ALLOTMENTS

3 "SEC. 41. (a) IN GENERAL.—(1) During the one-
4 year period beginning on the date of enactment of this
5 section, an individual described in subsection (b) is eligible
6 for an allotment of not more than 160 acres of land under
7 the Act of May 17, 1906 (chapter 2469; 34 Stat. 197),
8 as such Act was in effect before December 18, 1971.

9 "(2) Allotments selected under this section shall not
10 be from existing native or non-native campsites.

11 "(3) The Secretary shall prescribe such rules as may
12 be necessary to carry out this section.

13 "(b) ELIGIBLE INDIVIDUALS.—(1) An individual is
14 eligible under subsection (a) if the individual would have
15 been eligible under the Act of May 17, 1906 (chapter
16 2469; 34 Stat. 197), as such Act was in effect before De-
17 cember 18, 1971, and the individual is a veteran of the
18 Vietnam era.

19 "(2) For purposes of this section, in the case of an
20 individual described in paragraph (1) who is deceased, the
21 heirs of the individual shall be treated as the individual
22 described in paragraph (1).

23 "(c) CONVEYANCE DEADLINE.—The Secretary of the
24 Interior shall complete land conveyances pursuant to this

1 section not later than one year after the end of the period
2 referred to in subsection (a).

3 “(d) DEFINITIONS.—For the purposes of this section,
4 the terms ‘veteran’ and ‘Vietnam era’ have the meaning
5 given such terms by paragraphs (2) and (29), respectively,
6 of section 101 of title 38, United States Code.”.

7 **SEC. 2. ELIM NATIVE CORPORATION LAND RESTORATION.**

8 The Alaskan Native Claims Settlement Act (43
9 U.S.C. 1600, et seq.), as amended by section 1 of this
10 Act, is further amended by adding at the end the follow-
11 ing:

12 “ELIM NATIVE CORPORATION LAND RESTORATION

13 “SEC. 42. (a) WITHDRAWAL AND AVAILABILITY FOR
14 SELECTION.—The lands described in subsection (b) are
15 withdrawn from disposition under the public land laws,
16 entry or appropriation under the mining laws of the Unit-
17 ed States, and the operation of the mineral leasing laws
18 of the United States, subject to valid existing rights, for
19 a period of one year from the date of enactment of this
20 section, for selection by the Elim Native Corporation
21 under this section.

22 “(b) LANDS DESCRIBED.—The lands described in
23 this section are within the boundary of the parcel of land
24 in the vicinity of Elim, Alaska, at approximately latitude
25 64 50 N, longitude 162 00 W, more particularly described
26 as follows:

1 "Beginning at the point of intersection of line
2 3-4, U.S. Survey No. 2548 with the protracted West
3 Boundary of T8S, R18W KRM, Alaska;

4 "Thence North, along the west boundary of the
5 aforementioned township, approximately 4½ miles
6 to the protracted position for the corner of sections
7 1, 6, 7, and 12;

8 "Thence Northeasterly, parallel with line 4-3 of
9 U.S. Survey No. 2548, approximately 20½ miles, to
10 a point;

11 "Thence East approximately 6 miles to corner
12 No. 3 U.S. Survey No. 2548;

13 "Thence Southwesterly along lines 3-4, U.S.
14 Survey 2548 approximately 27½ miles to the point
15 of beginning.

16 "(c) AUTHORIZATION TO SELECT LANDS; RESERVA-
17 TION OF EASEMENT.—The Elim Native Corporation is
18 authorized to select 50,000 acres of lands within the
19 boundary of the lands described in subsection (b) to sat-
20 isfy its land entitlements under section 19(b). The Sec-
21 retary is authorized to receive, adjudicate, and convey the
22 lands to the Elim Native Corporation subject to—

23 "(1) valid existing rights; and

24 "(2) an easement reserved to the United States
25 for the benefit of the public. An easement in the

1 lands shall be reserved to the Iditarod National His-
2 toric Trail.

3 "(d) WITHDRAWAL AND SELECTION OF ADDITIONAL
4 LANDS.—The Secretary is authorized to withdraw, and
5 Elm Native Corporation is authorized to select, not later
6 than 18 months after the date of the enactment of this
7 section additional lands adjacent to the lands withdrawn
8 by subsection (a) to fulfill Elm Native Corporation's land
9 entitlements equal to the total acreage of the Norton Bay
10 Reservation as withdrawn by Executive Order No. 2508,
11 dated January 3, 1917.

