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SENATE

{ REPORT  
No. 96-413

# ALASKA NATIONAL INTEREST LANDS

## REPORT

OF THE

### COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

together with

ADDITIONAL VIEWS

TO ACCOMPANY

H.R. 39



NOVEMBER 14 (legislative day, NOVEMBER 5), 1979.—Ordered to be printed

96TH CONGRESS }  
1st Session }

SENATE

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OF THE  
COMMITTEE ON ENERGY  
AND NATURAL RESOURCES  
UNITED STATES SENATE

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WASHINGTON : 1979

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## ALASKA NATIONAL INTEREST LANDS

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NOVEMBER 14 (legislative day, NOVEMBER 5, 1979.—Ordered to be printed

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Mr. JACKSON, from the Committee on Energy and  
Natural Resources, submitted the following

### REPORT

together with

### ADDITIONAL VIEWS

[To accompany H.R. 39]

The Committee on Energy and Natural Resources to which was referred the act (H.R. 39) to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the act, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

(1)

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SECTION 1. This Act may be cited as the "Alaska National Interest Lands Conservation Act".

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## TITLE I—PURPOSES, DEFINITIONS, AND MAPS

### PURPOSES

Sec. 101. (a) In order to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values, the units described in the following titles are hereby established.

(b) It is the intent of Congress in this Act to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest, and coastal rainforest ecosystems; to protect the resources related to subsistence needs; to protect and preserve historic and archeological sites, rivers, and lands, and to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands and on freeflowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems.

(c) It is further the intent and purpose of this Act consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each conservation system unit is established, designated, or expanded by or pursuant to this Act, to provide the opportunity for people engaged in a subsistence-oriented lifestyle to continue to do so.

(d) This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent

a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby.

#### DEFINITIONS

SEC. 102. As used in this Act (except that in titles IX and XIV the following terms shall have the same meaning as they have in the Alaska Native Claims Settlement Act, and the Alaska Statehood Act)—

- (1) The term "land" means lands, waters, and interests therein.
- (2) The term "Federal land" means lands the title to which is in the United States after the date of enactment of this Act.
- (3) The term "public lands" means land situated in Alaska which, after the date of enactment of this Act, are Federal lands, except—
  - (A) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;
  - (B) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and
  - (C) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.
- (4) The term "conservation system unit" means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter.
- (5) The term "Alaska Native Claims Settlement Act" means "An Act to provide for the settlement of certain land claims of Alaska Natives, and for other purposes," approved December 18, 1971 (85 Stat. 688), as amended.
- (6) The term "Native Corporation" means any Regional Corporation, any Village Corporation, and any Urban Corporation.
- (7) The term "Regional Corporation" has the same meaning as such term has under section 3(g) of the Alaska Native Claims Settlement Act.
- (8) The term "Village Corporation" has the same meaning as such term has under section 3(j) of the Alaska Native Claims Settlement Act.
- (9) The term "Urban Corporation" means those Native entities which have incorporated pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act.
- (10) The term "Native Group" has the same meaning as such term has under sections 3(d) and 14(h)(2) of the Alaska Native Claims Settlement Act.
- (11) The term "Native land" means land owned by a Native Corporation or any Native Group and includes land which, as of the date of enactment of this Act, had been selected under the Alaska Native Claims Settlement Act by a Native Corporation or Native Group and had not been conveyed by the Secretary (except to the extent such selection is determined to be invalid or has been relinquished) and land referred to in section 19(b) of the Alaska Native Claims Settlement Act.
- (12) The term "Secretary" means the Secretary of the Interior, except that when such term is used with respect to any unit of the National Forest System, such term means the Secretary of Agriculture.
- (13) The terms "wilderness" and "National Wilderness Preservation System" have the same meaning as when used in the Wilderness Act (78 Stat. 890).
- (14) The term "Alaska Statehood Act" means the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), as amended.
- (15) The term "State" means the State of Alaska.
- (16) The term "Alaska Native" or "Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.
- (17) The term "fish and wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, ar-

thropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or part thereof.

(18) The term "take" or "taking" as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

#### MAPS

SEC. 103. (a) The boundary maps described in this Act shall be on file and available for public inspection in the office of the Secretary or the Secretary of Agriculture with regard to the National Forest System. The boundaries of areas added to the National Park, Wildlife Refuge and National Forest Systems shall, in coastal areas not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of this Act.

(b) As soon as practicable after enactment of this Act, a map and legal description of each change in land management status effected by this Act, including the National Wilderness Preservation System, shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate, and each such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Secretary. Whenever possible boundaries shall follow hydrographic divides or embrace other topographic or natural features. Following reasonable notice in writing to the Congress of his intention to do so the Secretary and the Secretary of Agriculture may make minor adjustments in the boundaries of the areas added to or established by this Act as units of National Park, Wildlife Refuge, Wild and Scenic Rivers, and National Forest Systems and as national conservation areas and national recreation areas. For the purposes of this subsection, a minor boundary adjustment shall not increase or decrease the amount of land within any such area by more than 23,000 acres.

## TITLE II—NATIONAL PARK SYSTEM

### ESTABLISHMENT OF NEW AREAS

SEC. 201. The following areas are hereby established as units of the National Park System and shall be administered by the Secretary under the laws governing the administration of such lands and under the provisions of this Act:

(1) Aniakchak National Monument, containing approximately one hundred and thirty-eight thousand acres of Federal lands, and Aniakchak National Preserve, containing approximately three hundred and seventy-six thousand acres of Federal lands, as generally depicted on map numbered ANIA-90,005, and dated October 1978. The monument and preserve shall be managed for the following purposes, among others: To maintain the caldera and its associated volcanic features and landscape, including the Aniakchak River and other lakes and streams, in their natural state; to study, interpret, and assure continuation of the natural process of biological succession; to protect habitat for and populations of fish and wildlife, including, but not limited to, brown/grizzly bear, moose, caribou, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl and in a manner consistent with the foregoing, to interpret geological and biological processes for visitors.

(2) Bering Land Bridge National Preserve, containing approximately two million four hundred and fifty-seven thousand acres of Federal land, as generally depicted on map numbered BELA-90,005, and dated October 1978. The preserve shall be managed for the following purposes, among others: To protect and interpret examples of arctic plant communities, volcanic lava flows, ash explosions, coastal formations, and other geologic processes; to protect habitat for internationally significant populations of migratory birds; to provide for archeological and paleontological study, in cooperation with Native Alaskans, of the process of plant and animal migration, including man, between North America and the Asian Continent; to protect habitat for, and populations of, fish and wildlife including, but not limited to, marine mammals, brown/grizzly bear, moose, and wolf; subject to such reasonable regulations as the Secretary may prescribe, to continue reindeer grazing use, including necessary facilities and

equipment, within the areas which on January 1, 1976, were subject to reindeer grazing permits, in accordance with sound range management practices; to protect the viability of subsistence resources; and in a manner consistent with the foregoing, to provide for outdoor recreation and environmental education activities including public access for recreational purposes to the Serpentine Hot Springs area. The Secretary shall permit the continuation of customary patterns and modes of travel within a one-hundred-foot right-of-way along either side of an existing route from Deering to the Taylor Highway, subject to such reasonable regulations as the Secretary may promulgate to assure that such travel is consistent with the foregoing purposes.

(3) Cape Krusenstern National Monument, containing approximately five hundred and sixty thousand acres of Federal lands, as generally depicted on map numbered CAKR-90,007, and dated October 1979. The monument shall be managed for the following purposes, among others: To protect and interpret a series of archeological sites depicting every known cultural period in arctic Alaska; to provide for scientific study of the process of human population of the area from the Asian Continent; in cooperation with Native Alaskans, to preserve and interpret evidence of prehistoric and historic Native cultures; to protect habitat for seals and other marine mammals; to protect habitat and populations of birds, and other wildlife and fish resources; and to protect the viability of subsistence resources. Subsistence uses shall be permitted in the monument in accordance with the provisions of title VIII;

(4)(a) Gates of the Arctic National Park, containing approximately four million eight hundred and one thousand acres of Federal lands, Gates of the Arctic National Preserve, containing approximately two million one hundred seventeen thousand acres of Federal lands, and Gates of the Arctic National Recreation Area, containing approximately one million thirty-four thousand acres of Federal lands, as generally depicted on map numbered GAAR-90,010 and dated October 1978. The park and preserve shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features; to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness outdoor recreational activities; to protect habitat for the populations of fish and wildlife, including, but not limited to, caribou, grizzly bear, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses by local residents shall be permitted in the park where such uses are traditional in accordance with the provisions of title VIII. The recreation area shall be managed for the above purposes to the extent consistent with the provisions of section 1312.

(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the National Recreation Area (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.

(c) Upon the filing of an application pursuant to section 1104 (a), (b), and (c) of this Act for a right-of-way across the national recreation area, including the Kobuk Wild and Scenic River, the Secretary shall give notice in the Federal Register of a thirty-day period for other applicants to apply for access.

(d) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act. Such analysis shall be deemed to satisfy all requirements of that Act and shall not be subject to judicial review. Such environmental and economic analysis shall be prepared in accordance with the procedural requirements of section 1104(e). The Secretaries in preparing the analysis shall consider the following—

(i) Alternative routes including the consideration of economically feasible and prudent alternative routes across the national recreation area which would result in fewer or less severe adverse impacts upon the national recreation area.

(ii) The environmental and social and economic impact of the right-of-way including impact upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities, and measures which should

be instituted to avoid or minimize negative impacts and enhance positive impacts.

(e) Within 60 days of the completion of the environmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the national recreation area. Such right-of-way shall be issued in accordance with the provisions of section 1106 of this Act.

(5) Kenai Fjords National Park, containing approximately five hundred and sixty-seven thousand acres of Federal lands, as depicted on map numbered KEFJ-90,007, and dated October 1978. The park shall be managed for the following purposes, among others: To maintain unimpaired the scenic and environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; to protect seals, sea lions, other marine mammals, and marine and other birds and maintain their hauling and breeding areas in their natural state free of human activity which is disruptive to their natural processes. In a manner consistent with the foregoing, the Secretary is authorized to develop access to the Harding Icefield and to allow use of mechanized equipment on the icefield for recreation.

(6) Kobuk Valley National Park, containing approximately one million seven hundred and ten thousand acres of Federal lands as generally depicted on map numbered KOVA-90,009, and dated October 1979. The park shall be managed for the following purposes, among others: To maintain the environmental integrity of the natural features of the Kobuk River Valley, including the Kobuk, Salmon, and other rivers, the boreal forest, and the Great Kobuk Sand Dunes, in its undeveloped state; to protect and interpret, in cooperation with Native Alaskans, archeological sites associated with Native cultures; to protect migration routes for the Arctic caribou herd; to protect habitat for and populations of, fish and wildlife including but not limited to caribou, moose, black and grizzly bear, wolves, and waterfowl; and to protect the viability of subsistence resources. Subsistence uses by local residents shall be permitted in the park in accordance with the provisions of title VIII. Except at such times when and locations where to do so would be inconsistent with the purposes of the park, the Secretary shall permit aircraft to continue to land at sites in the upper Salmon River watershed.

(7)(a) Lake Clark National Park, containing approximately two million four hundred thirty-nine thousand acres of Federal lands, and Lake Clark National Preserve, containing approximately one million two hundred and fourteen thousand acres of Federal lands, as generally depicted on map numbered LACL-90,008, and dated October 1978. The park and preserve shall be managed for the following purposes, among others: To protect the watershed necessary for perpetuation of the red salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including active volcanoes, glaciers, wild rivers, lakes, waterfalls, and alpine meadows in their natural state; to protect habitat for and populations of fish and wildlife including but not limited to caribou, Dall sheep, brown/grizzly bear, bald eagle, and peregrine falcon.

(b) No lands conveyed to the Nondalton Village Corporation shall be considered to be within the boundaries of the park or preserve; if the corporation desires to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the park or preserve, as appropriate.

(8) Noatak National Preserve, containing approximately five million four hundred and thirteen thousand acres of Federal lands, and Noatak National Recreation Area, containing approximately three hundred eighty-six thousand acres of Federal lands, as generally depicted on map numbered NOAT-90,003, and dated October 1978. The preserve shall be managed for the following purposes, among others: To maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activity; to protect habitat for and populations of fish and wildlife, including but not limited to caribou, grizzly bear, Dall sheep, moose, wolves, and for waterfowl, raptors, and other species of birds; to protect archeological resources; and in a manner consistent with the foregoing, to provide opportunities for scientific research. The Secretary may establish a board consisting of scientists and other experts in the field of arctic research in order to assist him in the encouragement and administration of research efforts within the preserve. The recreation area shall be managed for the above purposes consistent with the provisions of section 1312.

(9) Wrangell-Saint Elias National Park, containing approximately seven million nine hundred and ninety thousand acres of Federal lands, and Wrangell-

Saint Elias National Preserve, containing approximately three million and ninety-three thousand acres of Federal lands, and Wrangell-Saint Elias National Recreation Area, containing approximately one million two hundred and thirty-five thousand acres of Federal lands, as generally depicted on map numbered WRST-90,006, and dated October 1979. The park and preserve shall be managed for the following purposes, among others: To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys, and coastal landscapes in their natural state; to protect habitat for and populations of fish and wildlife, including but not limited to caribou, brown/grizzly bear, Dall sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals to provide continued opportunities, including reasonable access for mountain climbing, mountaineering, and other wilderness outdoor recreational activities; The recreation area shall be managed for the above purposes to the extent consistent with the provisions of section 1312.

(10) Yukon-Charley Rivers National Preserve, containing approximately one million seven hundred and thirteen thousand acres of Federal lands, as generally depicted on map numbered YUCH-90,008, and dated October 1978. The preserve shall be managed for the following purposes, among others: To maintain the environmental integrity of the entire Charley River basin, including streams, lakes and other natural features, in its undeveloped natural condition for public benefit and scientific study; to protect habitat for, and populations of, fish and wildlife, including but not limited to the peregrine falcon and other raptorial birds, caribou, moose, Dall sheep, grizzly bear, and wolves; and in a manner consistent with the foregoing, to protect and interpret historical sites and events associated with the gold rush on the Yukon River and the geological and paleontological history and cultural prehistory of the area. Except at such times when and locations where to do so would be inconsistent with the purposes of the preserve, the Secretary shall permit aircraft to continue to land at sites in the Upper Charley River watershed.

#### ADDITIONS TO EXISTING AREAS

SEC. 202. The following units of the National Park System are hereby expanded:

(1) Glacier Bay National Monument by the addition of an area containing approximately five hundred and twenty-three thousand acres of Federal land, and an additional fifty-seven thousand acres of Federal land is hereby established as Glacier Bay National Preserve, as generally depicted on map numbered GLBA-90,004, and dated October 1978; furthermore, the monument is hereby redesignated as "Glacier Bay National Park". The monument addition and preserve shall be managed for the purposes, among others, of protecting a segment of the Alsek River, animal habitat and migration routes, and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

(2) Katmai National Monument by the addition of an area containing approximately nine hundred and thirty-six thousand acres of Federal land. An additional four hundred and nine thousand acres of Federal land is hereby established as Katmai National Preserve, both as generally depicted on map numbered KATM-90,006, and dated October 1978; furthermore, the monument is hereby redesignated as "Katmai National Park and Preserve". The monument additions and preserve shall be managed for the purposes, among others, of protecting high concentrations of brown/grizzly bear and their denning areas and habitat for other wildlife, to maintain unimpaired the water habitat for significant salmon populations, and to protect scenic, geological, cultural and recreational features.

(3a) Mount McKinley National Park by the addition of an area containing approximately two million five hundred and eighty-seven thousand acres of Federal land, and an additional one million one hundred sixty-nine thousand acres of Federal land is hereby established as Denali National Preserve, as generally depicted on map numbered DENA-90,006, and dated October 1979 and the whole is hereby redesignated as Denali National Park and Preserve. The park additions and preserve shall be managed for the purpose among others of protecting and interpreting the entire mountain massif and additional scenic mountain peaks and formations and to protect brown/grizzly bear, moose, caribou, Dall sheep, wolves, swans and other waterfowl, and their habitat to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness outdoor recreational activities; that portion of the Alaska Railroad right-of-way within the park shall be subject to such laws and regulations applicable to the protection of fish and wildlife and other

park values as the Secretary, with the concurrence of the Secretary of Transportation, may determine.

(b) The Alaska Land Use Council shall, in cooperation with the Secretary, conduct a study of the Kantishna Hills and Dunkle Mine areas of the park as generally depicted on a map entitled "Kantishna Hills/Dunkle Mine Study Area" dated October 1979, and report thereon to the Congress not later than three years from the date of enactment of this Act. The study and report shall evaluate the resources of the area, including but not limited to, fish and wildlife, public recreation opportunities, wilderness potential historic resources, and minerals, and shall include those recommendations respecting resources and other relevant matters which the Council determines are necessary. In conjunction with the study required by this section, the Council, in consultation with the Secretary, shall compile information relating to the mineral potential of the areas encompassed within the study, the estimated cost of acquiring mining properties, and the environmental consequences of further mineral development.

(c) During the period of the study, no acquisition of privately owned land shall be permitted within the study area except with the consent of the owner, and the holders of valid mining claims shall be permitted to operate on their claims, subject to reasonable regulations designed to minimize damage to the environment; Provided, however, That such lands or claims shall be subject to acquisition without the consent of the owner or holder if the Secretary determines, after notice and opportunity for hearing, if such notice and hearing are not otherwise required by applicable law or regulation, that activities on such lands or claims will significantly impair important scenic, wildlife, or recreational values of the public lands which are the subject of the study.

(d) For the purpose of evaluating the need for and the economic and environmental feasibility of constructing and operating visitor facilities in the Upper Tokositna River area, and for the purposes of developing several planning and management alternatives for this area, the Secretary is authorized to enter into a cooperative study with the State of Alaska. Such study shall (i) consider the desirability of making a boundary adjustment in the upper Tokositna River area which would have the effect of transferring certain lands from the Denali National Park and including such lands in an adjacent unit of the Alaska State Park system, (ii) consider and describe a variety of feasible visitor facilities, (iii) assess the projected demand for and estimate the costs of constructing and maintaining each proposed facility, (iv) describe in detail the likely environmental and economic effects of each proposed facility, and (v) describe a variety of planning and management alternatives, including cooperative planning and management: Provided, That the first component of the study shall be completed not later than two years after the enactment of this Act.

(e) Upon completion of the first component of the study authorized in subsection (d), the Secretary may use his authority in subsection 103(b) to make adjustments in the Denali National Park boundary in the area covered by the study. For the purpose of making such boundary adjustments in the Denali National Park boundary, the 23,000 acre figure in subsection 103(b) shall be increased to 46,080. To the extent the Secretary chooses to use this boundary adjustment authority in the upper Tokositna River area, such lands deleted from the Park shall be conveyed to the State of Alaska if: (i) the State has submitted to the Secretary a detailed proposal which sets forth the State's land request and describes how the State intends to manage and develop such land, (ii) the State agrees to designate and maintain the conveyed land as a State park, and (iii) the Secretary, after reviewing the State's proposal and the cooperative study, determines that the State will manage such lands for the purpose, among others, of protecting and interpreting the scenic, cultural, and environmental values of the area.

(f) Should the State fail to designate or maintain as a State park the lands which it has received pursuant to subsection (e) above, or should the State without the consent of the Secretary depart significantly from the management and development proposal submitted pursuant to subpart (e)(i) above, all lands conveyed pursuant to subsection (e) shall revert to the United States. Reverter shall operate upon the determination of the Secretary, and shall be effective as to title without the need for the United States to enter upon the lands: Provided, That the Secretary shall, prior to such determination, afford the State of Alaska such notice and such period of time as is reasonable for the State to take such actions necessary to comply with the provisions of subsection (e).

(g) Any lands conveyed to the State of Alaska pursuant to subsection (e) above shall be in addition to and shall not be counted against the State's land selection entitlement as set forth in section 6 of the Statehood Act (72 Stat. 339).

## GENERAL ADMINISTRATION

SEC. 203. The Secretary shall administer the lands, waters, and interests therein added to existing areas or established by the foregoing sections of this title as new areas of the National Park System, pursuant to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and, as appropriate, under sections 1312 and 1313 and the other applicable provisions of this Act: *Provided, however,* That hunting shall be permitted in areas designated as national preserves and national recreation areas under the provisions of this Act. Subsistence uses by local residents shall be allowed in national preserves, recreational areas, and designated national monuments and parks, under the provisions of this Act. Lands, waters, and interests therein withdrawn or reserved for the former Katmai and Glacier Bay National Monuments are hereby incorporated within and made a part of Katmai National Park or Glacier Bay National Park, as appropriate. Any funds available for the purposes of such monuments are hereby made available for the purposes of Katmai National Park and Preserve or Glacier Bay National Park and Preserve, as appropriate.

## NATIVE SELECTIONS

SEC. 204. Valid Native selections, or lands identified for selection by Regional Corporations pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act, within boundaries of the Wrangell-Saint Elias National Park and Preserve as established under this Act, are hereby recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and this Act.

## COMMERCIAL FISHING

Sec. 205. With respect to the Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of Wrangell-Saint Elias National Preserve and the Dry Bay area of Glacier Bay National Preserve, the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law, including the use of Federal lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1979.

## WITHDRAWAL FROM MINING

SEC. 206. Subject to valid existing rights, and except as explicitly provided in section 1312(b) or otherwise in this Act, the Federal lands within units of the National Park System established or expanded by or pursuant to this Act are hereby withdrawn from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the United States mining laws, disposition under the mineral leasing laws, and from future selections by the State of Alaska and Native Corporations.

## TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

## DEFINITIONS

SEC. 301. For purposes of this title—

(1) The term "conserve" means to use, and the use of, such methods and procedures which are necessary to insure, to the maximum extent practicable, the protections, maintenance, and management of fish and wildlife and plants, their habitats, and the ecological systems of which they form a constituent element, for the ecological, educational, aesthetic, cultural, recreational, and scientific enrichment of mankind. Such methods and procedures may include any activity associated with modern scientific fish and wildlife management, such as research, census, monitoring, law enforcement, the acquisition, maintenance, and enhancement of habitat, information, education, and extension services, hunting, fishing, trapping, and transplantation.

(2) The term "existing" if used in referring to any unit of the National Wildlife Refuge System in the State, means the unit as it existed on the day before the date of enactment of the Alaska Native Claims Settlement Act.

(3) The term "refuge" means—

(A) any unit of the National Wildlife Refuge System established by section 302;

(B) any existing unit of the National Wildlife Refuge System not included within any unit referred to in subparagraph (A); or

(C) any unit of the National Wildlife Refuge System established in the State after the date of the enactment of this Act.

(4) The term "range" has the same meaning as that term has in the National Wildlife Refuge System Administration Act of 1966 as amended.

#### ESTABLISHMENT OF REFUGES

SEC. 302. (a) **ESTABLISHMENT.**—The following are established as units of the National Wildlife Refuge System:

(1) **ALASKA MARITIME NATIONAL WILDLIFE REFUGE.**—(A) The Alaska Maritime National Wildlife Refuge shall consist of approximately two million nine hundred and eighty thousand acres of existing refuges specified in this paragraph, which shall be redesignated as subunits of the Alaska Maritime National Wildlife Refuge, and an addition thereto of approximately four hundred and sixty thousand acres of public lands as well as an addition of submerged public lands of unknown quantity within the former Chugach National Forest boundary around Afognak Island, to be included in the following described units consisting of islands, islets, offshore rocks, reefs, offshore spires, and designated capes, among other unnamed areas in the coastal waters and adjacent seas of Alaska as generally depicted on the map entitled "Alaska Maritime National Wildlife Refuge", dated October 1979.

(i) **Chukchi Sea Unit**—including Cape Lisburne, Cape Thompson, and the existing Chamisso National Wildlife Refuge, but excluding such other offshore public lands within the Bering Land Bridge National Preserve. That portion of the refuge consisting of the public lands in Cape Lisburne shall be named and appropriately identified as the "Ann Stevens-Cape Lisburne" subunit of the Chukchi Sea Unit.

(ii) **Bering Sea Unit**—including the existing Bering Sea and Pribilof (Walrus and Otter Islands and Sea Lions Rocks) National Wildlife Refuges, Hagemeister Island, those portions of Fairway Rock, Sledge Island, Bluff Unit, Besboro Island, Egg Island, Punuk Islands, and King Island not otherwise conveyed under the Alaska Native Claims Settlement Act, as amended, and all other public lands on islands, islets, offshore rocks, reefs, offshore spires, and designated capes;

(iii) **Aleutian Islands Unit**—including the existing Aleutian Islands and Bogoslof National Wildlife Refuges, and all other public lands in the Aleutian Islands;

(iv) **Alaska Peninsula Unit**—including the existing Simeonof and Semidi National Wildlife Refuges, the Shumagin Islands, Sutwik Island, the islands and headlands of Puale Bay and all other public lands on islands, islets, offshore rocks, reefs, offshore spires, and designated capes south of Katmai National Park to False Pass; and

(v) **Gulf of Alaska Unit**—including the existing Forrester Island, Hazy Islands, Saint Lazaria, and Tuxedni National Wildlife Refuges, the Barren Islands, Latax Rocks, Harbor Island, Chiswell Islands, Pye Islands (except Ragged Island), Nataoa, Chat, Chevel, Granite, and Middleton Islands, the Trinity Islands and all named and unnamed islands, islets, offshore rocks, reefs, or offshore spires and submerged public lands surrounding Kodiak and Afognak Islands and all other such offshore public lands, but excluding such lands within existing units of the National Park System, and Nuka Island and lands within the National Forest System except as provided in this Act.

(B) The significant fish and wildlife resources of the refuge are marine mammals, marine birds, and other migratory birds.

(C) Archeological resources and marine resources of offshore public lands within the refuge are special values of the refuge.

(D) The Secretary shall negotiate with the applicable Native Corporations, pursuant to section 1302(h) and section 1417, for the conveyance of public lands or the provision of other valuable consideration or both, to such Corporations in exchange for the selection rights or title to the bird cliffs of Saint Paul and

Saint George Islands. If the exchange is agreed upon, the Alaska Maritime National Wildlife Refuge shall include the bird cliffs of Saint Paul and Saint George Islands.

(2) **ALASKA PENINSULA NATIONAL WILDLIFE REFUGE.**—(A) The Alaska Peninsula National Wildlife Refuge shall consist of the approximately three million five hundred thousand acres of public lands, including the lands on the Alaska Peninsula transferred to and made part of the refuge pursuant to Section 1427 of this Act, as generally depicted on the map entitled "Alaska Peninsula National Wildlife Refuge", dated October 1979.

(B) The significant fish and wildlife resources of the refuge are brown/grizzly bears, the Alaska Peninsula caribou herd, moose, marine mammals, waterfowl, raptors, marine and other migratory birds, salmonoids and other fish.

(C) The special values of the refuge are the representative, unique biological continua of the Alaska Peninsula including particularly the Pavlof Volcanos and Cathedral Valley; Veniaminof Volcano, Stepanof Flats and Kupreanof Peninsula, Castle Cape Fjords; Cape Kumliun; and Chiginagak Volcano and Mt. Kialagvik.

(3) **ARCTIC NATIONAL WILDLIFE RANGE.**—(A) The Arctic National Wildlife Range shall consist of all lands within the existing Arctic National Wildlife Range which shall be redesignated as a unit of the expanded Arctic National Wildlife Range and of the approximately five million six hundred and fifty thousand acres of public lands generally depicted on the map entitled "Arctic National Wildlife Range" dated October 1978. Additions to the Arctic National Wildlife Range to the southwest shall extend to the former Venetie Indian Reservation lands and share a common boundary.

(B) The significant fish and wildlife resources of the refuge are the Porcupine caribou herd, wolves, wolverines, barren-ground grizzly bears, musk-oxen, polar bears, Dall sheep, eider and old squaw ducks, snow geese, peregrine falcons, and other migratory birds.

(C) Representative unspoiled arctic physiographic regions and wilderness recreation are special values of the refuge.

(4) **BECHAROF NATIONAL WILDLIFE REFUGE.**—(A) The Becharof National Wildlife Refuge shall consist of the approximately one million two hundred thousand acres of public lands generally depicted on the map entitled "Becharof National Wildlife Refuge", dated October 1979. The wildlife refuge shall include all of the islands in the eastern end of Becharof Lake within the map boundary but shall not include the lake or submerged lands beneath the lake below the mean high water mark.

(B) The significant fish and wildlife resources of the refuge are brown bears, salmon, migratory birds, the Alaska Peninsula caribou herd and marine birds and mammals.

(C) The bear-denning islands of Becharof Lake are special values of the refuge.

(5) **CLARENCE RHODE NATIONAL WILDLIFE REFUGE.**—(A) The Clarence Rhode National Wildlife Refuge shall consist of all lands within the existing Clarence Rhode National Wildlife Range and the Hazen Bay and Nunivak National Wildlife Refuges which shall be redesignated as units of the Clarence Rhode National Wildlife Refuge, and of the approximately eleven million one hundred and thirty thousand acres of public lands generally depicted on the map entitled "Clarence Rhode National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife of the refuge are migratory birds, marine mammals, musk-oxen, and salmonoids.

(C) The Andreafsky Hills area and the marine resources of offshore public lands and the Cape Mendenhall area and Mount Roberts Volcano of Nunivak Islands are special values of the refuge.

(D) Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted in the refuge within areas where such uses are, and in a manner which is, compatible with the major purposes of the refuge set forth in section 303 (1) and (2).

(E) Subject to reasonable regulation, the Secretary shall administer the refuge to assure the continuation of navigation and access by boat on the Yukon and Kuskokwim Rivers.

(6) **INNOKO NATIONAL WILDLIFE REFUGE.**—(A) The Innoko National Wildlife Refuge shall consist of the approximately three million eight hundred and fifty thousand acres of public lands generally depicted on the map entitled "Innoko National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(C) The Iditarod Trail is a special feature of the refuge.

(7) **KANUTI NATIONAL WILDLIFE REFUGE.**—(A) The Kanuti National Wildlife Refuge shall consist of the approximately one million four hundred and twenty thousand acres of public lands generally depicted on the map entitled "Kanuti National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, caribou, and furbearers.

(C) Sithylemenkat Lake and the Kanuti Canyon are special values of the refuge.

(8) **KENAI NATIONAL WILDLIFE REFUGE.**—(A) The Kenai National Wildlife Refuge shall consist of all lands within the existing Kenai National Moose Range which shall be redesignated as the Kenai National Wildlife Refuge, and expanded by approximately two hundred and forty thousand acres of public lands generally depicted on the map entitled "Kenai National Wildlife Refuge", dated October 1978. Those public lands described in PLO 3953, dated March 15, 1966, as amended by PLO 4056, dated July 18, 1966, shall not be included within the "Kenai National Wildlife Refuge" as expanded and redesignated by this section.

(B) The significant fish and wildlife resources of the refuge are moose, bears, furbearers, Dall sheep, mountain goats, migratory birds, and salmonoids.

(C) The Swan Lake-Swanson River lake and rivers complex and the Harding Icefield are special values of the refuge.

(9) **KODIAK NATIONAL WILDLIFE REFUGE.**—(A) The Kodiak National Wildlife Refuge shall consist of those public lands within the existing Kodiak National Wildlife Refuge, which shall be redesignated as the Kodiak Island Unit of the expanded Kodiak National Wildlife Refuge, and all other public lands on Afognak and Ban Islands of approximately fifty thousand acres as depicted on the map entitled "Kodiak National Wildlife Refuge", dated October 1978. The described public lands are those resulting from section 1427 of this Act.

(B) The significant fish and wildlife of the refuge are Kodiak brown bears, salmonoids, sea otter, sea lions, and other marine mammals and migratory birds.

(C) Special values of the refuge are the scenic values and habitat associations of the Red Peaks area of Afognak Island.

(D) The identification of important brown bear use areas in cooperation with the Native corporations of Afognak Island shall be accomplished in a timely fashion and reviewed periodically.

(E) The significant fish and wildlife of the refuge are Kodiak brown bears, salmon, marine mammals, and migratory birds.

(F) 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 the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge.

(10) **KOYUKUK NATIONAL WILDLIFE REFUGE.**—(A) The Koyukuk National Wildlife Refuge shall consist of the approximately three million five hundred and thirty-five thousand acres of public lands generally depicted on the map entitled "Koyukuk National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, moose, furbearers, and salmon.

(C) The Nogahabara sand dunes and Three Day Slough are special values of the refuge.

(11) **SELAWIK NATIONAL WILDLIFE REFUGE.**—(A) The Selawik National Wildlife Refuge shall consist of the approximately two million one hundred and fifty thousand acres of public lands generally depicted on the map entitled "Selawik National Wildlife Refuge", dated October 1978. No lands conveyed to any Native Corporation shall be considered to be within the boundaries of the refuge; if any such Corporation or Corporations desire to convey any such lands, the Secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the refuge.

(B) The significant fish and wildlife resources of the refuge are migratory birds, the Western Arctic caribou herd, and sheefish.

(C) Archeological resources are special values of the refuge.

(D) The Selawik River is a special value of the refuge and shall be managed as a wild river from its headwaters to the Kugarak River.

(E) Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted within grazing lease units as they existed on January 1, 1976, in the refuge.

(12) **TETLIN NATIONAL WILDLIFE REFUGE.**—(A) The Tetlin National Wildlife Refuge shall consist of the approximately seven hundred and sixty-five thou-

sand acres of public lands generally depicted on the map entitled "Tetlin National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife resources of the refuge are migratory birds, furbearers, and moose.

(C) Within one year after the date of the enactment of this Act, the Secretary and the State shall effect an exchange of lands within the Tetlin National Wildlife Refuge. In this exchange, the State shall relinquish all claims (including land selections filed under Section 6(b) of the Alaska Statehood Act) for up to forty-six thousand and eighty acres of lands selected by the State prior to November 14, 1978, within the refuge for an equivalent acreage of Federal lands north of the Alcan Highway within the Tetlin National Wildlife Refuge, which shall be conveyed to the State as though conveyed under the Statehood Act. Such lands relinquished by the State shall become part of the Tetlin National Wildlife Refuge. This exchange shall become effective upon the execution of all documents necessary to accomplish the exchange.

(D) Regardless of any requirement in this Act that a wilderness review be conducted of areas within the Tetlin National Wildlife Refuge in accordance with sections 3(c) and 3(d) of the Wilderness Act, there may be authorized and granted rights-of-way for pipelines and other facilities that may be required pursuant to section 9 of the Alaska Natural Gas Transportation Act of 1976.

(13) **TOGIAC NATIONAL WILDLIFE REFUGE.**—(A) The Togiak National Wildlife Refuge shall consist of all lands within the existing Cape Newenham National Wildlife Refuge, which shall be redesignated as a unit of the Togiak National Wildlife Refuge, and of the approximately three million, three hundred and ten thousand acres of public lands generally depicted on the map entitled "Togiak National Wildlife Refuge", dated October 1979.

(B) The significant fish and wildlife resources of the refuge are salmonoids, marine and other migratory birds and marine and other large mammals.

(C) The watershed features of the Kanektok, Goodnews and Togiak River systems are special values of the refuge.

(D) Cape Peirce is a special value of the refuge.

(14) **YUKON FLATS NATIONAL WILDLIFE REFUGE.**—(A) The Yukon Flats National Wildlife Refuge shall consist of the approximately five million seven hundred and ten thousand acres of public lands generally depicted on the map entitled "Yukon Flats National Wildlife Refuge", dated October 1978.

(B) The significant fish and wildlife of the refuge are migratory birds, moose, wolves, wolverines and other furbearers and salmon.

(C) The Hodzana River drainage is a special feature of the refuge.

(D) 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. 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.

(b) **OTHER SIGNIFICANT FISH AND WILDLIFE RESOURCES.**—

(1) **IZEMBEK NATIONAL WILDLIFE REFUGE.**—(A) The significant fish and wildlife resources of the Izembek National Wildlife Range (which is hereby redesignated as the Izembek National Wildlife Refuge), are migratory birds, brown bears, and salmonoids.

(B) Izembek Lagoon is a special feature of the refuge.

**PURPOSES OF REFUGES**

**SEC. 303.** The major purposes of each refuge are—

(1) to conserve the fish and wildlife and their habitat within the refuge which are designated in section 302 as significant fish and wildlife resources, as well as to conserve the other fish and wildlife and habitat within the refuge;

(2) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and habitat;

(3) to provide, in a manner consistent with the purposes set forth in paragraphs (1) and (2) above, the opportunity for continued subsistence uses by local residents;

(4) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (1), water quality and necessary water quantity within the refuge; and

(5) to protect, maintain, or enhance, in a manner consistent with the purposes set forth in paragraphs (1) and (2) any special value of the refuge specified in

section 302, as well as any other archeological, cultural, ecological, geological, historical, paleontological, recreational, or scenic value of the refuge.

#### ADMINISTRATION OF REFUGES

SEC. 304. (a) **IN GENERAL.**—Each refuge shall be administered by the Secretary, subject to valid existing rights, to achieve the major purposes set forth in section 303 and in accordance with the laws governing the administration of units of the National Wildlife Refuge System, the laws governing the conservation and protection of fish and wildlife and plants, and this Act.

(b) **USES PERMITTED WITHIN REFUGES.**—(1) When compatible with the primary purposes listed in section 303, the Secretary, is authorized to permit sport hunting and fishing and trapping within the Alaskan refuges established, enlarged or redesignated by this Act. Such activities shall be conducted in accordance with all applicable State and Federal laws.

(2) In applying section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) with respect to each refuge, the Secretary may not permit any use, or grant easements for any purpose, described in such section 4(d) unless such use (including but not limited to any oil and gas leasing permitted under paragraph (2)) or purpose is compatible with the major purposes of the refuge set forth in section 303 and with section 1009. The Secretary shall prescribe such regulations, and impose such terms and conditions, as may be necessary and appropriate to ensure that activities carried out under such use or easement are so compatible.

(3) All public lands in each refuge in Alaska are hereby withdrawn, subject to valid existing rights, from future selections by the State of Alaska and Native Corporations, and from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the United States mining laws, but not from operation of the mineral leasing laws.

#### MISCELLANEOUS PROVISIONS

SEC. 305. All proclamations, Executive orders, public land orders, and other administrative actions in effect on the day before the date of the enactment of this Act with respect to units of the National Wildlife Refuge System in the State shall remain in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act, and, in any such case, the provisions of such Acts shall prevail. All land within the boundaries described or depicted in any such action shall, if the unit of the National Wildlife Refuge System concerned is incorporated within any refuge established or redesignated by or described in section 302, be included within such refuge. All funds available on such date of enactment for administration of any refuge shall remain available for the administration of such refuge.

#### COMMERCIAL FISHING

SEC. 306. The Secretary shall permit, within units of the National Wildlife Refuge System designated, established, or enlarged by this Act, the exercise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law and the use of Federal lands, subject to reasonable regulation, for campsites, cabins, motorized vehicles, and aircraft landings directly incident to the exercise of such rights or privileges: *Provided*, That nothing in this section shall require the Secretary to permit the exercise of rights or privileges or uses of the Federal lands directly incident to such exercise, which he determines, after conducting a public hearing in the affected vicinity, to be inconsistent with the purposes of a unit of the Wildlife Refuge System as described in this section, and to be a significant expansion of commercial fishing activities within such unit beyond the level of such activities during 1979.

### TITLE IV—NATIONAL CONSERVATION AREAS

#### ESTABLISHMENT

SEC. 401. The following areas are hereby established as national conservation areas in order to provide for the immediate and future protection of the lands in

Federal ownership within the framework of a program of multiple use and sustained yield and for the maintenance of environmental quality:

(1) Baird Mountains National Conservation Area, including approximately two million two hundred thousand acres of Federal lands, as generally depicted on the map entitled "Baird Mountains National Conservation Area—proposed", and dated October 1978. Special values to be considered in planning and management of the area are: caribou range and migration routes, the Squirrel River and vegetative and other natural and cultural values of scientific interest in the lower Noatak River Valley.

(2) Chandalar National Conservation Area, including approximately eight hundred eighty thousand acres of Federal lands, as generally depicted on the map entitled "Chandalar National Conservation Area—proposed", and dated October 1978. Special values to be considered in planning and management of the area are: caribou range and migration routes.

(3) Nowitna National Conservation Area, including approximately three million seventy thousand acres of Federal lands, as generally depicted on the map entitled "Nowitna National Conservation Area—proposed", and dated October 1978. Special values to be considered in planning and management of the area are: Nowitna River, trumpeter swan habitat, staging and nesting areas for geese and other waterfowl.

(4) Steese National Conservation Area, including approximately one million two hundred twenty thousand acres of Federal lands, as generally depicted on the map entitled "Steese National Conservation Area—proposed", and dated October 1978. Special values to be considered in planning and management of the area are: caribou range and Birch Creek.

#### ADMINISTRATIVE PROVISIONS

SEC. 402. (a) The Secretary, through the Bureau of Land Management, shall administer the national conservation areas established in section 401 pursuant to the applicable provisions of the Federal Land Policy and Management Act of 1976 dealing with the management and use of land in Federal ownership, and shall, within five years of the date of enactment of this Act, develop a land use plan for each such area, and for the area established in section 403.

(b) No public lands within any such national conservation area shall be transferred out of Federal ownership except by exchange pursuant to section 206 of the Federal Land Policy and Management Act. Where consistent with the land use plans for the area, mineral development may be permitted pursuant to the Mineral Leasing Act of 1920, as amended, and supplemented (30 U.S.C. 181-287) or the Materials Act of 1947, as amended (30 U.S.C. 601-603). Subject to valid existing rights, the minerals in Federal lands within national conservation areas are hereby withdrawn from location, entry, and patent under the United States mining laws (30 U.S.C. 22-54). Where consistent with the land use plan for the area, the Secretary may classify lands within national conservation areas as suitable for locatable mineral exploration and development and open such lands to entry, location, and patent under the United States mining laws (30 U.S.C. 22-54).

(c) Subject to valid existing rights, all mining claims located within any such unit shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe as aforesaid.

#### ESTABLISHMENT OF WHITE MOUNTAINS NATIONAL RECREATION AREA

SEC. 403. There is hereby established the White Mountains National Recreation Area containing approximately one million acres of Federal lands, as generally depicted on the map entitled "White Mountains National Recreation Area—proposed", and dated October 1978. The Secretary shall administer the area in accordance with the provisions of section 1312 and other applicable provisions of this Act, the Federal Land Policy and Management Act of 1976, and other applicable law. In planning for the recreational use and management of this area, the Secretary shall work closely with the State of Alaska.