12 "(e) FINALITY OF SELECTIONS.—Selection by the
13 Elm Native Corporation of lands under subsection (c) or
14 (d) shall constitute full satisfaction of any claim or entitle-
15 ment of the Elm Native Corporation—

16 "(1) with respect to subsection (c), to its land
17 entitlements under section 19(b), and

18 "(2) with respect to subsection (d), to the extin-
19 guishment of the Norton Bay Reservation (as with-
20 drawn by Executive Order No. 2508, dated January
21 3, 1917)."

DEC 29 1997

U. S. House of Representatives
Committee on Resources
Washington, DC 20515

December 17, 1997

Representative Beverly Masek
Alaska State Legislature
600 E. Railroad Ave.
Wasilla, Alaska 99654


Dear Representative Masek:

Thank you for contacting me on behalf of several Alaskans who inquired into the prospects of enacting H.R. 2924, a bill to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elim Native Corporation. I appreciate hearing from you.

H.R. 2924 was introduced on November 7, 1997, and referred to the Committee on Resources; the full committee will retain jurisdiction over this legislation. A copy of the legislation and my remarks on its introduced are enclosed for your review.

Although a hearing schedule is not definitively set, this legislation likely will need hearings that could be spread over an approximately one and one-half year period of time because the issue concerned involves a lengthy process. The main reasons for this are the importance of the issue involved and the large number of people affected by it. There are about 800 to 2000 Alaska Native Veterans who are affected by this bill, and Congress must decide where the lands for them will come from. Even after hearings are completed, moving the bill in committee and passing it through Congress could take perhaps several years depending on several factors such as the Administration's position. I believe it can pass, however, it is not unusual for bills of this nature to undergo time-consuming consideration.

Again, thank you for contacting me. Please do not hesitate to contact me if there is any further information you need.

Sincerely,



DON YOUNG
Chairman

DY/cac/f
Enclosures

countless black public officials. In 1990, Dozier was one of the founders of Muigwilhania, the first local African-American organization to have an independent impact on electing black public officials. Since that time he has probably supported more campaigns for Gary citizens to become elected officials than any other person.

Dozier's humanitarian efforts have also positively impacted the community he serves. Over the years, Dozier has served as a board member or officer in countless organizations, always making a serious effort to contribute in a productive manner. In 1972 as a charter board member of the National Association for Sickle Cell Disease, Dozier successfully raised over \$18,000 locally. Sensitive and compassionate in the face of human suffering, health

students are placed in settings where they are allowed to imagine themselves on the surface of Mars, or flying across country in the mobile aeronautics laboratory. The students are not only developing strong math, science, and other technical skills, but they are also developing good leadership and communication skills.

For these reasons, the SEMAA program is being hailed as a great success. When it was first introduced, program heads set as a goal serving 1,000 students each program year. I am pleased to report that in its 4th program year, SEMAA served 1,939 students, nearly double the original goal.

Mr. Speaker, I am grateful that NASA Administrator Dan Goldin supports the SEMAA initiative. In my congressional district, a team

districts across the United States. It is my hope that this will be one of our goals for the future.

HONORING THE SERVICE OF ALASKA VIETNAM ERA NATIVE VETERANS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. YOUNG of Alaska: Mr. Speaker, I am pleased to introduce legislation on behalf of numerous Alaska Native veterans who answered the call of their country to serve, fight,

November 7, 1997

CONGRESSIONAL RECORD — Extensions of Remarks

E2221

and preserve the rights of all citizens of the United States during the Vietnam war. Many of these same Alaska Native veterans continue to serve their country by becoming involved in their communities, and in local and State government. Others continue to serve their country by their enlistment in the Alaska National Guard, a reserve component of the Army.

Alaska Natives, who were in service to their country during the Vietnam war, missed their opportunity to apply for a Native allotment under the Native Allotment Act. Many were in war zones and others had not received their application from the Bureau of Indian Affairs [BIA]. It is my firm belief that our Alaska Native Vietnam veterans merit the same rights as other Alaska Natives under this act. It is morally wrong of our country, of which our Alaska Native veterans are first class citizens, to deny them the basic right afforded to other Alaska Native citizens under this act. This legislation will correct this inequity and give them the opportunity to apply for their allotment under the Native Allotment Act.