## RIGHTS OF HOLDERS OF UNPERFECTED MINING CLAIMS

SEC. 404. (a) The term "unperfected mining claim" as used in this section, means a mining claim which is located on lands within the boundaries of the White Mountains National Recreation Area or national conservation areas established pursuant to this title with respect to which a valid mineral discovery within the meaning of the mining laws of the United States, was not made as of the date of the withdrawal of such area from further appropriation under the mining laws of the United States.

(b) **MORATORIUM ON CONTEST PROCEEDINGS.**—Any holder of an unperfected mining claim seeking to protect such claim pursuant to this section must have maintained and must continue to maintain such claim in compliance with applicable Federal and State laws, and where applicable, must have obtained and complied with any mining access permit requirements imposed by the Department of the Interior during the 1979 mining season. Prior to September 30, 1982, no unperfected mining claim which has been maintained in accordance with this subsection shall be contested by the United States for failure to have made a valid mineral discovery within the meaning of the mining laws of the United States: Provided, That such claim shall be diligently prosecuted during this moratorium on contest proceedings as a condition for the moratorium. Any mining operation undertaken pursuant to this subsection, including but not limited to exploration, development, and extraction, shall be subject to such reasonable regulations as the Secretary may prescribe to assure that such operations will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the national conservation areas or the White Mountains National Recreation Area or the affected conservation system units established or expanded by this Act.

(c) **VALID MINERAL DISCOVERY.**—If the holder of an unperfected mining claim notifies the Secretary by filing an application for a patent that, as a result of mining operations in compliance with the requirements of subsection (b), he has made a valid mineral discovery on such claim within the meaning of the mining laws of the United States, and if the Secretary determines that such claim contains a valid mineral discovery, the holder of such claim shall be entitled to the issuance of a patent only to the minerals in such claim pursuant to the mining laws of the United States. The holder of such a patent shall also be entitled to the use of so much of the surface estate of the lands comprising the claim as may be necessary for mining purposes: Provided, That all mining operations conducted upon a claim after such a valid mineral discovery has been made, shall be in accordance with such reasonable regulations as may be issued by the Secretary pursuant to the authority granted in subsection (b) of this section.

(d) **VALIDITY DETERMINATION.**—If an application for a patent is filed by the holder of an unperfected mining claim pursuant to subsection (c) or if a contest proceeding is initiated by the United States after September 30, 1982, the validity of each claim shall be determined as of the date of the patent application or September 30, 1982, whichever is earlier. The holder of an unperfected mining claim not subject to a patent application filed prior to September 30, 1982, shall submit to the Secretary within one hundred and eighty days after such date all mineral data compiled during the contest proceeding moratorium which would support a valid mineral discovery within the meaning of the mining laws of the United States. Failure to submit such data within the one-hundred-and-eighty-day period shall preclude its consideration in a subsequent determination of the validity of each affected claim. Except as specifically provided for in this section, nothing shall alter the criteria applied under the general mining laws of the United States to adjudicate the validity of unperfected mining claims.

(e) **ACCESS TO CLAIMS.**—Pursuant to the provisions of this section and section 1110 of this Act, reasonable access shall be granted to an unperfected mining claim for purposes of making a valid discovery of mineral until September 30, 1982.

(f) **PREFERENCE RIGHTS.**—The holder of any unperfected mining claim which was, prior to November 16, 1978, located, recorded, and maintained in accordance with applicable Federal and State laws on lands located within the boundaries of any national conservation area, or the White Mountains National Recreation Area established this title, shall be entitled during a two-year period after the date that the Secretary exercises his authority under section 402 or 1312 to open an area containing such claim to mining, (1) to a preference right to rerecord his claim under applicable law and to develop such claim under section 402 or (2) to obtain a lease to remove nonleasable minerals from the claim under section 1312.

## TITLE V—NATIONAL FOREST SYSTEM

## ESTABLISHMENT OF NEW NATIONAL FOREST

SEC. 501. (a) There is hereby established the Porcupine National Forest which shall include the area generally depicted on the map entitled "Porcupine National Forest—proposed", and dated October 1978, containing approximately five million four hundred and eighty thousand acres of Federal lands. The Secretary shall administer the Porcupine National Forest in accordance with the applicable provisions of this Act and the laws, rules and regulations applicable to the national forest system: *Provided*, That the Secretary shall promulgate special regulations which shall insure that protection of fish and wildlife and their habitat shall be the primary purpose for the management of Federal land within the forest, and other multiple use activities shall be permitted in a manner consistent with the protection of fish and wildlife and their habitat.

(b) In the management of the Porcupine National Forest, the Secretary shall establish zones adjacent to rivers, water courses, and other areas comprising habitat important for fish and wildlife, including peregrine falcons, waterfowl, the Porcupine caribou herd, and other species, within which no harvesting of timber, mineral development, or other uses and activities detrimental to fish and wildlife species may take place.

## ADDITIONS TO EXISTING NATIONAL FORESTS

SEC. 502. (a) The following units of the national forest system are hereby expanded:

(1) Chugach National Forest by the addition of four areas, Nellie Juan, College Fjord, Copper River, and Controller Bay, containing approximately one million five hundred thousand acres of Federal land, as generally depicted on the map entitled "Chugach National Forest additions—proposed", and dated October 1978; and

(2) Tongass National Forest by the addition of three areas, Kates Needle, Juneau Icefield, and Brabazon Range, containing approximately one million four hundred and fifty thousand acres of Federal lands, as generally depicted on the map entitled "Tongass National Forest additions—proposed", and dated October 1978.

(b) Lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of this Act and the laws, rules, and regulations applicable to the national forest system: *Provided*, That the protection of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper River addition and the Copper River-Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978. Other multiple use activities shall be permitted in a manner consistent with the protection of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary.

## SEWARD NATIONAL RECREATION AREA

SEC. 503. There is hereby established within the Chugach National Forest, the Seward National Recreation Area, containing approximately one million two hundred and fourteen thousand acres of Federal lands, as generally depicted on the map entitled "Seward National Recreation Area—proposed" and dated October 1978. The Secretary shall administer the recreation area in accordance with section 1312 and other applicable provisions of this Act, and the laws, rules, and regulations applicable to the national forest system: *Provided*, however, That nothing in this section shall be construed as affecting, limiting, or impeding the authority of the State to make land selections and receive conveyances pursuant to section 6(a) of the Alaska Statehood Act within the Seward National Recreation Area.

## MINING AND MINERAL LEASING ON CERTAIN NATIONAL FOREST LANDS

SEC. 504. Subject to valid existing rights, the minerals in Federal lands within the Porcupine National Forest and the Copper River addition to the Chugach National Forest, are hereby withdrawn from location, entry, and patent under the United States mining laws. With respect to such areas, the Secretary, under such

reasonable regulations as he deems appropriate, may permit the removal of nonleasable minerals from the lands in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and the removal of leasable minerals from such lands in accordance with the mineral leasing laws, if the Secretary finds that such disposition would not have significant adverse effects on the administration of the area. All receipts derived from disposal of nonleasable minerals under this section shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests.

#### MISTY FJORDS NATIONAL MONUMENT

SEC. 505. (a) There is hereby established within the Tongass National Forest, the Misty Fjords National Monument (hereinafter in this title referred to as the "Monument"), containing approximately one million four hundred and fifty-three thousand acres of Federal lands as generally depicted on a map entitled "Misty Fjords National Monument-Proposed", dated October 1979.

(b) Except as provided in this section, the Monument shall be managed by the Secretary of Agriculture as a unit of the National Forest System to protect objects of ecological, cultural, geological, historical, prehistorical, and scientific interest.

(c) Within the Monument, the Secretary shall not permit the sale or harvesting the timber: Provided, that nothing in this subsection shall prevent the Secretary from taking measures as may be necessary in the control of fire, insects, and disease.

(d) For the purposes of granting rights-of-way of occupy, use of traverse public land within the Monument pursuant to title XI, See the provisions of section 1106(b) of this Act shall apply.

(e)(1) Subject to valid existing rights and the provisions of this Act, the lands within the Monument are hereby withdrawn from all forms of entry or appropriation of disposal under the public land laws, including location, entry, and patent under United States mining laws, disposition under the mineral leasing laws, and from future selections by the State of Alaska and Native Corporations;

(2)(A) After the date of enactment of this Act, any person who is the holder of valid mining claim on public lands located within the boundaries of the Monument, shall be permitted to carry out activities related to the exercise of rights under such claim in accordance with reasonable regulations promulgated by the Secretary to assure that such activities are compatible, to the maximum extent feasible, with the purposes for which the Monument was established.

(B) For purposes of determining the validity of a mining claim containing a sufficient quantity and quality of mineral as of November 30, 1978, to establish a valuable deposit within the meaning of the mining laws of the United States within the Monument, the requirements of the mining laws of the United States shall be construed as if access and mill site rights associated with such claim allow the present use of Monument land as such land could have been used on November 30, 1978.

(f) MINING IN THE PARKS ACT.—The Act of September 28, 1976, (Public Law 94-249) shall not apply to the monument.

(g)(1) Any special use permit for a surface access road for bulk sampling of the mineral deposit at Quartz Hill in the Tongass National Forest shall be issued in accordance with this subsection.

(2) The Secretary of Agriculture, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, shall prepare a document which analyzes mine development, concepts prepared by United States Borax and Chemical Corporation on the proposed development of a molybdenum mine in the Quartz Hill area of the Tongass National Forest. The draft of such document shall be completed within six months after the date of enactment of this Act and be made available for public comment. The analysis shall be completed within nine months after the date of enactment and the results made available to the public. This analysis shall include detailed discussions of but not necessarily be limited to—

(A) the concepts which are under consideration for mine development;

(B) the general foreseeable potential environmental impacts of each mine development concept and the studies which are likely to be needed to evaluate and otherwise address those impacts;

(C) the likely surface access needs and routes for each mine development concept.

(3) The Secretary shall prepare an environmental impact statement (EIS) under the National Environmental Policy Act of 1969 which covers an access road for bulk sampling purposes and the bulk sampling phase proposed by United States Borax and Chemical Corporation in the Quartz Hill area. A draft of such EIS shall be com-

pleted within twelve months after the date of enactment of this Act. This EIS shall incorporate all relevant data and other information included in the EIS previously prepared by the Secretary on access to the Quartz Hill area. Such EIS shall also include but not necessarily be limited to—

(A) an evaluation of alternative surface access routes which may minimize the overall impact on fisheries of both access for bulk sampling and mine development access;

(B) an evaluation of the impacts of the alternatives on fish, wildlife, and their habitats, and measures which may be instituted to avoid or minimize negative impacts and to enhance positive impacts;

(C) an evaluation of the extent to which the alternatives can be used for, and the likelihood of each alternative being used as a mine development road, including the impacts of widening a road, realignments and other design and placement options;

(D) plans to evaluate the water quality and water quantity, fishery habitat, and other fishery values of the affected area, and to evaluate, to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under a plan of operations of the fishery habitat as it affects the various life stages of anadromous fish and other foodfish and their major food chain components.

(4)(A) Within four months after the publication of the final environmental impact statement required in subsection (g)(3), the Secretary shall complete any administrative review of a decision on the proposal covered by the EIS and shall issue to the applicant a special use permit for a surface access road for bulk sampling unless he shall determine that construction or use of such a road would cause an unreasonable risk of significant irreparable damage to the habitats of viable populations of fish management indicator species and the continued productivity of such habitats. If the applicant should seek judicial review of any denial of the permit for a surface access road, the burden of proof on the issue of denying the permit shall be on the Secretary.

(B) The Secretary shall not issue a special use permit until after he has determined that the full field season of work for gathering base line data during 1981 has ended.

(5) It is the intent of Congress that any judicial review of any administrative action pursuant to this section, including compliance with the National Environmental Policy Act of 1969, shall be expedited to the maximum extent possible. Any proceeding before a Federal court in which an administrative action pursuant to this section, including compliance with the National Environmental Policy Act of 1969, is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days after the date the response to such challenge is filed unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(h)(1) With respect to the mineral deposit at Quartz Hill in the Tongass National Forest, the holder of valid mining claims under subsection (e)(2)(B) shall be entitled to a lease (and necessary associated permits) on lands under the Secretary's jurisdiction (including lands within any conservation system unit) at fair market value for use for mining or milling purposes in connection with the milling of minerals from such claims situated within the Monument only if the Secretary determines—

(A) that milling activities necessary to develop such claims cannot be feasibly carried out on such claims or on other land owned by such holder; and

(B) that the use of the site to be leased will not cause irreparable harm to the Monument; and

(C) that the use of such leased area for such purposes will cause less environmental harm than the use of any other reasonably available location.

With respect to any lease issued under this subsection, the Secretary shall limit the size of the area covered by such lease to an area he determines to be adequate to carry out the milling process for the mineral bearing material on such claims.

(2) A lease under this subsection shall be subject to such reasonable terms and conditions as the Secretary deems necessary.

(3) A lease under this subsection shall terminate—

(A) at such time as the mineral deposit is exhausted; or,

(B) upon failure of the lessee to use the leased site for two consecutive years unless such nonuse is waived annually by the Secretary.

## UNPERFECTED MINING CLAIMS IN MISTY FJORDS NATIONAL MONUMENT

## SEC. 506. (a) DEFINITIONS.—As used in this section:

- (1) The term "unperfected claim" means a mining claim:
  - (A) which is within the Monument;
  - (B) with respect to which a valid mineral discovery, within the meaning of the mining laws of the United States, was not made as of November 30, 1978; and,
  - (C) which was, as of such date, properly located, recorded, and maintained.
- (2) The term "core claim" means—
  - (A) a patented mining claim; or,
  - (B) an unpatented mining claim which—
    - (i) contained a valid mineral discovery within the meaning of the mining laws of the United States as of November 30, 1978, and
    - (ii) was, as of such date, properly located, recorded, and maintained.

(b) ENTITLEMENT.—Any holder of an unperfected mining claim who meets the requirements of this section shall be entitled as provided in this section—

- (1) To receive an exploration permit with respect to such claim, and
- (2) To receive a patent only to the minerals upon making a valid mineral discovery on such claim within the meaning of the mining laws of the United States

## (c) EXPLORATION PERMITS.—

(1) Permits authorizing the exploration of an unperfected mining claim shall be issued by the Secretary under this section upon application under subsection (d) if the Secretary determines that—

(A) an application for such permit has been submitted within two-hundred and seventy days after the date of the enactment of this Act and such application meets the requirements of subsection (d);

(B) the unperfected claim is within three-quarters of a mile of the exterior boundary of one or more core claims, and both the unperfected claim and core claim were held by the applicant as of May 1, 1979 (or were acquired by such applicant after such date by inheritance or devise); and,

(C) the core claim and the unperfected claim which is within the area referred to in subsection (B) are properly located, recorded, and maintained, to the extent required by law, as of the date of the Secretary's determination under this subsection.

(2)(A) each exploration permit issued under this section shall terminate on the date five years after the date of the enactment of this Act, or where applicable, the date provided under subparagraph (c)(2)(B).

(B) for any permit application, with respect to which the Secretary fails to meet the eighteen-month deadline under subsection (d) for any reason (including delays caused by administrative or judicial proceedings) beyond the control of the applicant, the exploration permit issued under this section shall terminate at the end of the period (after expiration of the five-years referred to in subparagraph (c)(2)(A)) as is equal to the time during which the Secretary failed to meet such deadline.

(3) Any permit under this section shall include such reasonable conditions and stipulations as may be required by the Secretary.

(d) APPLICATIONS FOR EXPLORATION PERMITS.—An application under subsection (b) shall contain—

- (1) the applicant's name, address, and telephone number;
- (2) the name of the claim, the date of location of the claim, the date of recordation of the claim, and the serial number assigned to such claim under the Federal Land Policy and Management Act of 1976, and
- (3) evidence that the requirements of subparagraphs (B) and (C) of subsection (c)(1) are met.

Upon the Secretary's determination that the requirements of subsection (c) are met with respect to any claim, the Secretary shall issue an exploration permit for such claim not later than eighteen months after the date on which he receives the application under this subsection concerning such claim.

## (e) VALID MINERAL DISCOVERY.—

(1) If the holder of an unperfected mining claim for which an exploration permit was issued under this section notifies the Secretary before the expiration of such permit, that he has made a valid mineral discovery within the meaning of the mining laws of the United States on such claim, and if it is determined that such claim contains a valid mineral discovery, the holder of such claim shall be entitled to the issuance of a patent only to the minerals in such claim pursuant to the mining laws of the United States, together with a right to use

so much of the surface of the lands on such claim as may be necessary for mining and milling purposes, subject to such reasonable regulations as the Secretary may prescribe for general application to mining and milling activities within the National Forest System.

(2) Any unperfected claim for which an exploration permit under this section was issued shall be conclusively presumed to be abandoned and shall be void upon expiration of such permit unless the owner of such claim has notified the Secretary in writing as provided in paragraph (e)(1).

(f) LEASES FOR MILLING PURPOSES.—

(1) The Secretary may issue leases (and necessary associated permits) on lands under the jurisdiction (including lands within any conservation system unit) at fair market value for use for mining or milling purposes in connection with the milling of minerals from any valid mining claim situated within the Monument.

(2) A lease may be issued under this subsection if the Secretary determines—

(A) that the use of the site to be leased will not cause irreparable harm to the Monument; and,

(B) that the use of such leased area for such purposes will cause less environmental harm than the use of any other reasonably available location.

(3) A lease under this subsection shall be subject to such reasonable terms and conditions as the Secretary deems necessary.

(4) A lease under this subsection shall terminate—

(A) at such time as the mineral deposit is exhausted; or

(B) upon failure of the lessee to use the leased site for two consecutive years unless such nonuse is waived annually by the Secretary.

(g) ACCESS TO MINING CLAIMS.—The holder of an unperfected mining claim with respect to which a valid mineral discovery is made under an exploration permit under this section shall be entitled to the same access rights as the holder of a valid mining claim is entitled to under section 1110. The holder of the unperfected claim with respect to which an exploration permit is in effect under this section shall be entitled to such adequate access, as described in section 1110 as may be necessary to carry out exploration under such permit.

(h) PUBLIC NOTICE.—The Secretary shall provide public notice of the requirements of this section not later than ninety days after the date of the enactment of this Act.

(i) SAVINGS PROVISION.—

(1) Nothing in this section shall impair any valid existing right.

(2) Nothing in this section diminishes authorities of the Secretary under any other provision of law to regulate mining activities.

(3) Nothing in this section shall be construed to affect, in any way, any other provision of Federal law outside the State of Alaska.

(j) This section shall not apply to any unperfected mining claim which is located within one mile of the center line of the Blossom River from its headwaters to its confluence with the Wilson Arm.

#### FISHERIES ON NATIONAL FOREST LANDS IN ALASKA

Sec. 507. (a) The Secretary of Agriculture shall, in consultation with the Secretaries of Commerce and the Interior, and with the State of Alaska, pursuant to his existing authority to manage surface resources, promulgate such reasonable regulations as he determines necessary after consideration of existing laws and regulations to maintain the habitats, to the maximum extent feasible, of anadromous fish and other foodfish, and to maintain the present and continued productivity of such habitat when such habitats are affected by mining activities on national forest lands in Alaska. The Secretary of Agriculture, in consultation with the State, shall assess the effects on the populations of such fish in determinations made pursuant to this subsection.

(b) Because of the large scale of contemplated mining operations and the proximity of such operations to important fishery resources, with respect to mining operations in the Quartz Hill area of the Tongass National Forest, the regulations of the Secretary shall, pursuant to this subsection, include a requirement that all mining operations involving significant surface disturbance shall be in accordance with an approved plan of operations. Before approving any proposed plan or distinct stages of such plan of operations for any such claims when any fishery habitat or fishery value may be affected, the Secretary shall, in consultation with the Secretaries of Commerce and the Interior and the State of Alaska, determine—

(1) that such plan or stages of such plan are based upon and shall include studies or information which he determines are adequate for—

(A) evaluating the water quality and water quantity, fishery habitat, and other fishery values of the affected area; and

- (B) evaluating to the maximum extent feasible and relevant, the sensitivity to environmental degradation from activities carried out under such plan of the fishery habitat as it affects the various life stages of anadromous fish and other foodfish and their major food chain components;
- (2) that such plan adequately identifies the risks the operations under such plan or such stages might pose to and the benefits the operations under such plan might provide to—
  - (A) the natural stability and the present and continued productivity of anadromous fish and other foodfish,
  - (B) fishery habitat, including but not limited to water quality and water quantity; and
  - (C) other fishery values; and
- (3) that such plan includes provisions which he determines are adequate for the purposes of—
  - (A) preventing significant adverse environmental impacts to the fishery habitat (including but not limited to water quality and water quantity) or other fishery values;
  - (B) maintaining present and continued productivity of the habitat of anadromous fish and other foodfish which might be affected by the mining and other activities proposed to be conducted in accordance with such plan or such stages of the plan of operations.
- (4)(A) The Secretary shall ensure, to the maximum extent feasible, that the cumulative effects of activities carried out under the operating plan will not interfere with the ability to collect baseline information needed by the Secretary to evaluate the effects of various stages of the operating plan on the fishery habitat and productivity of such habitats.

The Secretary shall review such plan and mining activities on at least an annual basis. With respect to any mining or associated activities, the Secretary, if he determines upon notice and hearing, that the activities are harmful to the continued productivity of anadromous fish, or other foodfish populations or fishery habitat, shall require a modification of the plan to eliminate or mitigate, if necessary, the harmful effects of such activities.

- (5) Upon a finding by the Secretary that a mining activity conducted as a part of a mining operation exists which constitutes a threat of irreparable harm to anadromous fish, or other foodfish populations or their habitat, and that immediate correction is required to prevent such harm, he may require such activity to be suspended for not to exceed seven days, provided the activity may be resumed at the end of said seven-day period unless otherwise required by a United States district court.
- (c) Nothing in this section shall enlarge or diminish the responsibility and authority of the State of Alaska to manage fish and wildlife or to exercise its other responsibilities under applicable law.
- (d) Except as specifically provided in subsection (b)(5), nothing in this section shall enlarge or diminish the responsibilities and authorities of the Secretary of Agriculture to manage the national forests.

#### ADMIRALTY ISLAND LAND EXCHANGES

SEC. 508. (a) The Secretary of Agriculture is authorized to exchange lands or interests in land, including the right to reserve easements, pursuant to section 22(f) of the Alaska Native Claims Settlement Act, for the purpose of acquiring all or part of any Admiralty Island land entitlement, or any interest therein, of Kootznoowoo, Incorporated, or SEALaska, Incorporated.

(b) The Secretary is authorized and directed to convey to Goldbelt, Incorporated, representing the Natives of Juneau with respect to their land entitlements under section 14(h)(3) of the Alaska Natives Claims Settlement Act, and to SEALaska, Incorporated, the lands and interests in lands described in paragraphs A and C of the Exchange Agreement, dated April 11, 1979, between those Corporations and the Departments of Agriculture and of the Interior on the terms of and conditions set forth in such agreement. Such conveyances shall not be subject to the provisions of the National Environment Policy Act of 1969 (83 Stat. 852), as amended. The terms of the Exchange Agreement, as filed with the Committee on Interior and Insular Affairs of the House of Representatives, are hereby ratified as to the duties and obligations of the United States and its agencies, Goldbelt, Incorporated, and SEALaska, Incorporated, as a matter of Federal law: Provided, That the agreement may be modified or amended, upon the written agreement of all parties thereto and appropriate notification in writing to the appropriate committees of the Congress, without further action by the Congress.

(c) In satisfaction of the rights of the Natives of Sitka, as provided in section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of the Interior, upon passage of this Act, shall immediately convey the surface estate in the following described lands on Admiralty Island to Shee Atika, Incorporated:

Copper River Meridian, Alaska

Township 45 south, range 66 east,

Sections 21, south half of the southeast quarter; 22, east half of the southwest quarter and southwest quarter of the southwest quarter; 26, southwest quarter of the southwest quarter; 27, south half of the south half, and northwest quarter of the southwest quarter, and the west half of the northwest quarter; 28, all; 29, south half and the south half of the north half; 33, east half and east half of the west half and the southwest quarter of the southwest quarter; 34, all, excluding Peanut Lake; 35, west half of the west half;

Township 46 south, range 66 east,

Sections 1, southeast quarter of the southeast quarter, and the south half of the northwest quarter, and the north half of the southeast quarter, and the southwest quarter excluding Lake Kathleen; 2, south half excluding Lake Kathleen, and the south half of the north half excluding Lake Kathleen, and the northwest quarter of the northwest quarter; 3, all excluding Peanut Lake and Lake Kathleen; 4, west half, and the west half of the east half, and southeast quarter of the southeast quarter, and the east half of the northeast quarter, excluding Peanut Lake; 10, east half, excluding Lake Kathleen; 11, northwest quarter of the northwest quarter, excluding Lake Kathleen, and the northeast quarter of the northeast quarter, and south half of the southwest quarter; 12, north half excluding Lake Kathleen; 14, west half and southwest quarter of the southeast quarter; 15, north half of the northeast quarter and southeast quarter of the northeast quarter; 22, east half of the northeast quarter and northeast quarter of the southeast quarter; 23, west half and southeast quarter, and south half of the northeast quarter and northwest quarter of the northeast quarter; 24, southwest quarter of the southwest quarter; 25, all; 26, northeast quarter; 35, east half and east half of the southwest quarter, and southeast quarter of the northwest quarter; 36, north half, and north half of the south half;

Township 47 south, range 66 east,

Sections 2, east half and the east half of the west half; 11, south half excluding Lake Florence, and northeast quarter, and east half of the northwest quarter; 12, south half excluding Lake Florence, and the south half of the northwest quarter; 13, south half and the south half of the northeast quarter, and the southeast quarter of the northwest quarter, and the north half of the northwest quarter, excluding Lake Florence, and the northeast quarter of the northeast quarter, excluding Lake Florence; 14, north half of the north half excluding Lake Florence, and the east half of the southeast quarter; 23, northeast quarter of the northeast quarter; 24, north half of the north half;

Township 45 south, range 67 east,

Sections 21, southeast quarter of the southeast quarter; 22, south half of the southwest quarter; 27, west half of the west half, and east half of the northwest quarter, and the northeast quarter of the southwest quarter; 28, southeast quarter, and the south half of the northeast quarter, and the northeast quarter of the northeast quarter; 31, south half of the southeast quarter; 32, south half; 33, southwest quarter, and the south half of the northwest quarter, and the northeast quarter, and the north half of the southeast quarter, and the southwest quarter of the southeast quarter; 34, northwest quarter of the northwest quarter;

Township 46 south, range 67 east

Sections 4, northwest quarter, and the west half of the northeast quarter; 5, north half and the north half of the south half, and the southwest quarter of the southwest quarter; 6, south half, and the northeast quarter, and the southeast quarter of the northwest quarter; 7, north half of the north half; 8, northwest quarter of the northwest quarter; 11, south half of the south half, and the north half of the southeast quarter, and the southeast quarter of the northeast quarter; 12, north half of the south half, and the south half of the north half; 14, west half, and the northeast quarter, and the northwest quarter of the southeast quarter; 15, southeast quarter, and the southeast quarter of the northeast quarter, and the southeast quarter of

the southwest quarter; 19, south half of the south half, and the north half of the southeast quarter, and the northeast quarter of the southwest quarter; 20, south half; 21, south half, and south half of the north half; 22, west half, and the west half of the east half, and the east half of the northeast quarter, and the northeast quarter of the southeast quarter; 23, west half, and the southeast quarter, and the southwest quarter of the northeast quarter; 26, north half of the northeast quarter; 27, north half of the northwest quarter, and the northwest quarter of the northeast quarter; 28, north half, and the north half of the southwest quarter, and the southwest quarter of the southeast quarter, and the southwest quarter of the southwest quarter; 29, all; 30, all; 31, northwest quarter and the west half of the northeast quarter;

Township 47 south, range 67 east

Sections 1, northwest quarter, and the west half of the northeast quarter; 2, north half of the south half, and the south half of the north half; 3, south half, and the southeast quarter of the northeast quarter; 7, north half of the northeast quarter, and the northeast quarter of the northwest quarter, and the south half excluding Lake Florence, and the south half of the north half excluding Lake Florence; 8, all, excluding Lake Florence; 9, southwest quarter excluding Lake Florence, and the west half of the northwest quarter excluding Lake Florence, and the northeast quarter of the northwest quarter excluding Lake Florence, and the west half of the east half, and the east half of the northeast quarter, and the southeast quarter of the southeast quarter; 10, north half of the northwest quarter; 15, west half of the southwest quarter; 16, west half, and the west half of the northeast quarter, and the north half of the southeast quarter, and the southeast quarter of the southeast quarter; 17, all; 18, all.

Concurrently with this conveyance, the Secretary shall convey the subsurface estate in the above described lands to Sealaska, Inc. As a condition to such conveyances, Shee Atika, Incorporated, shall release any claim to land selections on Admiralty Island other than those lands described in this subsection, and Sealaska, Inc., shall release any claim to subsurface rights on Admiralty Island which correspond to the land selection rights released by Shee Atika.

(d) In recognition of the considerable land selection costs incurred by Shee Atika, Incorporated, Goldbelt, Incorporated, and Kootznووو, Incorporated, in determining the validity of land withdrawals on Admiralty Island under section 14(h)(3) of the Alaska Native Claims Settlement Act, and in identifying suitable lands for exchange outside Admiralty Island, the Secretary of the Interior shall reimburse those corporations for such reasonable and necessary land selection costs, including all costs for negotiating land exchanges, court costs, and reasonable attorney's and consultant's fees, incurred prior to the date of conveyance of land to such Native corporations. Authorization for payment of such land selection costs shall begin in the fiscal year 1981, but shall include earlier costs. There is authorized to be appropriated an amount not to exceed \$2,000,000, for the purposes of this subsection.

## TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

### PART A—WILD AND SCENIC RIVERS WITHIN NATIONAL PARK SYSTEM

#### ADDITIONS

SEC. 601. DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(a)), is further amended by adding the following new paragraphs:

“(24) ALAGNAK, ALASKA.—That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Park and Preserve; to be administered by the Secretary of the Interior.

“(25) ALATNA, ALASKA.—The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

“(26) ANIAKCHAK, ALASKA.—That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and National Preserve; to be administered by the Secretary of the Interior.

“(27) CHARLEY, ALASKA.—The entire river, including its major tributaries, Copper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior.

"(28) CHILIKADROTNA, ALASKA.—That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

"(29) JOHN, ALASKA.—That portion of the river within the Gates of the Arctic National Preserve; to be administered by the Secretary of the Interior.

"(30) KOBUK, ALASKA.—That portion within the Gates of the Arctic National Park and National Recreation Area; to be administered by the Secretary of the Interior.

"(31) MULCHATNA, ALASKA.—That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

"(32) NOATAK, ALASKA.—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

"(33) NORTH FORK OF THE KOYUKUK, ALASKA.—That portion within the Gates of the Arctic National Park and National Recreation Area; to be administered by the Secretary of the Interior.

"(34) SALMON, ALASKA.—That portion within the Kobuk Valley National Park; to be administered by the Secretary of the Interior.

"(35) TINAYGUK, ALASKA.—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

"(36) TLIKAKILA, ALASKA.—That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior."

#### PART B—WILD AND SCENIC RIVERS WITHIN NATIONAL WILDLIFE REFUGE SYSTEM

##### ADDITIONS

SEC. 602. DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(a)), is further amended by adding the following new paragraphs:

"(37) ANDREAFSKY, ALASKA.—That portion from its source, including all headwaters, and the East Fork, within the boundary of the Clarence Rhode National Wildlife Refuge; to be administered by the Secretary of the Interior.

"(38) IVISHAK, ALASKA.—That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.

"(39) SELAWIK, ALASKA.—That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; to be administered by the Secretary of the Interior.

"(40) SHEENJEK, ALASKA.—The segment within the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.

"(41) WIND, ALASKA.—That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior."

#### PART C—ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM LOCATED OUTSIDE NATIONAL PARK SYSTEM UNITS AND NATIONAL WILDLIFE REFUGES

##### ADDITIONS

SEC. 603. DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(a)) is further amended by adding the following paragraphs:

"(42) ALAGNAK, ALASKA.—Those segments or portions of the main stem and Non-vianuk tributary lying outside and westward of the Katmai National Park/Preserve and running to the west boundary of township 13 south, range 43 west; to be administered by the Secretary of the Interior.

"(43) BEAVER CREEK, ALASKA.—The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered by the Secretary of the Interior.

"(44) BIRCH CREEK, ALASKA.—The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian, downstream to the south side of the Steese Highway in township 10 north, range 16 east; to be administered by the Secretary of the Interior.

"(45) DELTA, ALASKA.—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be administered by the Secretary of the Interior.

"(46) FORTYMILE, ALASKA.—The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek, Franklin Creek, Uhler Creek, Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchison Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior.

"(47) GULKANA, ALASKA.—The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

"(48) UNALAKLEET, ALASKA.—The segment of the main stem from the headwaters in township 12 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be administered by the Secretary of the Interior."

#### DESIGNATION FOR STUDY

SEC. 604. Section 5(a) of the Wild and Scenic Rivers Act as amended (16 U.S.C. 1271), is further amended as follows:

(a) After paragraph (75) insert the following new paragraphs:

"(76) Colville, Alaska.

"(77) Etivluk-Nigu, Alaska.

"(78) Utukok, Alaska.

"(79) Kanektok, Alaska.

"(80) Kisaralik, Alaska.

"(81) Melozitna, Alaska.

"(82) Sheenjok (lower segment), Alaska.

"(83) Situk, Alaska.

"(84) Porcupine, Alaska.

"(85) Yukon (Ramparts section), Alaska."

(b) Section 5(b) of such act is amended by adding the following paragraphs:

"(4) The studies of the rivers in paragraphs (76) through (85) shall be completed and reports transmitted thereon not later than three full fiscal years from date of enactment of this paragraph. For the rivers listed in paragraphs (76), (77), and (78) the studies prepared and transmitted to the Congress pursuant to section 105(c) of the Naval Petroleum Reserves Production Act of 1976 (Public Law 94-258) shall satisfy the requirements of this section.

"(5) Studies of rivers listed in paragraphs (79) and (80) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act."

#### ADMINISTRATIVE PROVISIONS

SEC. 605. (a) Rivers in paragraphs (24) through (36) in units of the National Park System, and (37) through (41) in units of the National Wildlife Refuge System are hereby classified and designated and shall be administered as wild rivers pursuant to the Wild and Scenic Rivers Act.

(b) The Alagnak, Beaver Creek, Birch Creek, Gulkana, and Unalakleet components as well as the segment of the Delta component from the lower lakes area to a point opposite milepost 212 on the Richardson Highway; the Mosquito Fork downstream from the vicinity of Kechumstuk to Ingle Creek, North Fork, Champion Creek, Middle Fork downstream from the confluence of Joseph Creek, and Joseph Creek segments of the Fortymile component, are hereby classified and designated and shall be administered as wild river areas pursuant to the Wild and Scenic Rivers Act. The classification as wild river areas of certain segments of the Forty-

mile by this subsection shall not preclude such access across those river segments as the Secretary determines to be necessary to permit commercial development in an environmentally sound manner, of asbestos deposits in the North Fork drainage.

(c) The following segments of the Fortymile River component are hereby classified and shall be administered as scenic river areas pursuant to such Act: the main stem within the State of Alaska; O'Brien Creek, South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Fork downstream from the confluence of Liberty Creek; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Denison Fork; Logging Cabin Creek; and Hutchinson Creek. The Wade Creek unit of the Fortymile component and the segment of the Delta River from opposite milepost 212 on the Richardson Highway to a point one-half mile north of Black Rapids are classified and shall be administered as recreational river areas pursuant to such Act.

(d) The Secretary of the Interior shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act to establish detailed boundaries and formulate detailed development and management plans within three years after the date of enactment of this title with respect to the Alagnak, Beaver Creek, Birch Creek, the Delta, Fortymile, Gulkana, and Unalakleet components. With respect to the river components designated in parts A and B of this title, the Secretary shall take such action under said section 3(b) at the same time as, and in coordination with, the submission of the applicable management plans for the conservation system units in which such components are located.

(e) The Secretary may seek cooperative agreements with the owners of non-Federal lands adjoining the wild and scenic rivers established by this title to assure that the purpose of designating such rivers as wild and scenic rivers is served to the greatest extent feasible.

#### OTHER AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

SEC. 606. The Wild and Scenic Rivers Act as amended, is further amended by inserting the following after section 14 and redesignating sections 15 and 16 as sections 16 and 17, respectively:

"SEC. 15. Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (42) through (48) of section 3(a) of this Act—

"(1) in addition to the acreage limitation specified in section 3(b), the Secretary may establish as a river protection zone an area extending up to two miles from the ordinary high water mark on both sides of each such river; the Secretary shall administer each river protection zone in accordance with the provisions of section 1312 of the Alaska National Interest Lands Conservation Act; and

"(2) in addition to the withdrawals made by paragraph (iii) of section 9(a), the minerals in Federal lands within the boundaries of such components of the System and within each river protection zone established in connection therewith are, effective upon the establishment of such boundaries and such zones, withdrawn from location, entry and patent under the United States mining laws. Except for minerals withdrawn under paragraph (iii) of section 9(a), the Secretary under such reasonable regulations as he deems appropriate, may permit the removal of nonleasable minerals from lands within the boundaries of the components and within each river protection zone established in connection therewith in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and the removal of leasable minerals from such lands in accordance with the mineral leasing laws, if he finds that such disposition would not have significant adverse effects on the administration of the component."

#### TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEM

##### DESIGNATION OF WILDERNESS AND WILDERNESS STUDY AREAS WITHIN NATIONAL PARK SYSTEM

SEC. 701. (a) In accordance with subsection 3(c) of the Wilderness Act (78 Stat. 892), the lands within the boundaries depicted as "Proposed Wilderness" on the maps referred to in sections 201 and 202 of this Act are hereby designated as wilderness, with the nomenclature and approximate acreage as indicated below:

- (1) Denali Wilderness of approximately one million nine hundred thousand acres;
  - (2) Gates of the Arctic Wilderness of approximately four million eight hundred and one thousand acres;
  - (3) Glacier Bay Wilderness of approximately two million seven hundred and seventy thousand acres;
  - (4) Katmai Wilderness of approximately three million four hundred and seventy-three thousand acres;
  - (5) Kobuk Valley Wilderness of approximately one hundred and ninety thousand acres;
  - (6) Lake Clark Wilderness of approximately two million four hundred and seventy thousand acres;
  - (7) Noatak Wilderness of approximately five million four hundred and thirteen thousand acres; and
  - (8) Wrangell-Saint Elias Wilderness of approximately eight million seven hundred thousand acres.
- (b) In furtherance of the purposes of the Wilderness Act, the Secretary of the Interior shall review the lands depicted as "Wilderness Study" on the following described map and within five years report to the President and the Congress in accordance with section 3 (c) and (d) of the Wilderness Act, his recommendations as to the suitability or unsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Charley River drainage, Yukon-Charley Rivers National Preserve, map numbered YUCH-90,008.

#### DESIGNATION OF WILDERNESS WITHIN NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 702. In accordance with subsection 3(c) of the Wilderness Act (78 Stat. 892), the lands within the boundaries depicted as "Proposed Wilderness" on the maps referred to in section 301 of this Act or the maps specified below are hereby designated as wilderness, with the nomenclature and approximate acreage as indicated below:

- (1) Aleutian Islands Wilderness of approximately one million three hundred thousand acres as generally depicted on a map entitled "Aleutian Islands Wilderness", dated October 1978;
- (2) Izembek Wilderness of approximately three hundred thousand acres as generally depicted on a map entitled "Izembek Wilderness", dated October 1978;
- (3) Kenai Wilderness of approximately one million three hundred and fifty thousand acres;
- (4) Semidi Wilderness of approximately two hundred and fifty thousand acres as generally depicted on a map entitled "Semidi Wilderness", dated October 1978;
- (5) Selawik Wilderness of approximately two hundred and forty thousand acres; and
- (6) Unimak Wilderness of approximately nine hundred and ten thousand acres, as generally depicted on a map entitled "Unimak Wilderness", dated October 1978.

#### DESIGNATION OF WILDERNESS WITHIN NATIONAL FOREST SYSTEM

SEC. 703. (a) In accordance with subsection 3(c), of the Wilderness Act (78 Stat. 892), the lands within the Tongass National Forest within the boundaries depicted as "Proposed Wilderness" on the maps referred to in the following paragraphs are hereby designated as wilderness, with the nomenclature and approximate acreage as indicated below:

- (1) Admiralty Island Wilderness of approximately five hundred and forty-one thousand acres, as generally depicted on a map entitled "Admiralty Island Wilderness", dated October 1978;
- (2) Coronation Island Wilderness of approximately nineteen thousand one hundred and twenty-two acres, as generally depicted on a map entitled "Coronation-Warren-Maurille Islands Wilderness", dated October 1978;
- (3) Endicott River Wilderness of approximately ninety-four thousand acres, as generally depicted on a map entitled "Endicott River Wilderness", dated October 1978;
- (4) Maurille Islands Wilderness of approximately four thousand, four hundred and twenty-four acres, as generally depicted on a map entitled "Coronation-Warren-Maurille Islands Wilderness", dated October 1978;

(5) Misty Fjords Wilderness of approximately one million three hundred and sixty-three thousand acres, as generally depicted on a map entitled "Misty Fjords Wilderness", dated October 1979;

(6) Petersburg Creek-Duncan Salt Chuck Wilderness of approximately fifty thousand acres, as generally depicted on a map entitled "Petersburg Creek-Duncan Salt Chuck Wilderness", dated October 1978;

(7) Russell Fjord Wilderness of approximately three hundred and seven thousand acres, as generally depicted on a map entitled "Russell Fjord Wilderness", dated October 1978;

(8) South Baranof Wilderness of approximately three hundred and fourteen thousand acres, as generally depicted on a map entitled "South Baranof Wilderness", dated October 1978;

(9) South Prince of Wales Wilderness of approximately ninety-seven thousand acres, as generally depicted on a map entitled "South Prince of Wales Wilderness", dated October 1978;

(10) Stikine-LeConte Wilderness of approximately four hundred and forty-three thousand acres, as generally depicted on a map entitled "Stikine-LeConte Wilderness", dated October 1978;

(11) Tebenkof Bay Wilderness of approximately sixty-five thousand acres, as generally depicted on a map entitled "Tebenkof Bay Wilderness", dated October 1978;

(12) Tracy Arm-Fords Terror Wilderness of approximately six hundred and seventy-eight thousand acres, as generally depicted on a map entitled "Tracy Arm-Fords Terror Wilderness", dated October 1978;

(13) Warren Island Wilderness of approximately eleven thousand, three hundred and fifty-three acres, as generally depicted on a map entitled "Coronation-Warren-Maurille Islands Wilderness", dated October 1978;

(14) West Chichagof-Yakobi Wilderness of approximately two hundred and sixty-five thousand acres, as generally depicted on a map entitled "West Chichagof-Yakobi Wilderness", dated October 1978.