I think it is appropriate that I offer this legislation prior to our national observance of Veterans Day, November 11, 1997. My legislation respectfully requests of this administration not to tarnish the service of our Alaska Vietnam era Native veterans and to grant them the same rights to apply for their Native allotment.

Another provision in this bill would restore land to the Elm Native Corp. By Executive Order 2508, January 3, 1917, President Woodrow Wilson set aside the Norton Bay Reservation "for use of the United States Bureau of Education and the natives of indigenous Alaskan race" including adjacent islands within 3 miles of the coast. This area contained 350,000 acres.

In 1919, Congress mandated that the withdrawal of public lands for use as Indian reservations could only be made by an act of Congress (43 U.S.C. 150, 41 Stat. 34). Congress in 1927 declared that no changes could be made in the boundaries of Executive Order reservations for the use of Indians except by an act of Congress (25 U.S.C. 396d, 44 Stat. 1347). The 1927 act is applicable to Alaska (70 ID 166 (1953)). After the 1927 act, President Herbert Hoover issued Executive Order 5207 which revoked approximately 50,000 acres of land from the Norton Bay Reservation for use of homesteading by ex-servicemen of World War I. No ex-servicemen applied for any land within the old Norton Bay Reservation.

When I brought this issue before the 102d Congress, the Secretary of Interior agreed that Elm was entitled to the 50,000 acres. See April 21, 1992, letter from deputy Assistant Secretary for Land and Minerals Management to Chairman MILLER. The administration is ignoring the fact that only Congress can revoke reservation lands. Therefore, it is my lawful belief that Elm Native Corp. is entitled to the 50,000 acres and that the administration should disregard Executive Order 5207 issued by President Hoover and restore the 50,000-acre Elm entitlement.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 21, 1992.

Hon. George Miller,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for the Department of the Interior's (the Department's) views on eight proposed amendments to H.R. 3157, the Alaska Land Status Technical Corrections Act of 1991, a bill which would amend the Alaska Native Claims Settlement Act (ANCSA).

On February 21, 1991, the Department submitted written testimony on H.R. 3157, as introduced. The issues raised in our testimony still are of concern to the Department. This letter sets forth only the Department's concerns with the eight proposed amendments. The proposed amendments will be discussed in the same order and have been given the same headings as those submitted with your letter requesting our views.

RATIFICATION OF LAND TRANSFERS TO CASWELL AND MONTANA CREEK

This proposed amendment involves the Cook Inlet Region, Inc. (CIRI) and the Caswell and Montana Creek Native Groups, all of whom entered into a settlement agreement in 1982. Pursuant to the settlement, CIRI conveyed approximately 11,000 acres to each group with the understanding that the conveyances satisfied their entitlements under section 12(b) of ANCSA. The Department was not a party to the settlement agreement. The purpose of the proposed amendment is to ratify the transfers and satisfy the Department's ANCSA land transfer obligations to the two groups and CIRI.

The conveyances to Caswell and Montana Creek were made by CIRI from lands received from the State of Alaska under Paragraph B and Appendix C, Part IV, (Kashwitna Pool) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area (ratified by Section 12(b) of the Act of January 2, 1976, 43 U.S.C. 1611(n)).

Conveyances from Appendix C are debited from CIRI's entitlement under Section 12(c)

of the ANCSA. The Terms and Conditions provided for methods of satisfying entitlements that are somewhat different from the normal procedures, i.e., ordinarily, the United States conveys land directly to groups but, by virtue of special legislation affecting CIRI, land is conveyed to the regional corporation and it then reconveys to village corporations and groups. In order to avoid a double charge for the Caswell/Montana Creek group entitlements, we recommend the following language be added at the end of the proposed amendment: "The ratification of the conveyances made by CIRI in this section shall not be a basis for or generate a claim by CIRI or either of the groups named herein, for additional conveyances of land or money or any other thing of value against either the State of Alaska or the United States."

ELM NATIVE CORPORATION LAND CONVEYANCE

Under this proposed amendment, 50,000 acres of land would be withdrawn, subject to valid existing rights, for selection by the Elm Native Corporation. These lands were excluded in 1929 by Executive Order from the original Elm reserve. Elm was one of five native corporations that elected to take lands set aside in reserve for the benefit of Natives instead of participating in the ANCSA land selection process. Pursuant to its election, Elm received patent to 297,982 acres on September 11, 1979—the lands that were included in the Elm reserve on the date of entitlement under the ANCSA. Elm did not appeal the decision to convey and accepted the patent.

We suggest that proposed amendment to authority for conveyance of additional acreage to some existing entitlement. Moreover, the proposed amendment presents a problem in that about 11,110 acres of the described lands proposed for conveyance to Elm have been validly selected by the Native Village of Koyuk. This would leave only 38,560 acres for Elm instead of the 50,000 they desire. If the proposed amendment is included in H.R. 3157, it should include clear Congressional intent and guidance as to which entity will receive the 11,110 acres, and a proviso that the conveyance is in full satisfaction of Elm's entitlement under Section 12(b) of the ANCSA.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD ROLDAN,
Deputy Assistant Secretary,
Land and Minerals Management

Sitnasuak Native Corporation

Post Office Box 905 • Nome, Alaska 99762
(907) 443-2632 • Fax (907) 443-3063

February 24, 1998

Congressman Don Young
U.S. Resource Committee
2111 Rayburn HOB
Washington, D.C. 20515

Honorable Don Young,

RE: H.R. 2924

Sitnasuak Native Corporation is the ANCSA village corporation in Nome, Alaska. We have almost 2,500 shareholders. There are only 80 native allotments within our withdrawal area. We've watched the development of your legislation which provides an avenue for veterans to apply for native allotments. We support the concept. We have some comments, as follows:

Page 2, Section 42. (a). (1) It should be written that the eligible veterans should be able to apply for **four 40 acre parcels or the equivalent** of not more than 160 acres. If legislation goes through as written the Department of Interior may say the applicant is eligible for an allotment of not more than 160 acres, and not allow the veteran to apply for separate parcels, it would be contrary to the purpose of this legislation.

Page 2 (a) (2) This section should be expanded to include all lands in Alaska, which would allow selection of any land including federal, State of Alaska or ANCSA lands. A clause should be written to allow the ANCSA corporations to have the right to approve or deny the relinquishment of ANCSA corporation land whether it be the surface or sub-surface estate. The ANCSA corporations should also have the right to re-select other land within our original ANCSA withdrawal areas. BLM has a process to allow relinquishment with ANCSA corporation, we have agreed with BLM and approved relinquishment to meet needs of native allotments. This would require the federal and state government to come to agreement on relinquishment too. Recently the State of Alaska relinquished land to BLM which BLM will now convey to Bering Straits Native Corporation. This would truly require the State of Alaska to acknowledge the Alaska Natives service to the nation. If all federal lands are open, what about the Department of Agriculture, Forest Service lands?

Page 2 (a) (3) Regarding the Department of Interior rule making process, the Alaska Native community needs input in the

Congressman Don Young

Page Two

February 24, 1998

rule making to guarantee that the rules meet the intent of legislation.

Page 2, (b) (2) We agree that heirs of the deceased individuals should have the right to apply.

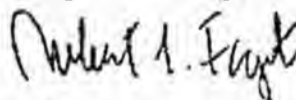
Page 2, (c) We do not believe the Department of the Interior would be able to complete land conveyances pursuant to this legislation within one year. It takes time to work out conveyances and BLM would need additional staff and funds to carry out this special program, especially if they need to work with other land managing organizations. A five year period is probably more realistic. Congress in 1992 passed legislation to amend ANCSA which allowed 18 native allotments east of Nome at Fort Davis. It took until 1997 for conveyance of the land to the people.

We are glad to see the Vietnam era defined by your legislation, as August 5, 1964 to May 7, 1975. The Department of the Interior, Bureau of Indian Affairs broke out the time period of 1970 through 1971 and identified only seven veterans enrolled to Sitnasuak who served during these two year. With the era defined as 1964 - 1975 BIA identified 68 veterans enrolled to Sitnasuak. Kawerak surveyed the people in this region in the mid 1990's. The survey listed twenty-four veterans who specifically identified land in the Sitnasuak area as their native allotment selection.

We wrote to all the other regional non-profit corporations asking if they had lists of veterans who may have identified lands in the Nome area. The majority of the regions just listed names and the time of service, not taking down information on where the veteran would select land, therefore we believe there is probably a large number of people who would select land within our withdrawal area. There are 76 one mile sections which we applied for which could be available for re-selection. This is why we support the idea that the selection be open to all land.

Thank you for your work on this very important legislation.