(b) For the purposes of providing for access, public safety, or public accommodation or services relative to recreational use of the Tracy Arm-Fords Terror Wilderness, the Secretary is authorized to use up to a total of one hundred and sixty acres at one or more sites at the western end of the wilderness in the vicinity of Sumdum, Williams Cove, or Harbor Island.

(c) Existing mechanized portage equipment located at the head of Semour Canal on Admiralty Island may continue to be used.

#### DESIGNATION OF WILDERNESS STUDY AREA WITHIN NATIONAL FOREST SYSTEM

SEC. 704. In furtherance of the purposes of the Wilderness Act the Secretary of Agriculture shall review the lands depicted as "Wilderness Study" on the following described map and within three years report to the President and the Congress in accordance with section 3 (c) and (d) of the Wilderness Act, his recommendations as to the suitability or unsuitability of all areas within such wilderness study boundaries for preservation of wilderness: Nellie Juan-College Fiord, Chugach National Forest as generally depicted on a map entitled "Nellie Juan-College Fiord Study Area", dated October 1978.

#### DESIGNATION OF SPECIAL MANAGEMENT AREAS WITHIN THE TONGASS NATIONAL FOREST

SEC. 705. There are hereby designated the following special management areas within the Tongass National Forest:

(1) Duncan Canal Special Management Area of approximately ninety-one thousand acres as generally depicted on a map entitled "Duncan Canal Special Management Area", dated October 1978;

(2) Etolin Island Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Etolin Island Special Management Area", dated October 1978;

(3) East Behm Canal Special Management Area of approximately two hundred and thirty-seven thousand acres as generally depicted on a map entitled "East Behm Canal Special Management Area", dated October 1978;

(4) Idaho Inlet-Mud Bay Special Management Area of approximately one hundred and nine thousand acres as generally depicted on a map entitled "Idaho Inlet-Mud Bay Special Management Area", dated October 1978;

(5) Karta Special Management Area of approximately forty-nine thousand acres as generally depicted on a map entitled "Karta Special Management Area", dated October 1978;

(6) Rocky Pass Special Management Area of approximately eighty-two thousand acres as generally depicted on a map entitled "Rocky Pass Special Management Area", dated October 1978;

(7) Misty Fjords Special Management Area of approximately six hundred and nineteen thousand acres as generally depicted on a map entitled "Misty Fjords Special Management Area", dated October 1978;

(8) Admiralty Island Special Management Area of approximately four hundred and sixty-seven thousand acres as generally depicted on a map entitled "Admiralty Island Special Management Area", dated October 1978; and

(9) Yakutat Forelands Special Management Area of approximately three hundred and nineteen thousand acres as generally depicted on a map entitled "Yakutat Forelands Special Management Area", dated October 1978.

#### MANAGEMENT RULES FOR SPECIAL MANAGEMENT AREAS

SEC. 706. (a) Except as otherwise provided in this section, national forest system lands designated as special management areas under section 705 of this Act shall be managed in accordance with the laws applicable to the national forest system.

(b) No timber located on national forest system lands in special management areas shall be sold, unless and until the requirements of subsections (d) and (e) of this section have been met. The timber volume on these lands shall be included in determining the annual allowable sale quantity on the Tongass National Forest. Nothing in this subsection shall prevent the Secretary from taking such measures as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(c) All national forest system lands in special management areas are hereby withdrawn, subject to valid existing rights, from location, entry, and patent under the United States mining laws (30 U.S.C. 22-54). Where consistent with the land management plan for the area, the Secretary may classify lands within special management areas as suitable for locatable mineral exploration and development and open such lands to location entry and patent under the United States mining laws (30 U.S.C. 22-54). Subject to valid existing rights, all mining claims located within any special management area shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe.

(d) The Secretary is directed to monitor timber supply and demand in southeastern Alaska. If, at any time after ten years after the date of enactment of the Act, the Secretary finds that timber in any special management area must be sold to maintain the timber supply to dependent industry at a rate of five hundred and twenty million board feet per year, he shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a request for a waiver of the prohibition on timber sales established in subsection (b) of this section. The proposed waiver shall describe the lands affected and the amount of timber on such lands which is anticipated to be sold. The request shall be accompanied by a report setting forth the basis for the Secretary's findings.

(e) No waiver shall become effective unless within sixty calendar days of continuous session of the Congress after the request has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, the Senate and the House of Representatives pass a concurrent resolution approving such waiver.

For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

(3) the term "resolution" means a concurrent resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the waiver of the statutory prohibition on timber sales contained in the report of the Secretary submitted to the Congress on 19 ."; the blank space

therein shall be filled with the date on which the Secretary submits his report to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(f) Except as otherwise provided in this section, provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(g) At any time after ten years after date of enactment of the Act the State of Alaska shall have standing to petition the appropriate Federal district court for an order directing the Secretary to make the finding required by subsection (d) of this section and to transmit a waiver request pursuant to such subsection.

#### NATIONAL FOREST TIMBER UTILIZATION PROGRAM

SEC. 707. (a)(1) The Secretary is authorized and directed to carry out a special program of construction and maintenance of forest development roads for the purpose of making timber supplies more readily available and otherwise improve access on the Tongass National Forest. Such roads may be constructed in advance of timber sale offerings or under terms of a sale contract. Such authority is in addition to the authority set forth in the Act of October 13, 1964 (16 U.S.C. 532-538).

(2) To accomplish the road construction and maintenance authorized by this subsection, and for precommercial thinning, the Secretary is hereby authorized beginning after the fiscal year 1980 to expend not to exceed \$10,000,000 annually from National Forest Fund receipts not otherwise appropriated in addition to such sums as may otherwise be appropriated.

(b)(1) The Secretary is authorized and directed to establish a special program of insured or guaranteed loans to purchasers of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might otherwise not be utilized. The Secretary is authorized to promulgate such regulations as he deems appropriate to define eligibility requirements for the participation in the loan program and the terms and conditions applicable to loans made under the program. Except as otherwise provided in this section or regulations promulgated specifically for this loan program, such program shall be carried out in a manner which is consistent with other authorities available to the Secretary.

(2) To carry out the special loan program established by this section, there are hereby authorized beginning after the fiscal year 1980 to be appropriated \$5,000,000 from National Forest Fund receipts not otherwise appropriated, to be deposited in a special fund in the Treasury of the United States to remain available until expended. Repayments of principal and interest and other recoveries on loans authorized by this section shall be credited to this fund and shall remain available until expended in order to carry out the purposes of this section.

(c) Within three years after the date of enactment of this Act, the Secretary shall prepare and transmit to the Senate and House of Representatives a study of opportunities (consistent with the laws and regulations applicable to the management of the National Forest System) to increase timber yields on national forest lands in Alaska.

#### INTERIM REPORT

SEC. 708. (a) Within five years from the date of enactment of this Act and every two years thereafter, the Secretary shall review and report to Congress on the status of the Tongass National Forest in southeastern Alaska. This report shall include, but not be limited to, (1) the timber harvest levels in the forest since the enactment of this Act; (2) the impact of wilderness designation on the timber, fishing, and tourism industry in southeast Alaska; (3) measures instituted by the Forest Service to protect fish and wildlife in the forest; (4) the status of the small business set aside program in the Tongass Forest, and (5) the kinds and level of uses taking place in the Special Management Areas designated by this Act.

(b) The study required by this section shall be conducted in cooperation and consultation with the State, affected Native corporations, the southeast Alaska timber industry, the Southeast Alaska Conservation Council, and the Alaska Land Use Council.

#### ADMINISTRATION

SEC. 709. Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of

the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture for areas designated in sections 701 and 702 shall, as applicable, be deemed to be a reference to the Secretary of the Interior.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### FINDINGS

SEC. 801. The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on their Native lands is essential to their physical, economic, traditional, and Native cultural existence;

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

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents;

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

### POLICY

SEC. 802. It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

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

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native corporations, appropriate State and Federal agencies, and other nations.

## DEFINITIONS

SEC. 803. As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption and for customary trade. For the purposes of this section, the term—

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

## PREFERENCE FOR SUBSISTENCE USES

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded preference over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such preference shall be implemented through appropriate limitations based on the application of the following criteria:

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

## LOCAL AND REGIONAL PARTICIPATION

SEC. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary shall establish—

(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region.

Each regional council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory com-

mittees or such local committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) The Secretary, in performing his monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands, shall consider the report and recommendations of the regional councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary may choose not to follow any recommendation which he determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in, sections 803, 804, and 805, such laws, unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local committees and regional councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

#### FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as he deems necessary of his views on the effectiveness of the State in providing such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

## JUDICIAL ENFORCEMENT

SEC. 807. In performance of his monitoring responsibilities required in section 806, if the Secretary and appropriate State agency are notified in writing by a local committee or regional council established by the Secretary or the State pursuant to section 805 that the preference for subsistence uses set forth in section 804 is not adequately provided in its region, setting forth the facts upon which such belief is based and detailing efforts to obtain timely relief through available State grievance procedures, the Secretary shall investigate and report publicly on the results of his investigation. If the Secretary determines that the preference for subsistence uses is not adequately provided and that timely relief has not been obtained, he shall submit his views to the Governor and seek to ensure the adequate and timely provision of such preference through discussions with the State. The Secretary shall inform the committee or council which submitted the notification to him of the results of such discussions. If the Secretary determines in writing setting forth substantial evidence supporting such determination that the State has failed to make adequate and timely provision for the preference for subsistence uses after having been provided a reasonable opportunity to do so and that such failure threatens the ability of local residents to satisfy their subsistence needs, at the request of the committee or council which submitted the notification to him, the Secretary shall bring an action in the United States district court on behalf of such committee or council to require the State to take such actions as are necessary to provide such preference. Such action shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time and shall be expedited in every way by such court. Upon the filing of the complaint, if the pleadings indicate that the State has failed to adequately provide for the preference for subsistence uses, that such failure imminently threatens the ability of local residents to satisfy their subsistence needs, that immediate relief is necessary to assure that those residents who may have been adversely affected by such failure are provided a timely opportunity to satisfy such needs, and that immediate relief will not threaten the continued viability of fish and wildlife populations toward which such relief may be directed, the district court shall issue an order directing the State to show cause why the features of the State's provision of the preference which render such provision inadequate should not be enjoined and the State be directed to permit the taking of such fish or wildlife populations only for subsistence uses by those residents who have been adversely affected by the State's failure to provide for the preference. No order granting such temporary relief shall be issued until the State has been provided an opportunity for hearing, and such order shall provide that such taking for subsistence uses shall be subject to regulation by the State in a manner which adequately provides for the satisfaction of the subsistence preference requirement. The court shall provide relief, other than temporary relief, by directing the State to submit regulations which satisfy the subsistence preference requirement. A final order shall be valid only for such period as normally provided for the regulations at issue by State law. This section shall constitute the sole Federal judicial remedy created by this title for a local committee or regional council which determines that the preference for subsistence uses set forth in subsection 804 has not been adequately provided by the State in its region.

## PARK AND MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

SEC. 808. (a) Within one year from the date of enactment of this Act, the Secretary and the Governor shall each appoint three members to a subsistence resources commission for each national park or monument within which subsistence uses are permitted by this Act. The regional council established pursuant to section 805 which has jurisdiction within the area in which the park or monument is located shall appoint three members to the commission each of whom is a member of either the regional council or a local committee within the region and also is a resident of a village within or adjacent to the park or monument or whose residents engage in subsistence uses within the park or monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with the appropriate local committees and regional councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park

or monument. Each year thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or monument, is contrary to the purposes for which the park or monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

#### COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

#### SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

- (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805,
- (2) gives notice of, and holds, a hearing in the vicinity of the area involved, and

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

#### ACCESS

SEC. 811. (a) The Secretary shall ensure that persons engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snow-

mobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

#### RESEARCH

SEC. 812. The Secretary, acting through the United States Fish and Wildlife Service and the National Park Service and in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

#### PERIODIC REPORTS

SEC. 813. Within four years after the date of enactment of this Act, and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

- (1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;
- (2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;
- (3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;
- (4) the role of subsistence uses in the economy and culture of rural Alaska;
- (5) comments on the Secretary's report by the State, the local councils and regional councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;
- (6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands; and
- (7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

#### REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

#### LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

- (1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;
- (2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;
- (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or
- (4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-jj), the

National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531-1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-711), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669-669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801-1882), the Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

#### CLOSURE TO SUBSISTENCE USES

SEC. 816. (a) All national parks and monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

#### TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

##### CONVEYANCES TO VILLAGE CORPORATIONS

SEC. 901. (a) **OPTIONAL PROCEDURE.**—The provisions of this section shall be applicable only to the conveyance of public lands described herein to a Native corporation which within one hundred and eighty days after the date of enactment of this Act or the date of eligibility determination, whichever is later, files a document with the Secretary setting forth its election to receive conveyance pursuant to this section.

(b) **"CORE" TOWNSHIPS, ETC.**—(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under sections 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term "Native village" has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands

conveyed by subparagraph (A) shall vest in the Village Corporation as specified in the decision or agreement. For purposes of section 902, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(1) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former Reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: Provided, That any such land reserved to or selected by the State of Alaska under the acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709) and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: And provided further, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94-204), as amended by the Act of October 4, 1976 (Public Law 94-456).

(4) Subject to valid existing rights and section 903(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act to receive the subsurface estate corresponding to such surface estate, all of the right, title, and interest of the United States in and to such subsurface estate.

(c) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (b) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of the filing of a document of election described in subsection (a), notwithstanding any delay in the issuance of the interim conveyances or patents.

(d) RECONVEYANCES; DISPUTES.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (c) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(e) EXISTING RIGHTS.—All conveyances made by operation of this section or section 902 of this Act shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

(f) DEFINITION.—Notwithstanding the provisions of section 102(6), for purposes of this title, the term "Native Corporation" means any Village Corporation, any Regional Corporation, any urban corporation, and any Native group.

## OTHER CONVEYANCES TO NATIVE CORPORATIONS

SEC. 902. (a) **EXPEDITED PROCEDURES; SELECTION PRIORITIES.**—(1) If a Native Corporation entitled to receive land under the Alaska Native Claims Settlement Act elects to utilize the expedited conveyance procedure provided by this section, then, within one hundred and eighty days after the date of enactment of this Act or after the date of its eligibility determination, if subsequent thereto, such Corporation shall file with the Secretary a document or documents which lists in order of preference such Corporation's priorities for the conveyance of all or any part of the amount of lands which such Corporation has selected under any one or another of the entitlement sections, subsections, or paragraphs of the Alaska Native Claims Settlement Act. Any Native Corporation not electing to utilize such expedited procedure shall receive conveyance of its total entitlement, less any lands conveyed pursuant to section 901, under the Alaska Native Claims Settlement Act.

(2) An election by a Native Corporation to utilize the expedited conveyance procedure provided by this section shall not affect any of its rights under the Alaska Native Claims Settlement Act except to the extent such Corporation receives a conveyance by operation of this Act.

(b) **PRIORITY SELECTION AND CONVEYANCE PROCESS.**—(1)(A) Within sixty days of the date of enactment of this Act, the Secretary shall publish in the Federal Register his best estimate of the total amount of land each Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act.

(B) If the Secretary is unable to determine the total amount of the land entitlement of such Corporation under subparagraph (A), he shall, at least every six months thereafter, redetermine his best estimate of the total amount of such entitlement and publish in the Federal Register such estimate as redetermined. The Secretary shall continue to make such redeterminations until he is able to determine and publish the total amount of such land entitlement.

(C) For a period of thirty days after each date on which the Secretary publishes under subparagraph (B) of this subsection a revised estimate of the total amount of land a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, the Corporation may file with the Secretary a document or documents amending or supplementing the priorities previously filed with the Secretary with respect to any land for which no conveyance has yet taken place. In the event that a Native Corporation files under the preceding sentence amended priorities with respect to any land which has also been validly selected by any other Native Corporation, such other Corporation similarly may, during the same thirty-day period, file amended priorities with respect to such selected land and any other land not previously conveyed which such other Corporation previously designated as lower priority than such selected land.

(2) Within one year after (A) the date of enactment of this Act, (B) the date on which a Native Corporation, not determined eligible by the date of enactment of this Act, is determined eligible by the Secretary and files a list of priorities under subsection (a) of this section, or (C) a Native Corporation files a revised list of priorities as provided in subsection (b)(1)(C), whichever is later, the Secretary shall determine whether each land selection contained in such list is valid under the Alaska Native Claims Settlement Act and publish such determination in the Federal Register.

(3) Subject to valid existing rights, on the forty-fifth day following each date on which the Secretary publishes under paragraph (2) of this subsection a determination of the validity of each land selection contained in the priority list of land which a Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act, there are hereby conveyed to and vested in such Corporation all of the right, title, and interest of the United States in and to those lands—

(A) which were determined by the Secretary to be validly selected by such Corporation under the Alaska Native Claims Settlement Act;

(B) which are of the highest priorities contained in the list of priorities filed by such Corporation; and

(C) which have a cumulative acreage which is equal to the last estimate of entitlement published by the Secretary pursuant to paragraph (1) of this subsection—

(i) reduced by the cumulative acreage of lands previously conveyed to such Corporation by operation of this act or under the Alaska Native Claims Settlement Act; and

(ii) reduced as provided in paragraphs (4) and (5) of this subsection.

(4) In any case in which the Secretary determines under paragraph (2)(A) that a land selection contained in the list of priorities filed by a Native Corporation is invalid under the Alaska Native Claims Settlement Act, and (B) that the cumulative total of acreages of land selections contained in such list of higher priorities than

the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in paragraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(5) In any case in which the Secretary, before the date of conveyance of lands to a Native Corporation by operation of paragraph (3), determines—

(A) that a valid land selection contained in the list of priorities filed by a Native Corporation has also been validly selected under the Alaska Native Claims Settlement Act by one or more other Native Corporations, and

(B) that the cumulative total of acreages of land selections contained in such list as higher priorities than the land selection referred to in subparagraph (A) does not exceed (i) the most recent determination under paragraph (1) of the estimate of the total land entitlement of such Corporation, or (ii) the total acreage contained in such list of priorities, whichever is less, the total amount of lands to be conveyed by operation of paragraph (3) shall be reduced by an acreage which equals the acreage of the land selection referred to in subparagraph (A) until the Secretary receives in writing one of the items referred to in subparagraph (6) with respect to the determination referred to in subparagraph (A) or until an amendment is made in the list of priorities filed by such Corporation which has the effect of eliminating such reduction.

(6) Whenever the Secretary receives in writing—

(A) the acceptance by a Native Corporation of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(B) the results of a final decision on an action filed by a Native Corporation contesting the validity of a determination of the Secretary to reduce the acreage of a conveyance to such Corporation under paragraph (4) or (5) of this subsection, or

(C) the provisions of a final settlement or the results of a final decision on a dispute over whether a Native Corporation is entitled under the Alaska Native Claims Settlement Act to receive conveyance of lands which were the subject of a determination by the Secretary under paragraph (5) of this subsection, subject to valid existing rights, all of the right, title, and interest of the United States in and to any lands which the concerned Native Corporation is entitled to receive under the Alaska Native Claims Settlement Act as a result of the acceptance, decision, or settlement are hereby conveyed to and vested in such Corporation.

(7) Within ninety days after the date of a conveyance by operation of paragraph (3) or (6) of this subsection, the Secretary shall issue to the concerned Native Corporation interim conveyances or patents to the lands subject to such conveyance, but title shall be deemed to have passed on the date of such conveyance, notwithstanding any delay in the issuance of the interim conveyances or patents.

(c) **LIMITATION.**—Nothing in this section shall be construed as applying to lands conveyed by section 901(a) of this Act, except to the extent such conveyance reduces the Corporation's remaining acreage entitlement.

(d) **REDUCTION OF OVERSELECTIONS.**—(1) Within one hundred and twenty days after the date on which an interim conveyance or patent is issued to a Native Corporation pursuant to subsection (b)(7), but not sooner than ninety days after such date, the Secretary may reduce the remaining selections of such Corporation to an amount of acreage equal to 125 per centum of the difference between (A) the Corporation's maximum possible land entitlement, as determined by the Secretary, and (B) the total acreage of land previously conveyed to such Corporation: Provided, That any land deemed a part of said 125 per centum with respect to selections by a Native Corporation under any one entitlement section or subsection of the Alaska Native Claims Settlement Act may not be deemed a part of said 125 per centum with respect to selections by said Corporation under any other section or subsection of such Act or with respect to selections by any other Native Corporation: Provided further, That any selected land which is the subject of litigation to determine, or is otherwise in dispute concerning whether such land was validly selected shall not be deemed a part of said 125 per centum and shall remain withdrawn for selection in addition to said 125 per centum until the validity of such selection is finally determined.