Respectfully,



Robert L. Fagerstrom
President

ia/IA/RLF

BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

FEB 25 1998

February 19, 1998

Post-it® Fax Note 7671		Date 2-24	# of pages 51
To H. N. L. V.		From Rly LHO	
Co. Dept Backup for		Co.	
Phone # TC 80272		Phone #	
Fax # 465-4822		Fax #	

Chal Councils
Council by BBNAA

Jenaguk

Bigak Bay

Bigak Lagoot

Ingruk Lake

Lake Point

Dillingham

Grak

Isuk

Ivuk

Ivuk

Uman

Vanot Bay

Ug Salmon

Sokhanok

Goigadek

Je-ethok

Me-ethok

Ukuk

New Soyabak

Ne-ethok

Nondak

Podro Bay

Peruvok

Pice Pom

Port Heiden

Portage Creek

South Nakook

Tupak

Uto Hill

Uguk

The Honorable Donald E. Young
Chairman, U.S. House Resources Committee
House of Representatives
2111 Rayburn House Office Bldg.
Washington, D.C. 20515-0201

The Honorable Frank Murkowski
Chairman, U.S. Senate Energy and Natural Resources Committee
United States Senate
706 Hart Building
Washington, D.C. 20510-0202

The Honorable Ted Stevens
Chairman, U.S. Senate Appropriations Committee
United States Senate
522 Hart Building
Washington, D.C. 20510-0201

Re: H.R. 2924 To amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam Era and by the Elim Native Corporation.

Dear Sir:

Speaking for our Vietnam Veterans, the Bristol Bay Native Association strongly supports H.R. 2924, the Bill that will allow Alaska Vietnam Era Veterans the opportunity to file for a Native Allotment.

The Alaska Native Allotment Act of 1906 gave the Alaska Natives, the right to select up to 160 acres of land, as their Native Allotment. The Bureau of Indian Affairs, Rural Cap and other organizations assisted a large number of Alaska Natives throughout Alaska, to file for a Native Allotment just prior to December 18, 1971. That was when the Allotment Act was repealed.

Still, many Alaska Natives did not know about their opportunity to file for a Native Allotment, until it was too late. This was the case for Veterans serving their country in Vietnam. They were focused on daily activities far different than those in America. Unsung heroes, who paid the ultimate price for their country should have the same opportunity if not more, to file for a Native Allotment.

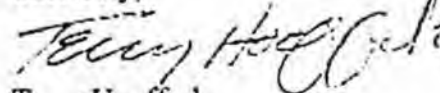
The Veterans who were discharged before December 18, 1971 were trying return to a normal life. How do you return to a normal life after fighting for your own life? Was there any counseling for the Post Traumatic Stress Syndrome our Veterans suffered from? These Veterans also need the same opportunity to file for a Native Allotment.

Precedents are found in the publication of Title 43 USCS, (United States Code Service) sections 278 and 279. I have enclosed a copy of both sections for your convenience. As stated in Title 43 USCS section 279, "Any person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time." We are requesting similar language be implemented for our Veterans.

Also, the one year period for accepting Native allotment applications as described in Section 41. (a) of H.R. 2924 is not enough time. Therefore, due to logistical constraints, we are respectfully requesting that you extend this time from 12 months to 24 months.

Again, the Bristol Bay Native Association strongly supports H.R. 2924, the Bill that will allow Alaska Vietnam Era Veterans, the opportunity to apply for a Native allotment. This is a good Bill. Thank you for this opportunity to comment.

Sincerely,



Terry Hoeffler
Chief Executive Officer
Bristol Bay Native Association

th/pcjr

cc: Reading file
Bristol Bay Area Veterans
Bristol Bay Village Corporations

in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

August
Land
undred
, or in
terior,
equent
mmis-
d to be
where
, such
e same
e; and
y such
of the

§ 277. Entry by agent

[Caution: for partial repeal, see Other provisions note]

Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four [43 USCS § 271], may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

(R. S. § 2309.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

R. S. § 2309 was derived from Act June 8, 1872, ch 338, § 5, 17 Stat. 334.

Other provisions:

Partial repeal. Act Oct. 21, 1976, P. L. 94-579, Title VII, § 702, 90 Stat. 2787, provided that this section is repealed effective on and after the date of approval of this Act (approved Oct. 21, 1976), except the effective date shall be on and after the tenth anniversary of the date of approval of this Act insofar as this section applies to public lands in Alaska.

Savings provisions. Act Oct. 21, 1976, P. L. 94-579, Title VII, § 701(a), 90 Stat. 2786, located at 43 USCS § 1701 note, provided that nothing in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

in
rd
is-
hc
6,

as
or
d.