(2) Reductions pursuant to this subsection shall be made by the Secretary by rejecting such selected lands as the Corporation shall specify in writing to the Secre-

tary or, if the Secretary receives no such specification within ninety days after issuance of the interim conveyance or patent, by rejecting the lowest priority lands on the list or lists provided by the Corporation pursuant to subsection (a) or any subsequent revision, if any, of such list or lists pursuant to subsection (b)(1)(C).

(3) When conveyances have been made to the Corporation which total the Corporation's total entitlement under the Alaska Native Claims Settlement Act, any remaining selections shall be rejected by the Secretary.

(e) Notwithstanding any other provision of this section, any Corporation which elects to use the expedited conveyance procedure provided by this section may at any time thereafter terminate said election by so advising the Secretary in writing, and such Corporation's remaining selections and any then remaining portion of its land entitlement shall be processed as if the Corporation had not elected the expedited process.

#### ADMINISTRATIVE PROVISIONS

SEC. 903. (a) 17(b) EASEMENTS, ON "CORE" TOWNSHIP LANDS.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b) of the Alaska Native Claims Settlement Act, which are described in section 17(b) of said Act on lands conveyed by section 901 of this Act: Provided, That the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of subsection (b). Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by section 901(b).

(b) LIMITATIONS CONCERNING EASEMENTS.—With respect to lands conveyed to Native Corporations the Secretary shall reserve only those easements which are described in section 17(b)(1) of the Alaska Native Claims Settlement Act and shall be guided by the following principles:

(1) all easements should be designed so as to minimize their impact on Native life styles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

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

(d) STATUS OF CERTAIN LEASE OFFERS.—Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after the date of enactment of this Act to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) as part of the entitlement to receive land under the Alaska Native Claims Settlement Act shall not constitute valid existing rights under section 14(g) of such Act or under this Act.

(e) LIMITATION.—This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94-456 and 95-178, and shall not be construed as imposing any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act.

#### TAX MORATORIUM EXTENSION

SEC. 904. Subsection (d) of section 21 of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1620(d)), is amended to read:

"(d)(1) Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, Village or Regional Corporation or corporation established pursuant to section 14(h)(3) which are not developed or leased to third parties shall be exempt from State and local real property taxes for a period of twenty years from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act or the date of issuance of an interim conveyance or patent, whichever is earlier,

for those interests to such individual, group, or corporation: Provided, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed: Provided further, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

"(2) Any real property interest, not developed or leased to third parties, acquired by a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h)(3) in exchange for real property interests which are exempt from taxation pursuant to paragraph (1) of this subsection shall be deemed to be a property interest conveyed pursuant to this Act and shall be exempt from taxation as if conveyed pursuant to this Act, when such an exchange is made with the Federal Government, the State government, a municipal government, or another Native Corporation, or, if neither party to the exchange receives a cash value greater than 25 per centum of the value of the land exchanged, a private party. In the event that a Native Corporation simultaneously exchanges two or more tracts of land having different periods of tax exemption pursuant to subsection (d), the periods of tax exemption for the exchanged lands received by such Native Corporation shall be determined (A) by calculating the percentage that the acreage of each tract given up bears to the total acreage given up, and (B) by applying such percentages and the related periods of tax exemption to the acreage received in exchange."

#### ALASKA NATIVE ALLOTMENTS

SEC. 905. (a)(1) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended) which were pending before the Department of the Interior on or before December 18, 1971, and which describe land that was unreserved on December 13, 1968, are hereby approved on the one hundred and eightieth day following the effecting date of this Act, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (43 U.S.C. 270-11).

(3) When on or before the one hundred and eightieth day following the effective date of this Act the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: Provided, That "nonmineral", as that term is used in such Act is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes land within the boundaries of a unit of the National Park System established on or before the effective date of this Act and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an allotment application describes land which has been patented or deeded to the State of Alaska or which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State of Alaska pursuant to the Alaska Statehood Act and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (d) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, the Alaska Native Claims Settlement Act, and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following the effective date of this Act—

(A) A Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and

said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

(B) The State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvements claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) shall not apply to any application pending before the Department of the Interior on or before December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(b) Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: Provided, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties: Provided further, That the Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 percent of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee: Provided further, That where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: Provided, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: Provided further, That the Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: Provided further, That no allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) Where the land described in an allotment application pending before the Department of the Interior on or before December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: Provided, however, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended: Provided further, That where the allotment applicant commenced use of

the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: Provided further, That any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after the effective date of this Act if at that time the allotted land is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

(e) Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, or as affecting National Forest lands.

#### STATE SELECTIONS AND CONVEYANCES

SEC. 906. (a) **EXTENSION OF SELECTION PERIOD.**—(1) In furtherance and confirmation of the State of Alaska's entitlement to certain national forest and other public lands in Alaska for community development and expansion purposes, section 6(a) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(2) **EXTENSION OF SELECTION PERIOD.**—In furtherance and confirmation of the State of Alaska's entitlement to certain public lands in Alaska, section 6(b) of the Alaska Statehood Act is amended by substituting "thirty-five years" for "twenty-five years".

(b) **SCHOOL LANDS SETTLEMENT.**—(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat. 1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be entitled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6(b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) **PRIOR TENTATIVE APPROVALS.**—(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to the date of enactment of this Act, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act.

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

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by

this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) **PRIOR STATE SELECTIONS.**—(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, all right, title and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (1) of this section, which are specified in the list entitled "Prior State of Alaska Selections to be Conveyed by Congress", dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary except those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established, designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) In furtherance of the State's entitlement to lands under section 6(a) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, all right, title and interest of the United States in and to all valid land selections made from the national forests under authority of said section 6(a) which have been approved by the Secretary of Agriculture prior to July 1, 1979.

(3) As soon as practicable after the date of enactment of this Act, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

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

(5) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(6) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act.

(e) **FUTURE "TOP FILINGS"**.—Subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act, the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6 (a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6 (a) or (b) of the Alaska Statehood Act. Each such selection application, if otherwise valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsection (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the State's land selection rights. Selection applications heretofore filed by the State may be refiled so as to become subject to the provisions of this subsection; except that no such refile shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) **RIGHT TO OVERSELECT.**—(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all selections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocks no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocks necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Section 6(g) of the Alaska Statehood Act is amended by adding at the end thereof the following new sentence: "As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern."

(g) **CONVEYANCE OF SPECIFIED LANDS.**—In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, National Conservation Areas, National Recreation Areas, new national forests, and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled "State Selection Lands May 15, 1978", dated July 24, 1978, submitted by the State of Alaska and on file in the office of the Secretary of the Interior. The denomination of lands in such list which are not, on the date of enactment of this Act, available lands within the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section.

(h) **LIMITATION OF CONVEYANCES OF SPECIFIED LANDS TENTATIVE APPROVALS; SURVEYS.**—(1) Lands identified in subsection (g) are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act. All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of the date of enactment of this Act, subject to those reservations specified in subsection (1) of this section.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

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

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) **ADJUDICATION.**—Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) **CLARIFICATION OF LAND STATUS OUTSIDE UNITS.**—As to lands outside the boundaries of a conservation system unit, National Recreation Areas, National Conservation Areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropriated, and unreserved lands for the purposes of subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act; except that, in accordance with the Memorandum of Understanding between the United States and the State of Alaska dated September 2, 1972, to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190, 5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands shall remain unavailable for future State selection except as provided by subsection (e) of this Act;

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act, which are not finally conveyed pursuant to section 12, 14, or 19 of such Act;

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987);

(4) classifications or designations pursuant to the National Forest Management Act, 90 Stat. 2949, as amended; and

(5) classifications, withdrawals exceeding 5,000 acres (except withdrawals exceeding 5,000 acres which the Congress, by concurrent resolution, approves within 180 days of the withdrawal or the effective date of this Act, whichever occurs later), or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743).

(k) **INTERIM PROVISIONS.**—Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after the date of enactment of this Act, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State shall be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived from contracts, leases, licenses, permits, rights-of-way, easements or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(l) **EXISTING RIGHTS.**—(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act, and to any right-of-way or easement reserved for or appropriated by the United States prior to selection of the underlying lands by the State of Alaska.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractor, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated.

Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor, or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of the land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) **EXTINGUISHMENT OF CERTAIN TIME EXTENSIONS.**—Any extensions of time periods granted to the State pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act are hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) **EFFECT ON THIRD-PARTY RIGHTS.**—(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94-204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94-456), or section 3 of the Act of November 15, 1977 (Public Law 94-178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection (g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended.

(3) Nothing in this title shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(o) **STATUS OF LANDS WITHIN UNITS.**—(1) Notwithstanding any other provision of law, subject to valid existing rights any land withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act and within the boundaries of any conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after the date of the enactment of this Act, such land has been validly selected by and conveyed to a Native Corporation, or the State of Alaska.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) **PYK LINE.**—The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsections (c), (d), and (g) of this section but shall apply to future State selections.

#### ALASKA LAND BANK

**SEC. 907. (a) ESTABLISHMENT: AGREEMENTS.**—(1) In order to enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska Land Bank Program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (c)(2) whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner: Provided, That lands not owned by landowners described in subsection (c)(2) shall not be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not insist on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his

consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) **TERMS OF AGREEMENT.**—Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act, or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (c)(2) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions in paragraph (1) of this subsection. Except as provided in (3) of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use: Provided, That the refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: Provided, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) **BENEFITS TO PRIVATE LANDOWNERS.**—So long as the landowner is in compliance with the agreement, he shall, as to lands encompassed by the agreement, be entitled to the benefits set forth below:

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, trespass control, resource and land use planning, the management of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties.

(2) As to Native corporations and all other persons or groups that have received or will receive lands or interests therein pursuant to the Alaska Native Claims Settlement Act or sections 901 and 902 of this title, immunity from—

(A) adverse possession;

(B) real property taxes and assessments by the United States, the State, or any political subdivision of the State: Provided, That such immunity shall cease if the lands involved are leased or developed, as such terms are used in section 21(d) of the Alaska Native Claims Settlement Act.

(C) judgment in any action at law or equity to recover sums owed or penalties incurred by any Native corporation or any officer, director, or stockholder of any such corporation. On or before January 31 of each year beginning the fourth year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and in at least three newspapers of general circulation in the State the percentage of conveyed land entitlement which each Native corporation or group has elected to include in the Alaska Land Bank Program as of the end of the preceding year.

(3) If the State enacts laws of general applicability which are consistent with this section and which offer any or all of the benefits provided in subsection (c)(2) hereof, as to private landowners who enter into an agreement referred to in subsection (a) to which agreement the State is a party, such laws, unless and until repealed, shall supersede the relevant subparagraph of subsection (c)(2) and shall govern the grant of the benefit so provided: Provided, That the enactment of such State laws shall not be construed as repealing, modifying, or otherwise affecting the applicability of the immunity from Federal real property taxes and assessments provided in subsection (c)(2)(B) or the immunity from judgments in any Federal action at law or equity provided in subsections (c)(2)(C).

(4)(A) Except as provided in subsection (c)(2), nothing in this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(B) Privately owned lands included in the Alaska Land Bank Program shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.

(d) INTERIM GRANT OF BENEFITS.—Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (c)(2) shall apply to lands conveyed pursuant to the Alaska Native Claims Settlement Act, or sections 901 and 902 of this title for a period of three years from the date of conveyance or the date of enactment of this Act, whichever is later: Provided, That this subsection shall not apply to any lands which on the date of enactment of this Act are the subject of a mortgage, pledge or other encumbrance.

(e) REVENUE-SHARING, FIRE PROTECTION, ETC.—The provisions of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.

(f) EXISTING CONTRACTS.—Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to the enactment of this Act or which (1) applies to any land which is subject to an agreement, and (2) was entered into before the agreement becomes effective.

#### PROTECTION OF NATIVE LANDS IN CONTINGENCY AREAS UNDER TIMBER SALES

SEC. 908. Section 15 of the Alaska Native Claims Settlement Act is amended by inserting "(a)" after "SEC. 15." and by adding at the end of such section the following new subsection:

"(b) No land conveyed to a Native Corporation pursuant to this Act or by operation of the Alaska National Interest Lands Conservation Act which is within a contingency area designated in a timber sale contract let by the United States shall thereafter be subject to such contract or to entry or timbering by the contractor. Until a Native Corporation has received conveyances to all of the land to which it is entitled to receive under the appropriate section or subsection of this Act, for which the land was withdrawn or selected, no land in such a contingency area that has been withdrawn and selected, or selected, by such Corporation under this Act shall be entered by the timber contractor and no timber shall be cut thereon, except by agreement with such Corporation. For purposes of this subsection, the term 'contingency area' means any area specified in a timber sale contract as an area from which the timber contractor may harvest timber if the volume of timber specified in the contract cannot be obtained from one or more areas definitely designated for timbering in the contract."

## USE OF PROTRACTION DIAGRAMS

SEC. 909. With the agreement of the party to whom a patent is to be issued under this title, or the Alaska Native Claims Settlement Act, the Secretary, in his discretion, may base such patent on protraction diagrams in lieu of field surveys. Any person or corporation receiving a patent under this title or the Alaska Native Claims Settlement Act on the basis of a protraction diagram shall receive any gain or bear any loss of acreage due to errors, if any, in such protraction diagram.

## STATUTE OF LIMITATIONS

SEC. 910. (a) Except for administrative determinations of navigability for purposes of determining ownership of submerged lands under the Submerged Lands Act, a decision of the Secretary under this title or the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary's decision becomes final or the date of enactment of this Act, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in regulations promulgated by the Secretary.

## NATIONAL ENVIRONMENTAL POLICY ACT

SEC. 911. The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement for withdrawals, conveyances, regulations, orders, easement determinations, or other actions which lead to the issuance of conveyances to Natives or Native corporations, pursuant to the Alaska Native Claims Settlement Act, or this title. Nothing in this section shall be construed as affirming or denying the validity of any withdrawals by the Secretary under section 14(h)(3) of the Alaska Native Claims Settlement Act.

## TECHNICAL AMENDMENT TO PUBLIC LAW 94-204

SEC. 912. Section 15(a) of the Act of January 2, 1976 (Public Law 94-204, 89 Stat. 1154-1155), is amended—

(1) by striking out the description beginning with "Township 36 south, range 52 west;" and all that follows through "Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M., Alaska, notwithstanding;" and inserting in lieu thereof the following:

- "Township 36 south, range 52 west, all;
- "Township 37 south, range 51 west, all;
- "Township 37 south, range 52 west, all;
- "Township 37 south, range 53 west, sections 1 through 4, 9 through 16, 21 through 24, and the north half of sections 25 through 28;
- "Township 38 south, range 51 west, sections 1 through 5, 9, 10, 12, 13, 18, 24, and 25;
- "Township 38 south, range 52 west, sections 1 through 35;
- "Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;
- "Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21, 28 through 33, and 36;
- "Township 39 south, range 52 west, sections 1, 2, 11 through 15, and 22 through 24;
- "Township 39 south, range 53 west, sections 33 through 36, and the south half of section 26;
- "Township 40 south, range 51 west, sections 2 and 6;
- "Township 40 south, range 52 west, sections 6 through 10, 15 through 21, and 27 through 36;
- "Township 40 south, range 53 west, sections 1 through 19, 21 through 28, and 34 through 36;
- "Township 40 south, range 54 west, sections 1 through 34;
- "Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;

- "Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and 16;  
 "Township 41 south, range 54 west, section 6, S. M., Alaska"; and  
 (2) by striking out "The" in the undersigned paragraph immediately following such description and inserting in lieu thereof "Notwithstanding the".

## TITLE X—FEDERAL NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING PROGRAM AND MINERAL ASSESSMENTS

### OVERALL STUDY PROGRAM

SEC. 1001. (a) The Secretary shall initiate and carry out a study of all Federal lands (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve—Alaska, other than lands included in the National Petroleum Reserve—Alaska and in conservation system units established by this Act.

(b) The study shall utilize a systematic interdisciplinary approach to—

(1) assess the potential oil and gas resources of these lands and make recommendations concerning future use and management of those resources including an evaluation of alternative transportation routes needed for oil and gas development;

(2) review the wilderness characteristics, and make recommendations for wilderness designation, of these lands; and

(3) study, and make recommendations for protection of, the wildlife resources of these lands.

(c) After completion of the study, the Secretary shall make findings on—

(1) the potential oil and gas resources of these lands;

(2) the impact of oil and gas development on the wildlife resources on these lands, particularly the Arctic and Porcupine caribou herds and the polar bear;

(3) the national need for development of the oil and gas resources of all or any portion of these lands;

(4) the national interest in preservation of the wilderness characteristics of these lands; and

(5) the national interest in protection of the wildlife resources of these lands.

(d) In the course of the study, the Secretary shall consult with the Secretary of Energy and other Federal agencies, the State of Alaska, Native Village and Regional Corporations, the Alaska Land Use Council and the Government of Canada. The Secretary shall provide an opportunity for public review and comment on a draft study and proposed findings prior to their final approval.

(e) The Secretary shall submit the study and his findings to the President and the Congress no later than eight years after the date of enactment of this Act. The Secretary shall submit annual reports to Congress on the progress in carrying out this title.

(f) Nothing in this title shall be construed as impeding, delaying, or otherwise affecting the selection and conveyance of land to the State pursuant to the Alaska Statehood Act, or any other Federal law referred to in section 102(3)(A) of this Act, and to the Natives pursuant to the Alaska Native Claims Settlement Act and this Act.

### ARCTIC NATIONAL WILDLIFE RANGE COASTAL PLAIN RESOURCE ASSESSMENT

SEC. 1002. (a) **PURPOSE.**—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Range, and to authorize the exploration for oil and gas within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(b) **DEFINITIONS.**—As used in this section—

(1) The term "coastal plain" means that area identified as such in the map entitled "Arctic National Wildlife Range", dated October, 1979.

(2) The term "exploratory activity" means surface geological exploration or seismic exploration, or both, for oil and gas within the coastal plain.

(c) **BASELINE STUDY.**—The Secretary, in consultation with the Governor of the State and interested persons, shall conduct a continuing study of the fish and wildlife (with special emphasis on caribou, grizzly bears, migratory birds, musk oxen, and polar bears) of the coastal plain. In conducting the study, the Secretary shall—

(A) assess the size, range, and distribution of the populations of the fish and wildlife;

(B) determine the extent, location and carrying capacity of the habitats of the fish and wildlife; and

(C) assess the impacts of human activities and natural processes on the fish and wildlife and their habitats.

Within eighteen months after the enactment date of this Act, the Secretary shall publish the results of the study as of that date and shall thereafter publish such revisions thereto as are appropriate as new information is obtained.

(d) **GUIDELINES.**—(1) Within two years after the enactment date of this Act, the Secretary shall by regulation establish initial guidelines governing the carrying out of exploratory activities. The guidelines shall be based upon the results of the study required under subsection (c) and such other information as may be available to the Secretary. The guidelines shall include such prohibitions, restrictions, and conditions on the carrying out of exploratory activities as the Secretary deems necessary or appropriate to ensure that exploratory activities do not significantly adversely affect the fish and wildlife, their habitats, or the environment, including, but not limited to—

(A) a prohibition on the carrying out of exploratory activity during caribou calving and immediate post-calving seasons or during any other period in which human activity may have adverse effects;

(B) temporary or permanent closing of appropriate areas to such activity; and

(C) specification of the support facilities, equipment and related manpower that is appropriate in connection with exploratory activity.

(2) The initial guidelines prescribed by the Secretary to implement this subsection shall be accompanied by an environmental impact statement on exploratory activities. The initial guidelines shall thereafter be revised to reflect changes made in the baseline study and other appropriate information made available to the Secretary.

(e) **EXPLORATION PLANS.**—(1) After the initial guidelines are prescribed under subsection (d), any person including the United States Geological Survey may submit one or more plans for exploratory activity (hereinafter in this section referred to a "exploration plans") to the Secretary for approval. An exploration plan must set forth such information as the Secretary may require in order to determine whether the plan is consistent with the guidelines, including, but not limited to—

(A) a description and schedule of the exploratory activity to be undertaken;

(B) a description of the equipment, facilities, and related manpower that will be used in carrying out the activity;

(C) the area in which the activity will be undertaken; and

(D) a statement of the anticipated effects that the activity may have on fish and wildlife, their habitats and the environment.

(2) Upon receiving any exploration plan for approval, the Secretary shall promptly publish notice of the application and the text of the plan in the Federal Register and newspapers of general circulation in the State. The Secretary shall determine, within one hundred and twenty days after any plan is submitted for approval, if the plan is consistent with the guidelines established under subsection (d). If the Secretary determines that the plan is so consistent, he shall approve the plan. Before making the determination, the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the plan. The Secretary shall not approve of any plan submitted by the United States Geological Survey unless he determines that (1) no other person has submitted a plan for the area involved which meets established guidelines and (2) the information which would be obtained is needed to make an adequate report under subsection (h). The Secretary, as a condition of approval of any plan under this section—

(A) may require that such modifications be made to the plan as he considers necessary and appropriate to make it consistent with the guidelines;

(B) shall require that all data and information (including processed, analyzed and interpreted information) obtained as a result of carrying out the plan shall be submitted to the Secretary; and

(C) shall make such data and information available to the public except that any processed, analyzed and interpreted data or information shall be held confidential by the Secretary for a period of not less than two years following any lease sale including the area from which the information was obtained.