7-
11.
8.
4,



§ 278. Right of widow of veteran to make entry; rights of children on her death

[Caution: for partial repeal, see Other provisions note]

In the case of the death of any person who would be entitled to a homestead under the provisions of sections 271 and 272 of this title [43 USCS §§ 271, 272], his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said sections subject to the provisions and requirements as to settlement, residence, and improvement therein contained: Provided, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child, the patent shall issue to the said minor

90
er
he
of
in

a),
og

43 USCS § 278

PUBLIC LANDS

HOME

child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law. (R. S. § 2307; Feb. 25, 1919, ch 37, 40 Stat. 1161; Sept. 21, 1922, ch 357, 42 Stat. 990.)

or (2) i
hospital
of such
husband
section.
be avail
service
section.
his hom
stead la
ance sha
entered
has serv
of at lea
prior to
tial proc
ably disc
any othe
not havin
(Sept. 27
308; May
(b), 68 S

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

R. S. § 2307 was derived from Act June 8, 1872, ch 338, § 3, 17 Stat. 333.

This section is stated in the language of the codifiers of the United States Code.

R. S. § 2307, related to the entry entitlement of widows and minor children of soldiers entitled to entry under R. S. § 2304, 43 USCS § 271. Act Aug. 25, 1919, ch 37, 40 Stat. 1161, extended the provisions of R. S. § 2304 to soldiers in the Mexican border operations and World War I. Act Sept. 21, 1922, ch 357, 42 Stat. 990, made this section applicable to the widows and minors of soldiers entitled to entry under 43 USCS § 272.

Other provisions:

Partial repeal. Act Oct. 21, 1976, P. L. 94-579, Title VII, § 702, 90 Stat. 2787, provided that this section is repealed effective on and after the date of approval of this Act (approved Oct. 21, 1976), except the effective date shall be on and after the tenth anniversary of the date of approval of this Act insofar as this section applies to public lands in Alaska.

Savings provisions. Act Oct. 21, 1976, P. L. 94-579, Title VII, § 701(a), 90 Stat. 2786, located at 43 USCS § 1701 note, provided that nothing in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

Ame
1946
quali
1947
"An;
force
Wor:
entry
milit:
equiv
length
servi
or d
regul
awar
or di
reside
of the
no pe
of the
War
home
reason



§ 279. Preference right of entry of World War II or Korean conflict veterans

[Caution: for partial repeal, see Other provisions note]

Any person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' service to any person who has served in the military or naval forces of the United States during the above period (1) if such person is discharged on account of wounds received or disability incurred during the above period in the line of duty,

HOMESTEADS

43 USCS § 279



or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability. When the homestead entry is made by a husband or wife whose spouse is entitled to any service credit under this section, such credit shall, with the consent of the spouse entitled thereto, be available to the husband or wife making the entry, in addition to any service credit to which he or she individually may be entitled under this section. No patent shall issue to any such person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year: Provided, That such compliance shall include bona fide cultivation of at least one-eighth of the area entered under the homestead laws: Provided further, That no person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this Act [43 USCS §§ 279-284] merely by reason of not having reached the age of twenty-one years.

(Sept. 27, 1944, ch 421, § 1, 58 Stat. 747; June 25, 1946, ch 474, 60 Stat. 308; May 31, 1947, ch 88, § 1, 61 Stat. 123; June 18, 1954, ch 306, § 1(a), (b), 68 Stat. 253.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1946. Act June 25, 1946, added the proviso which eliminated any age qualifications.

1947. Act May 31, 1947, substituted new section for one which read: "Any person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II, and is honorably discharged, and who makes homestead entry subsequent to such discharge, shall have the period of his military or naval service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' military or naval service (1) if such person is discharged on account of wounds received or disability incurred in the line of duty, or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability. No patent shall issue to any such person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year. Provided, That no person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this Act merely by reason of not having reached the age of twenty-one years."

HJR

52

SENATE COMMITTEE REPORT

DATE: 3/30/98

FURTHER:

DATE TURNED IN TO OFFICE: 4/7/98

Resources Committee considered

HOUSE JOINT RESOLUTION NO. 52

Relating to opposition to the designation of any rivers in Alaska as American Heritage Rivers under the American Heritage Rivers initiative.

and recommends:

- be replaced with S CS HJR 52 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical title
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Adrian Taylor</i>	✓	<i>Henry ...</i>	✓		
<i>Bob ...</i>	✓				
<i>Linda ...</i>	✓				
<i>Mercury</i>	✓				
<i>Brew A. ...</i>	✓				
CHAIR: <i>Rick Halford</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>H. Res</i>	<i>2/26</i>	<i>X</i>	

APPLIES TO CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 1

Version: HJR 52

(H) Publish Date: 2/27/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Revision Date: _____
Title: Oppose American Heritage Rivers
Sponsor: Rep. Hudson
Requester: House Resources Committee

Dept. Affected: _____
BRU: _____
Component: _____
Component Serial No.: _____

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1091 Designated Program Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY97) cost: _____

POSITIONS							
Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by House Resources Committee
Division Co-Chairman Bill Hudson
Approved by _____
Agency _____

Phone 465-6820
Date 2/26/98
Date _____

COMMITTEE COPY

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P O Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

AMERICAN HERITAGE RIVERS INITIATIVE SPONSOR STATEMENT

Representative Jeannette James

HJR 52: Relating to opposition to the designation of any rivers in Alaska as American Heritage Rivers under the American Heritage Rivers initiative.

Many of you will be wondering, "What is the American Heritage River initiative?" It has not been a widely publicized program. President Clinton first announced it on February 4, 1997 in his State of the Union message. Then in May and September there were announcements in the Federal Register. Since his State of the Union message President Clinton issued Executive Order 13061 directing agencies to establish and implement the initiative.

The program has two objectives: (1) to enhance our citizens' enjoyment of the historic, cultural, recreational, economic and environmental value of our rivers and (2) to protect the health of our communities by delivering federal resources more effectively and efficient. The President's purpose is to support communities within existing laws and regulations by providing them with better information, tools and resources, and encouraging local efforts deserving of special recognition.

We wonder. It all sounds very good, and quite innocent, just like so many federal Acts and Initiatives in the past. They all seem innocent and even beneficial until they begin touching the lives and rights of real people.

For instance, it was a false promise when people were told there is a self-defense provision in the Endangered Species Act.

- John Shuler of Montana killed grizzly bear after it attacked him late one night. Federal officials rendered the "self-defense" provision a nullity saying that Mr. Shuler was at fault for going into the "zone of imminent danger." That zone happened to be his own back yard.

It was another false promise when they adopted Wilderness legislation saying that there was a provision for the protection of "valid existing rights." The promise was that no private land would be taken into wilderness areas without the consent of the owner, that only federal land would

become wilderness, and that no buffer zones would be created. Not so, according to Kathy Stupak-Thrall of the Upper Peninsula of Michigan.

- Kathy Stupak-Thrall has been compelled to fight government attorneys who say the provisions have no meaning, or they do not apply to her private property and her "valid existing rights." These lawyers say that Congress didn't know what the language of the phrase "valid existing rights" meant. Therefore, they can interpret it any way they wish.

I would say there is good reason for the distress throughout our country regarding the President's American Rivers proposal, particularly with an attitude like that driving government attorneys. The American people are not stupid. They are well aware that a legacy of betrayals and broken promises are attached to these types of well-intentioned, pleasant sounding, feel-good programs.

For this reason, many states are joining with U.S. Representative Helen Chenoweth of Idaho who has introduced legislation asking for the complete withdrawal of the initiative. There are three major areas of concern: 1) the lack of congressional approval, 2) the vague language and absence of definitions, and the excess federal control over private property and state water rights. As a sovereign state, it also conflicts with our rights to control and manage our navigable waters.

One important point is that congress should be making rules and regulations Respecting Federal lands and resources, not the president or his appointees. We are again faced with the President stepping beyond the boundaries of his office. As Chenoweth stated in a press release after a House Resources Committee meeting:

"We are doing things exactly backwards here today. Instead of Congress making the proposal and the Administration commenting on it, we are actually in a position today of taking testimony not on the creation of a new program, but on how to stop it."

In addition, there is no justification of the need for such an initiative, and the details of the initiative are insufficient. It does not include any details on how the cleanup will be accomplished, what will actually be done, or who will do the work. Allowing more time for the public process is another concern. As it is, there has not been sufficient time for reviews and comments by the public on the initiative. Some people believe it is another intrusion of the federal government and a way to get control of all our lands. To protect our sovereignty this initiative must be stopped. I urge you now to vote yes on this legislation.