(f) **MODIFICATION TO EXPLORATION PLANS.**—If at any time while exploratory activity is being carried out under an exploration plan approved under subsection (e), the Secretary, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect fish or wildlife, their habitat, or the environment, the Secretary may suspend the carrying out of activities under the plan or permit for such time, make such modifications to the plan or to the terms and conditions of the permit (or both suspend and so modify) as he determines necessary and appropriate.

(g) **CIVIL PENALTIES.**—(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated any provision of a plan approved under subsection (e) or any term or condition of a permit issued under subsection (f), or to have committed any act prohibited under subsection (d) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$10,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and, with respect to the violator, the history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5, United States Code.

(3) If any person fails to pay an assessment of a civil penalty against him under paragraph (1) after it has become final, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this subsection unless the matter is pending in court for judicial review or recovery of assessment.

(h) **REPORT TO CONGRESS.**—Not later than five years after the enactment date of this Act, the Secretary shall prepare and submit to Congress a report containing—

(1) the identification by means other than drilling of exploratory wells of those areas within the coastal plain that have oil and gas production potential and estimate of the volume of the oil and gas concerned;

(2) the description of the fish and wildlife, their habitats, and other resources that are within the areas identified under paragraph (1);

(3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2);

(4) a description of how such oil and gas, if produced within such area, may be transported to processing facilities;

(5) an evaluation of how such oil and gas relates to the national need for additional domestic sources of oil and gas; and

(6) the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.

(i) **EFFECT OF OTHER LAWS.**—Until otherwise provided for in law enacted after the enactment date of this Act, all public lands within the coastal plain are withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States.

#### PROHIBITION ON DEVELOPMENT

Sec. 1003. Production of oil and gas from the Arctic National Wildlife Range is prohibited and no leasing or other development leading to production of oil and gas from the range shall be undertaken until authorized by an Act of Congress.

## WILDERNESS PORTION OF STUDY

SEC. 1004. (a) As part of the study, the Secretary shall review the suitability or nonsuitability for preservation as wilderness of the Federal lands described in section 1001 and report his findings to the President.

(b) The President shall advise the Senate and the House of Representatives of his recommendations with respect to the designation of the area or any part thereof as wilderness together with a map thereof and a definition of its boundaries.

(c) Subject to valid existing rights and the provisions of section 1002 of this Act, the wilderness study area designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Already established uses may be permitted to continue, subject to such restrictions as the Secretary deems desirable, in the manner and degree in which the same were being conducted on the date of enactment of this Act.

## WILDLIFE RESOURCES PORTION OF STUDY

SEC. 1005. The Secretary shall work closely with the State of Alaska and Native Village and Regional Corporations in evaluating the impact of oil and gas exploration, development, production, and transportation and other human activities on the wildlife resources of these lands, including impacts on the Arctic and Porcupine caribou herds, polar bear, muskox, grizzly bear, wolf, wolverine, seabirds, shore birds, and migratory waterfowl. In addition the Secretary shall consult with the appropriate agencies of the Government of Canada in evaluating such impacts particularly with respect to the Porcupine caribou herd.

## TRANSPORTATION ALTERNATIVES PORTION OF STUDY

SEC. 1006. In studying oil and gas alternative transportation systems, the Secretary shall consult with the Secretary of Transportation and shall consider—

- (1) the extent to which environmentally and economically feasible alternative routes could be established;
- (2) the prospective oil and gas production potential of this area of Alaska for each alternative transportation route;
- (3) the environmental and economic costs and other values associated with such alternative routes; and
- (4) to the extent applicable, the rights-of-way study conducted pursuant to section 1108 of this Act.

## ARCTIC RESEARCH STUDY

SEC. 1007. (a) The Secretary, the Secretary of Defense, and the Secretary of Energy shall initiate and carry out a study of the mission, facilities and administration of the Naval Arctic Research Laboratory (NARL), at Point Barrow, Alaska. The study shall review the historical responsibilities carried out at NARL and their contribution to applied and basic Arctic research. The study shall specifically address and the Secretary shall make recommendations on the need for redirecting the United States Arctic research policy and the role of the NARL facilities in developing and implementing that policy.

(b) The Secretaries shall assess the future use of NARL in—

- (1) developing relevant scientific information on the Arctic environment and utilizing applied research to (A) deal with the unique problems the Arctic presents in providing public services; (B) minimize the impact of resource development on the environment and the culture of the Native people; and (C) promote international cooperation among the Nations which share responsibility for the Arctic environment;
- (2) assessing the impact of oil and gas exploration, development, and transportation on the Arctic environment, including impact on fish, marine and land mammals, and migratory waterfowl;
- (3) developing advanced design technologies, operational practices, and transportation systems to improve the environmental safety and efficiency of oil and gas exploration and production in the Arctic, including offshore activities;
- (4) enlarging the body of knowledge on Arctic ice conditions and developing practical and efficient means of dealing with potential oil spills and other hazards associated with resource development in Alaska's Arctic; and

- (5) developing a comprehensive Arctic policy for the Federal Government that will accommodate the need for development and use of Arctic resources with appropriate recognition and consideration given to the unique nature of the Arctic environment and the needs of its Native residents.
- (c) After completion of the study, the Secretaries shall make recommendations on—
- (1) changes in the mission and management of NARL necessary to accomplish the research and policy goals addressed in the study;
  - (2) the appropriate Federal agency or agencies that should have primary responsibility for management of NARL;
  - (3) changes in the organizational structure of NARL that would allow greater involvement by State and private organizations in the use, management and/or funding of NARL; and
  - (4) the appropriate level of Federal funding for scientific and technological research on the Arctic environment and its uses.
- (d) In the course of the study, the Secretaries shall consult with representatives of the Department of Navy, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Smithsonian Institution, the State of Alaska, local governments, representatives of public and private institutions conducting Arctic research, and Native Village and Regional Corporations in the areas now affected by the activities of NARL. The Secretaries shall provide an opportunity for public review and comment on the draft report and proposed recommendations prior to final approval, and shall include any recommendations of the local community in the final study.
- (e) The Secretaries shall submit the study and their recommendations to the Congress not later than one year after the date of enactment of this Act.
- (f) Pending submission of the study to the Congress, the President is directed to continue the operation of NARL at the level of funding provided for in fiscal year 1979.

#### OIL AND GAS LEASING PROGRAM FOR NON-NORTH SLOPE FEDERAL LANDS

SEC. 1008. (a) The Secretary shall establish, pursuant to the Mineral Leasing Act of 1920, as amended, an oil and gas leasing program on the Federal lands of Alaska not subject to the study required by section 1001 of this Act, other than lands included in the National Petroleum Reserve—Alaska. Such program shall not be undertaken by the Secretary on those lands where applicable law prohibits such leasing or on those units of the National Wildlife Refuge System where the Secretary determines, after having considered the national interest in producing oil and gas from such lands, that the exploration for and development of oil or gas would be incompatible with the purpose for which such unit was established.

(b)(1)(A) In such areas as the Secretary deems favorable for the discovery of oil or gas, he shall conduct a study, or studies, or collect and analyze information obtained by permittees authorized to conduct studies under this section, of the oil and gas potential of such lands and those environmental characteristics and wildlife resources which would be affected by the exploration for and development of such oil and gas.

(B) The Secretary is authorized to issue permits for study, including geological, geophysical, and other assessment activities, if such activities can be conducted in a manner which is consistent with the purposes for which each affected area is managed under applicable law.

(2) The Secretary shall consult with the Secretary of Energy regarding the national interest involved in exploring for and developing oil and gas from such lands and shall seek the views of the Governor of the State of Alaska, Alaskan local governments, Native Regional and Village Corporations, the Alaska Land Use Council, representatives of the oil and gas industry, conservation groups, and other interested groups and individuals in determining which land should be studied and/or leased for the exploration and development of oil and gas.

(3) The Secretary shall encourage the State to undertake similar studies on lands associated, either through geological or other land values or because of possible transportation needs, with Federal lands. The Secretary shall integrate these studies, to the maximum extent practicable, with studies on Federal lands so that needs for cooperation between the Federal Government and the State of Alaska in managing energy and other natural resources, including fish and wildlife, can be established early in the program.

(4) The Secretary shall report to the Congress by October 1, 1981, and yearly thereafter, on his efforts pursuant to this Act regarding the leasing of, and exploration and development activities on, such lands.

(c) At such time as the studies requested in subsection (b)(4) are completed by the Secretary, or at such time as the Secretary determines that sufficient interest has been indicated in exploring an area for oil or gas, and leasing should be commenced, he shall identify those areas which he determines to be favorable for the discovery of oil or gas (hereinafter referred to as "favorable petroleum geological provinces"). In making such determination, the Secretary shall utilize all information obtained in studies conducted under subsection (b) of this section as well as any other information he may develop or require by regulation to be transmitted.

(d) Pursuant to the Mineral Leasing Act of 1920, as amended, the Secretary is authorized to issue leases, on the Federal lands described in this section, under such terms and conditions as he may, by regulation, prescribe. Areas which are determined by the Secretary to be within favorable petroleum geological provinces shall be leased only by competitive bidding.

(e) At such time as paying quantities of oil or gas are discovered under a noncompetitive lease issued pursuant to the Mineral Leasing Act of 1920, the Secretary shall suspend all further noncompetitive leasing in the area and shall determine the favorable petroleum geological province in proximity to such discovery. All further leasing in such area shall be in accordance with the requirements of subsection (d) of this section.

(f) Prior to any exploration activities on a lease issued pursuant to this section, the Secretary shall require the lessee to describe exploration activities in an exploration plan. He shall approve such plan if such activities can be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(g) Subsequent to a discovery of oil or gas in paying quantities, and prior to developing and producing such oil and gas, the Secretary shall require the lessee to describe development and production activities in a development and production plan. He shall approve such plan if such activities may be conducted in conformity with such requirements as may be made by the Secretary for the protection and use of the land for the purpose for which it is managed under applicable law.

(h) The Secretary shall monitor the performance of the lessee and, if he determines that due to significant changes in circumstances regarding that operation, including environmental or economic changes, new requirements are needed, he may require a revised development and production plan.

(i) If the Secretary determines that immediate and irreparable damage will result from continuation in force of a lease, that the threat will not disappear and that the advantages of cancellation outweigh the advantages of continuation in force of a lease, he shall suspend operations for up to five years. If such a threat persists beyond such five-year suspension period, he shall cancel a lease and provide compensation to the lease under such terms as the Secretary establishes, by regulation, to be appropriate.

#### OIL AND GAS LEASE APPLICATIONS

SEC. 1009. (a) Notwithstanding any other provision of law or regulation, whenever the Secretary receives an application for an oil and gas lease pursuant to the Mineral Leasing Act of 1920 for lands in Alaska within a unit of the National Wildlife Refuge System which are not also part of the National Wilderness Preservation System he shall, in addition to any other requirements of applicable law, follow the procedures set forth in this section.

(b) Any decision to issue or not to issue a lease shall be accompanied by a statement setting forth the reasons for the decision, including the reasons why oil and gas leasing would be compatible or incompatible with the purposes of the refuge.

(c) If the Secretary determines that the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 do not apply to his decision, the Secretary shall render his decision within six months after receipt of a lease application. If such requirements are applicable to the Secretary's decision, he shall render his decision within three months after publication of the final environmental impact statement.

#### ALASKA MINERAL RESOURCE ASSESSMENT PROGRAM

SEC. 1010. (a) MINERAL ASSESSMENTS.—The Secretary shall, to the full extent of his authority, assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands

other than such lands within national parks and monuments, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act. To the maximum extent practicable, the Secretary shall consult and exchange information with the State of Alaska regarding the responsibilities of the Secretary under this section and similar programs undertaken by the State. In order to carry out mineral assessments authorized under this or any other law, including but not limited to the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program. This section shall not apply to the lands described in section 1001 of this Act.

(b) **REGULATIONS.**—Activities carried out in conservation system units under subsection (a) shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and

(2) which is compatible with the purposes for which such units are established.

#### PRESIDENTIAL REPORT

SEC. 1011. (a) On or before October 1, 1982, and annually thereafter, the President shall transmit to the Congress all pertinent public information relating to minerals in Alaska gathered by the United States Geological Surveys, Bureau of Mines, and any other Federal agency.

(b) On or before October 1, 1982, the President shall conduct a study and transmit it, together with his recommendations, to the Congress concerning the advisability of private mineral exploration or extraction activities in conservation systems units where such activities would otherwise be prohibited and the circumstances, if any, and procedures and conditions under which such activities might be permitted.

### TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS

#### FINDINGS

SEC. 1101. Congress finds that—

(a) Alaska's transportation and utility network is largely undeveloped and the future needs for transportation and utility systems in Alaska would best be identified and provided for through an orderly, continuous decisionmaking process involving the State and Federal Governments and the public;

(b) the existing authorities to approve or disapprove applications for transportation and utility systems through public lands in Alaska are diverse, dissimilar, and, in some cases, absent; and

(c) to minimize the adverse impacts of siting transportation and utility systems within units established or expanded by this Act and to insure the effectiveness of the decisionmaking process, a single comprehensive statutory authority for the approval or disapproval of applications for such systems must be provided in this Act.

#### DEFINITIONS

SEC. 1102. For purposes of this title—

(1) The term "applicable law" means any law of general applicability (other than this title) under which any Federal department or agency has jurisdiction to grant any authorization (including but not limited to, any right-of-way, permit, license, lease, or certificate) without which a transportation or utility system cannot, in whole or in part, be established or operated.

(2) The term "applicant" means any public or private person, including, but not limited to, any Federal department or agency.

(3) The term "Federal agency" means any Federal department or agency that has any function or duty under applicable law.

(4)(A) The term "transportation or utility system" means any type of system described in subparagraph (B) if any portion of the route of the system will be within any conservation system unit, national recreation area, or national conservation area in the State (and the system is not one that the department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area).

(B) The types of systems to which subparagraph (A) applies are as follows:

(i) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

(ii) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

(iii) Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

(iv) Systems for the transmission and distribution of electric energy.

(v) Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

(vi) Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles.

(vii) Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

Any system described in this subparagraph includes such related structures and facilities (both temporary and permanent) along the route of the system as may be minimally necessary for the construction, operation, and maintenance of the system. Such related structures and facilities shall be described in the application required by section 1104, and shall be approved or disapproved in accordance with the procedures set forth in this title.

#### EFFECT OF TITLE

SEC. 1103. Except as specifically provided for in this title, applicable law shall apply with respect to the authorization and administration of transportation or utility systems.

#### PROCEDURAL REQUIREMENTS

SEC. 1104. (a) IN GENERAL.—Notwithstanding any provision of applicable law, no action by any Federal agency under applicable law with respect to the approval or disapproval of the authorization, in whole or in part, of any transportation or utility system shall have any force or effect unless the provisions of this section are complied with.

(b)(1) CONSOLIDATED APPLICATIONS.—Within one hundred and eighty days after the date of enactment of this Act, the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, in consultation with the heads of other appropriate Federal agencies, shall jointly prescribe and publish a consolidated application form to be used for applying for the approval of each type of transportation or utility system. Each such application form shall be designed to elicit such information as may be necessary to meet the requirements of this title and the applicable law with respect to the type of system concerned.

(2) For purposes of this section, the Secretary of Transportation, together with appropriate Federal agencies, shall have decisionmaking responsibility in the case of any transportation or utility system described in section 1102(4)(B) (ii), (iii), or (vii); but with respect to any such system for which he does not have programmatic responsibility, the Secretary of Transportation shall provide to the other Federal agencies concerned such planning and other assistance as may be appropriate.

(c) FILING.—Each applicant for the approval of any transportation or utility system shall file on the same day an application with each appropriate Federal agency. The applicant shall utilize the consolidated form prescribed under subsection (b) for the type of transportation or utility system concerned.

(d) AGENCY NOTICE.—(1) Within sixty days after the receipt of an application filed pursuant to subsection (c), the head of each Federal agency with whom the application was filed shall inform the applicant in writing that, on its face—

(A) the application appears to contain the information required by this title and applicable law insofar as that agency is concerned; or

(B) the application does not contain such information.

(2) Any notice provided under paragraph (1)(B) shall specify what additional information the applicant must provide. If the applicant provides additional information, the head of the Federal agency must inform the applicant in writing, within thirty days after receipt of such information, whether the information is sufficient.

(e) **ENVIRONMENTAL IMPACT STATEMENT.**—The draft of any environmental impact statement required under the National Environmental Policy Act of 1969 in connection with any application filed under this section shall be completed, within nine months from the date of filing, by the head of the Federal agency having lead responsibility for the statement. Any such statement shall be jointly prepared by all Federal agencies with which the application was filed under subsection (c). The final environmental impact statement shall be completed within one year from the date of such filing. Such nine-month and one-year periods may be extended for good cause by the Federal agency head having responsibility for the preparation of such statement if he determines that additional time is necessary for such preparation, notifies the applicant in writing of such determination, and publishes notice of such determination, together with the reasons therefor, in the Federal Register. The provisions of section 304 of the Federal Land Policy and Management Act of 1976 shall apply to each environmental impact statement under this subsection in the same manner as such provisions apply to applications relating to the public lands referred to in such section 304. The Federal agency having lead responsibility shall, in conjunction with such other Federal agencies before which the application is pending, hold public hearings in the District of Columbia and an appropriate location in the State on each draft joint environmental impact statement and the views expressed therein shall be considered by all Federal agencies concerned before publication of the final joint environmental impact statement.

(f) **OTHER VIEWS.**—During both the nine-month period, and the succeeding three-month period plus any extension thereof provided for in subsection (e), the heads of the Federal agencies concerned shall solicit and consider the views of other Federal departments and agencies, the Alaska Land Use Council, the State, affected units of local government in the State, and affected corporations formed pursuant to the Alaska Native Claims Settlement Act, and, after public notice, shall receive and consider statements and recommendations regarding the application submitted by interested individuals and organizations.

(g) **AGENCY DECISION.**—(1) Within four months after the final environmental impact statement is published in accordance with subsection (e) with respect to any transportation or utility system, each Federal agency shall make a decision to approve or disapprove, in accordance with applicable law, each authorization that applies with respect to the system and that is within the jurisdiction of that agency.

(2) The head of each Federal agency, in making a decision referred to in paragraph (1), shall consider, and make detailed findings supported by substantial evidence, with respect to—

(A) the presence of the proposed transportation or utility system in any statewide or regional plans prepared by the State pursuant to section 1108 or other authority.

(B) the need for, and economic feasibility of, the transportation or utility system;

(C) alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit;

(D) the feasibility and impacts of including different transportation or utility systems in the same area;

(E) short- and long-term social, economic, and environmental impacts of national, State, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles.

(F) the impacts, if any, on the national security interests of the United States, that may result from approval or denial of the application for a transportation or utility system;

(G) any impacts that would affect the purposes for which the Federal unit or area concerned was established;

(H) measures which should be instituted to avoid or minimize negative impacts; and

(I) the short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

#### STANDARDS FOR GRANTING CERTAIN AUTHORIZATIONS

SEC. 1105. In any case in which there is no applicable law with respect to a transportation or utility system, the head of the Federal agency concerned shall, within four months after the date of filing of any final Environmental Impact Statement, make recommendations, for purposes of section 1106(b), to grant such authorizations as may be necessary to establish such system, in whole or in part, within the conservation system unit concerned if he determines that—

- (1) such system would be compatible with the purposes for which the unit was established; and
- (2) there is no economically feasible and prudent alternative route for the system.

#### AGENCY, PRESIDENTIAL, AND CONGRESSIONAL ACTIONS

SEC. 1106. (a)(1) AGENCY ACTION IN CASES OTHER THAN THOSE INVOLVING SECTION 1105 OR WILDERNESS AREAS.—In the case of any application for the approval of any transportation or utility system to which section 1105 does not apply or that does not occupy, use, or traverse any area within the National Wilderness Preservation System, if, in compliance with section 1104—

(A) each Federal agency concerned decides to approve each authorization within its jurisdiction with respect to that system, then the system shall be deemed to be approved and each such agency shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system; or

(B) one or more Federal agencies decide to disapprove any authorization within its jurisdiction with respect, to that system, then the system shall be deemed to be disapproved and the applicant for the system may appeal the disapproval to the President.

(2) If an applicant appeals under paragraph (1)(B), the President, within four months after receiving the appeal, shall decide whether to approve or deny the application. The President shall approve the application if he finds, after consideration of the factors set forth in section 1104(g)(2), that such approval would be in the public interest. In making a decision, the President shall consider any environmental impact statement prepared pursuant to section 1104(e), comments of the public and Federal agencies received during the preparation of such statement, and the findings and recommendations, if any, of each Federal agency that rendered a decision with respect to the application. The President's decision to approve or deny the application shall be published in the Federal Register, together with a statement of the reasons for his determination.

(3) If the President approves an application under paragraph (2), each Federal agency concerned shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system.

(4) If the President denies an application under paragraph (2), the applicant shall be deemed to have exhausted his administrative remedies and may file suit in any appropriate Federal court to challenge such decision.

(b) AGENCY ACTION IN CASES INVOLVING SECTION 1105 OR WILDERNESS AREAS.—(1) In the case of any application for the approval of a transportation or utility system to which section 1105 applies or that proposes to occupy, use, or traverse any area within the National Wilderness Preservation System, each Federal agency concerned shall promptly submit to the President notification whether the agency tentatively approved or disapproved each authorization within its jurisdiction that applies with respect to the system. Such notification shall be accompanied by a statement of the reasons and findings supporting the agency position.