Draft Testimony of Kathleen Benedetto
February 1998
Resolution Opposing Designation of any Rivers in
Alaska as American Heritage Rivers
Under the American Heritage Rivers Initiative
before the
ALASKA STATE LEGISLATURE

INTRODUCTION:

My name is Kathleen Benedetto. I am the Executive Director of *the Minerals Exploration Coalition (MEC)*, a non-profit advocacy group for the multiple use of public lands. Specifically MEC works to maintain access for mineral entry on these lands. Our membership, including 30 corporations, represents a diverse group of professionals and companies engaged in mineral exploration and development.

I have over twenty years experience in the minerals industry as an exploration geologist and activist. In 1993 I co-founded the Women's Mining Coalition to work on responsible mining law reform. I have worked closely with the Western States Coalition, the Alliance for America and other grassroots organizations. The common thread for these groups is a commitment to improving and modernizing national environmental policy by promoting a strong conservation ethic that recognizes our most important resource, people, as part of the environment.

Today I am pleased to testify before your Legislature in support of your resolution *opposing designation of any rivers in Alaska as American Heritage Rivers under the American Heritage Rivers Initiative*, established by President Clinton through Executive Order 13061.

COMMENTS:

MEC believes that if a river is designated as an American Heritage River, the designation will be used to restrict mineral access to public lands within the watershed. Each new land use program presented by the Administration

further restricts access to public and private lands for mineral development, grazing, timber harvest and motorized recreation.

These restrictions are put in place under the auspices of saving the environment without regard for the impact that they will have on people. In some cases the restrictions do not provide any environmental benefit and may actually contribute to degradation of the environment and wildlife populations and habitat.

The continued ability to access and harvest the rich mineral resources of this country is critical. Mineral and other natural resources are the source of new money and the raw materials needed in manufacturing. Each American requires over 40,000 pounds of mined materials annually. These mined materials are necessary to provide a clean healthy environment for society.

For example, gold is an important component in all electronic equipment, including telephones, computers and satellite technology. Gold filaments allow us to reach out and touch our family, friends, and neighbors, and even those folks we may not see eye to eye with. It is used to trigger the deployment of air bags and in the protective clothing used by firefighters.

Mineral and other natural resources are plentiful throughout the United States and the rest of the world. Access to and distribution of those resources is where problems arise. On occasion these problems are the result of terrain or lack of infrastructure. However, in most situations these problems are artificial and have been created by political decisions.

The demand for natural resources will not decrease. Unchecked, political decisions restricting access to resources will go beyond negatively impacting rural communities and public land states, to impacting urban areas and the world community as a whole.

THE INITIATIVE:

I applaud the efforts of the Alaska Legislature and encourage them to pursue passage of House Joint Resolution NO. 52, opposing designation of any

-Janine Rower

Alex Annett with the Heritage Foundation, in 'Good Politics, Bad Policy: Clinton's American Heritage Rivers Initiative,' (see attachment) identified the five most serious problems with the initiative:

1. It violates a number of constitutional and statutory provisions;
2. It is wasteful and inefficient;
3. **IT REDUCES THE ROLE AND AUTHORITY OF STATES;**
4. It threatens property rights; and
5. It "serve[s] political purposes."

It is my observation that when the Clinton administration has been unsuccessful with a legislative initiative they choose to circumvent Congress and the democratic process by issuing an executive order. This has been most apparent in their environmental and land use policies.

During the 104th session of congress a serious effort was made to pass The American Heritage Areas Bill. As a result of the UNESCO designation of *Yellowstone as a World Heritage Site in danger* because of the proximity of the Crown Butte mine project, and the concerns of private property organizations throughout the country, the omnibus American Heritage Areas Bill did not pass. During the 1997 State of the Union Address, President Clinton, announced the American Heritage Rivers Initiative. The Initiative is a watered down version of the American Heritage Areas Bill. To the uninitiated the program appears to be rather benign. And has often been described as a pork barrel project--just an opportunity to bring in some federal dollars. Even if this was the case, the whole concept flies in the face of the efforts to reduce the size of government. It is a giant step backwards. AHRI expands federal bureaucracy, increases centrally planned conservation through punitive regulation. And it does not encourage locally driven incentive based conservation efforts.

Finally, look at the list of Executive Orders and Initiatives issued by the administration that are affecting resource and recreation based communities, rural school districts, and specific industries or companies: No logging in the Tongass National Forest, twenty year moratorium on mineral entry in the New World Mining District and the Sweet Grass Hills, denial of access to coal