(2) Within four months after receiving all notification referred to in paragraph (1) and after considering such notifications, any environmental impact statement prepared pursuant to section 1104(e), and the comments of the public and Federal agencies received during the preparation of such statement, the President shall decide whether or not the application for the system concerned should be approved. If the President denies an application the applicant shall be deemed to have exhausted his administrative remedies, and may file suit in any appropriate Federal court to chal-

lenge such decision. If the President approves the application, he shall submit to Congress his recommendation for approval of the transportation or utility system covered, whereupon the Congress shall consider the application as provided in subsection (c). The President shall include with his recommendation to Congress—

(A) the application which is the subject of his recommendation;

(B) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(C) the joint environmental impact statement;

(D) a statement of the conditions and stipulations which would govern the use of the system if approved by the Congress.

(c) CONGRESSIONAL APPROVAL.—(1) No application for any transportation or utility system with respect to which the President makes a recommendation for approval under subsection (b) shall be approved unless the Senate and House of Representatives approve a resolution described in paragraph (4) within the first period of one hundred and twenty calendar days of continuous session of the Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation.

(2) For purposes of this subsection—

(A) continuity of session of the Congress is broken only by an adjournment sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(3) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of each House of the Congress respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by paragraph (6) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(4) For the purposes of this subsection, the term “resolution” means a joint resolution, the resolving clause of which is as follows: “That the House of Representatives and Senate approve the application for \_\_\_\_\_ under Title XI of the Alaska National Interest Lands Conservation Act submitted by the President to the Congress on \_\_\_\_\_, 19 \_\_\_\_”; the first blank space therein to be filled in with the appropriate transportation or utility system and the second blank therein to be filled with the date on which the President submits the application to the House of Representatives and the Senate.

(5) Except as otherwise provided in this subsection, the provisions of section, 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

(6) After an application for a transportation or utility system has been approved under subsection 1106(a), the appropriate Federal agencies shall issue appropriate authorizations in accordance with applicable law. In any case in which an application for a transportation or utility system has been approved pursuant to Section 1106(b), the appropriate Federal agencies shall issue appropriate authorizations in accordance with Title V of the Federal Lands Policy Management Act or other applicable law. After issuance pursuant to this subsection, the appropriate land managing agency shall administer the right-of-way in accordance with relevant management authorities of the land managing agency and Title V of the Federal Lands Policy Management Act.

#### RIGHTS-OF-WAY TERMS AND CONDITIONS

SEC. 1107. (a) TERMS AND CONDITIONS.—The Secretary, or the Secretary of Agriculture where national forest wilderness is involved, shall include in any right-of-way issued pursuant to an application under this title, terms and conditions which shall include, but not be limited to—

(1) requirements to insure that, to the maximum extent feasible, the right-of-way is used in a manner compatible with the purposes for which the affected conservation system unit, national recreation area, or national conservation area was established or is managed.

(2) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designed to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property, and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(6) requirements to employ measures to avoid or minimize adverse environmental, social or economic impacts.

(b) **WILD AND SCENIC RIVERS SYSTEM.**—Any transportation or utility system approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) **PIPELINE RIGHTS-OF-WAYS.**—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

#### STUDY OF TRANSPORTATION AND UTILITY SYSTEMS

SEC. 1108. Except for systems which do not require an environmental impact statement, no application shall be approved pursuant to this title after two years from the date of enactment of this provision unless the need for such system has been identified in a study of the regional requirements for transportation and utility systems which—

(1) has been conducted by the State in consultation with the Secretaries of Transportation, the Interior, and Agriculture and the Alaska Land Use Council;

(2) is updated in a similar manner no less than every five years; and

(3) includes the considerations set forth in section 1104(f)(1) (B) through (I).

#### EXPEDITED JUDICIAL REVIEW

SEC. 1109. (a) It is the intent of Congress that any judicial review of any administrative actions, including compliance with the National Environmental Policy Act of 1969, pursuant to this title shall be expedited to the maximum extent possible.

(b) Any proceeding before a federal court in which an administrative action, including compliance with the National Environmental Policy Act of 1969, pursuant to this title is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

#### SPECIAL ACCESS AND ACCESS TO INHOLDINGS

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natu-

ral and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

#### TEMPORARY ACCESS

SEC. 1111. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, national recreation area, national conservation area, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit, area, Reserve or lands.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit, area, Reserve or lands.

#### NORTH SLOPE HAUL ROAD

SEC. 1112. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder. Prior to executing an agreement pursuant to this subsection, the Secretary and the Governor of Alaska shall consult with the head of any unit of local government which encompasses lands located adjacent to the route of the North Slope Haul Road. The State of Alaska shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) APPLICATION OF SECTION.—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

#### VALID EXISTING RIGHTS

SEC. 1113. Nothing in this title shall be construed to adversely affect any valid existing right of access.

## STIKINE RIVER REGION

SEC. 1114. Congress finds that there is a need to study the effect of this Act upon the ability of the Government of Canada to obtain access in the Stikine River region of southeast Alaska. Accordingly, within five years from the date of enactment of this Act, the President shall consult with the Government of Canada and shall submit a report to the Congress containing his findings and recommendations concerning the need, if any, to provide for such access. Such report shall include, among other things, an analysis of the need for access and the social, environmental and economic impacts which may result from the construction of a road along the Stikine and Iskut Rivers, or other alternative routes.

## TITLE XII—FEDERAL-STATE COOPERATION

## ALASKA LAND USE COUNCIL

SEC. 1201. (a) **ESTABLISHMENT.**—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

(b) **COCHAIRMEN.**—The Council shall have Cochairmen. The Federal Cochairman shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) **MEMBERS.**—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation;

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs; and

(3) two representatives selected by the Alaska Native Regional Corporations (in consultation with their respective Village Corporations) which represent the twelve geographic regions described in section 7(a) of the Alaska Native Claims Settlement Act.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) **STATE DECISION NOT TO PARTICIPATE.**—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Cochairman, the agencies referred to in subsection (c)(1) and the representatives of the Alaska Native Regional Corporations referred to in subsection (c)(3). The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) **COMPENSATION AND EXPENSES.**—

(1) The Federal Cochairman shall be compensated at a rate to be determined by the President but not in excess of that provided for level IV of the Executive Schedule contained in title V, United States Code.

(2) The other members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees, or members of the Council referred to in subsection (c)(3), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(4) The State Cochairman and other State members of the Council have been compensated in accordance with applicable State law.

(f) **ADMINISTRATIVE AUTHORITY.**—

(1) The Cochairmen, acting jointly, shall have the authority to create and abolish employments and positions, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Council employees; and to procure needed office space, supplies, and equipment.

(2) The office of the Council shall be located in the State of Alaska.

(3) Except as provided in subsection (d), within any one fiscal year, the Federal Government shall pay only 50 per centum of the costs and other expenses other than salaries, benefits, et cetera of members, incurred by the Council in carrying out its duties under this Act.

(4) The Council is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement. Each department and agency of the Federal Government is authorized and directed to cooperate fully in making its services, equipment, personnel, and facilities available to the Council. Personnel detailed to the Council in accordance with the provisions of this subsection shall be under the direction of the Cochairman during any period such staff is so detailed.

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

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

(g) **MEETINGS; AUTHORITIES; REPORTS.**—The Council shall meet at the call of the Cochairmen, but not less than four times each year. In addition, the Council may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence and print or otherwise reproduce and distribute reports concerning so much of its proceedings as the Council deems advisable. No later than February 1 of each calendar year following the calendar year in which the Council is established, the Cochairmen shall submit to the President, the Congress, the Governor of Alaska, and the Alaska Legislature, in writing, a report on the activities of the Council during the previous year, together with their recommendations, if any, for legislative or other action in furtherance for the purposes of this section.

(h) **RULES.**—The Council shall adopt such internal rules of procedure as it deems necessary. All Council meetings shall be open to the public, and at least fifteen days prior to the date when any meeting of the Council is to take place the Cochairman shall publish public notice of such meeting in the Federal Register and in newspapers of general circulation in various areas throughout Alaska.

(i) **FUNCTIONS OF THE COUNCIL.**—

(1) The Council shall conduct studies and advise the Secretary, the Secretary of Agriculture, other Federal agencies, the State, local governments, and Native Corporations with respect to ongoing, planned, and proposed land and resources uses in Alaska, including transportation planning, land use designation, fish and wildlife management, tourism, agricultural development, coastal zone management, preservation of cultural and historical resources, and such other matters as may be submitted for advice by the members.

(2) It shall be the function of the Council—

(A) to make recommendations to appropriate officials of the United States and the State of Alaska with respect to—

(i) proposed regulations promulgated by the United States to carry out its responsibilities under this Act;

(ii) management plans and studies required by this Act including, but not limited to, plans and studies for conservation system units, wild and scenic rivers, and wilderness areas;

(iii) proposed regulations promulgated by the State of Alaska to carry out its responsibilities under this Act and other State and Federal laws;

(B) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to improve coordination and consultation between said governments in wildlife management, transportation planning, wilderness review, and other governmental activities which appear to require regional or statewide coordination;

(C) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to insure that economic development is orderly and planned and is compatible with State and national economic, social, and environmental objectives;

(D) to make recommendations to appropriate officials of the Government of the United States and the State of Alaska with respect to those changes in laws, policies, and programs relating to publicly owned lands and resources which the Council deems necessary;

(E) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the inventory, planning, classification, management, and use of Federal and State lands,

respectively, and to provide such assistance to Native corporations upon their request;

(F) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to needed modifications in existing withdrawals of Federal and State lands; and

(G) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the programs and budgets of Federal and State agencies responsible for the administration of Federal and State lands; and

(H) to make recommendations to appropriate officials of the Governments of the United States, the State of Alaska, and Native Corporations for land exchanges between or among them.

(j) **COOPERATIVE PLANNING.**—

(1) The Council shall recommend cooperative planning zones, consisting of areas of the State in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members including, but not limited to, such areas as the Northwest Arctic, the North Slope, and Bristol Bay. Federal members of the Council are authorized and encouraged to enter into cooperative agreements with Federal agencies, with State and local agencies, and with Native Corporations providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(2) With respect to lands, waters, and interests therein which are subject to a cooperative agreement in accordance with this subsection, the Secretary, in addition to any requirement of applicable law, may provide technical and other assistance to the landowner with respect to fire control, trespass control, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the Secretary determines that to do so would further the purposes of the cooperative agreement and would be in the public interest.

(3) Cooperative agreements established pursuant to this section shall include a plan for public participation consistent with the guidelines established by the Council pursuant to subsection (m).

(k) **NONACCEPTANCE OF COUNCIL RECOMMENDATIONS.**—If any Federal or State agency does not accept a recommendation made by the Council pursuant to subsections (i) or (j), such agency, within thirty days of receipt of the recommendation, shall inform the Council, in writing, of its reason for such action.

(l) **TERMINATION.**—Unless extended by the Congress, the Council shall terminate ten years after the date of enactment of this Act. No later than one year prior to its termination date, the Cochairmen shall submit in writing to the Congress a report on the accomplishments of the Council together with their recommendations as to whether the Council should be extended or any other recommendations for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(m) **PUBLIC PARTICIPATION.**—The Council shall establish and implement a public participation program to assist the Council to carry out its responsibilities and functions under this section. Such program shall include, but is not limited to—

(1) A committee of land-use advisors appointed by the Cochairmen made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Native corporations, and other public and private organizations. To the maximum extent practicable, the membership of the committee shall provide a balanced mixture of national, State, and local perspective and expertise on land and resource use issues; and

(2) A system for (A) the identification of persons and communities, in rural and urban Alaska, who or which may be directly or significantly affected by studies conducted, or advice and recommendations given by the Council pursuant to this section, and (B) guidelines for, and implementation of, a system for effective public participation by such persons or communities in the development of such studies, advice and recommendations by the Council.

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**FEDERAL COORDINATION COMMITTEE**

Sec. 1202. There is hereby established a Federal Coordination Committee composed of the Secretaries (or their designees) of Agriculture, Energy, the Interior, and Transportation; the Administrators of the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration; and the Federal and State Cochairmen of the Council. Such Committee shall meet at least once every four months in order to coordinate those programs and functions of their respective

agencies which could affect the administration of lands and resources in Alaska. The Federal Cochairman shall be the Chairman of the Committee. He shall be responsible for formulating an agenda for each meeting, after consultation with the other agency heads referred to herein, for providing any necessary staff support, and for preparing a brief summary of the disposition of matters discussed at each meeting. Such summary shall be published in the Federal Register.

#### WILDLIFE REFUGE OR RANGE COOPERATIVE MANAGEMENT AGREEMENTS

SEC. 1203. (a) **IN GENERAL.**—The Secretary shall undertake to enter into a cooperative management agreement with any Native Corporation, the State, any political subdivision of the State, or any other person owning land which is located within, or adjacent or near to, any wildlife refuge or range. Each cooperative management agreement (hereinafter in this section referred to as an "agreement") shall provide that the land subject to the agreement shall be managed by the owner in a manner compatible with the major purposes of the refuge to which such land pertains and in a manner which will not diminish opportunities for subsistence uses in the refuge.

(b) **TERMS AND CONDITIONS.**—Each agreement shall—

- (1) set forth such uses of the land subject to the agreement which are compatible with the management goals set forth in subsection (a);
- (2) permit the Secretary reasonable access to such land for purposes relating to the administration of the refuge and to carry out the obligations of the Secretary under the agreement;
- (3) permit reasonable access to such land by officers of the State for purposes of conserving fish and wildlife;
- (4) set forth those services or other consideration which the Secretary agrees to provide the owner in return for the owner entering into the agreement, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;
- (5) set forth such additional terms and conditions as the Secretary and the owner may agree to as being necessary and appropriate to carry out the management goals as set forth in subsection (a); and
- (6) specify the effective period of the agreement.

#### BRISTOL BAY COOPERATIVE REGION

SEC. 1204. (a) **DEFINITIONS.**—For purposes of this section—

- (1) The term "Governor" means the Governor of the State of Alaska, and
  - (2) The term "region" means the land (other than any land within the National Park System) within the Bristol Bay Cooperative Region as generally depicted on the map entitled "Bristol Bay-Alaska Peninsula", dated October 1979.
- (b) **PURPOSE.**—The purpose of this section is to provide for the preparation and implementation of a comprehensive and systematic cooperative management plan (hereinafter in this section referred to as the "plan"), agreed to by the United States and the State—

- (1) to conserve the fish and wildlife and other significant natural and cultural resources within the region;
- (2) to provide for the rational and orderly development of economic resources within the region in an environmentally sound manner;
- (3) to provide for such exchanges of land among the Federal Government, the State, and other public or private owners as will facilitate the carrying out of paragraphs (1) and (2);
- (4) to identify any further lands within the region which are appropriate for selections by the State under section 6 of the Alaska Statehood Act and this Act; and
- (5) to identify any further lands within the region which may be appropriate for congressional designation as national conservation system units.

(c) **FEDERAL-STATE COOPERATION IN PREPARATION OF PLANS.**—(1) If within three months after the date of enactment of this Act, the Governor notifies the Secretary that the State wishes to participate in the preparation of the plan, and that the Governor will, to the extent of his authority, manage State lands within the region to conserve fish and wildlife during such preparation, the Secretary and the Governor shall undertake to prepare the plan which shall contain such provisions as are

necessary and appropriate to achieve the purposes set forth in subsection (b), including but not limited to—

- (A) the identification of the significant resources of the region;
- (B) the identification of present and potential uses of land within the region;
- (C) the identification of areas within the region according to their significant resources and the present or potential uses within each such area;
- (D) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of other resources within the region; and
- (E) the specification of the uses which may be permitted in each area identified under paragraph (C) and the manner in which these uses shall be regulated by the Secretary or the State, as appropriate, if such plan is approved.

(2) The plan shall also—

(A) specify those elements of the plan, and its implementation, which the Secretary or the Governor:

- (i) may modify without prior approval of both parties to the plan; and
- (ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

(d) ACTION BY SECRETARY IF STATE DOES NOT PARTICIPATE IN PLAN.—If—

(1) the Secretary does not receive notification under subsection (c) that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2), within three years after the date of the enactment of this Act.

(e) TAKING EFFECT OF PLAN.—

(1) If within three years after the date of the enactment of this Act, a plan has been prepared under subsection (c) which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State.

(2) If the plan prepared pursuant to this section is agreed to by the Secretary and the Governor includes any recommendations regarding (i) the exchange of State lands, (ii) the management of Federal lands within any conservation system unit, or (iii) any other actions which require the approval of either the Congress or the Alaska State Legislature, then the Secretary and the Governor shall submit to the Congress and the State Legislature as appropriate, their proposals for legislation necessary to carry out the recommendations contained in the plan.

(f) TRANSITIONAL PROVISIONS.—On the date of the enactment of this Act, and for a period of three years thereafter, all Federal land within the region (except that land conveyed by title IX of this Act to the State of Alaska and Federal lands located within the boundaries of conservation system units) shall be withdrawn from all forms of appropriation under the public land laws, including selections by the State, and from location and entry under the mining laws and from leasing under the Mineral Leasing Act, and shall be managed by the Bureau of Land Management under its existing statutory authority and consistent with provisions of this section.

## TITLE XIII—ADMINISTRATIVE PROVISIONS

### MANAGEMENT PLANS

SEC. 1301. Within five years from the date of enactment of this Act, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Wildlife Refuge System and the National Park System established or to which additions are made by this Act. Each plan shall identify management practices, which the Secretary shall adopt and implement, that will accomplish the purposes of the unit. In preparing such plans, the Secretary shall consult with appropriate State and Federal agencies and Native Corporations, and he shall hold public meetings in such locations in the State as may be appropriate to insure that residents of Native villages, rural residents, and others concerned have the opportunity to present their views. The Secretary may from time to time revise any conservation and management plan following consultation and a public meeting on the proposed revision in accordance

with this section, and he shall promptly transmit any such revision to the appropriate congressional committees.

#### LAND ACQUISITION AUTHORITY

SEC. 1302. (a) **GENERAL AUTHORITY.**—Except as provided in subsections (b) and (c) of this section, the Secretary is authorized, consistent with other applicable law in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit other than National Forest Wilderness.

(b) **RESTRICTIONS.**—Lands located within the boundaries of a conservation system unit which are owned by—

(A) the State or a political subdivision of the State;

(B) a Native corporation or Native group which has Natives as a majority of its stockholders;

(C) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to subsections 14(c)(1) and 14(h)(5) of the Alaska Native Claims Settlement Act, unless the Secretary determines that the tract is no longer occupied for the purpose described in subsections 14(c)(1) or 14(h)(5) for which the tract was conveyed and that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located; or

(D) a spouse or lineal descendant of the actual occupant of a tract described in subparagraph (C), unless the Secretary determines that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located—

may not be acquired by the Secretary without the consent of the owner.

(c) **EXCHANGES.**—Lands located within the boundaries of a conservation system unit (other than National Forest Wilderness) which are owned by persons or entities other than those described in subsection (b) of this section shall not be acquired by the Secretary without the consent of the owner unless prior to final judgment on the value of the acquired land, the owner, after being offered appropriate land of similar characteristics and like value (if such land is available from public lands located outside the boundaries of any conservation system unit), chooses not to accept the exchange. In identifying public lands for exchange pursuant to this subsection, the Secretary shall consult with the Alaska Land Use Council.

(d) **IMPROVED PROPERTY.**—No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(e) **RETAINED RIGHTS.**—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty-five years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(f) **DEFINITION.**—For the purposes of this section, the term "improved property" means—

(1) a detached single family dwelling, the construction of which was begun before January 1, 1979 (hereinafter referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1979, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1979, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

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

(h) **EXCHANGE AUTHORITY.**—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

#### USE OF CABINS AND OTHER SITES OF OCCUPANCY ON CONSERVATION SYSTEM UNITS

##### SEC. 1303. (a) IMPROVED PROPERTY ON NATIONAL PARK SYSTEM LANDS.—

(1) On lands not owned by the claimant within the boundaries of any unit of the National Park system created or enlarged by this Act, cabins or other structures existing prior to December 31, 1973, may be occupied and used by the claimant to these structures pursuant to a renewable, nontransferable permit. Such use and occupancy shall be for terms of five years each, provided that the claimant of the structure by application:

(A) Reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin and to remove all personal property from the cabin or structure upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no interest in the real property on which the cabin or structure is located.

(2) On lands not owned by the claimant, within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures, the occupancy or use of which commenced between December 31, 1973, and December 1, 1978, may be used and occupied by the claimant of such structure pursuant to a nontransferable, nonrenewable permit. Such use and occupancy shall be for a maximum term of one year, provided, however, that the claimant, by application:

(A) Reasonably demonstrates by affidavit, bill of sale, or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and to remove all personal property from it upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no legal interest in the real property on which the cabin or structure is located.

The Secretary may, on a case by case basis, subject to reasonable regulations, extend such permit term beyond one year for such reasons as the Secretary deems equitable and just.

(3) Cabins or other structures not under permit as specified herein shall be used only for official government business; provided, however, that during emergencies involving the safety of human life or where designated for public use by the Secretary, these cabins may be used by the general public,

(4) The Secretary may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, construction and maintenance of new

cabins or other structures if he determines that the use is necessary to reasonably accommodate subsistence uses or is otherwise authorized by law.

**(b) IMPROVED PROPERTY ON OTHER UNITS OR AREAS ESTABLISHED OR EXPANDED BY THIS ACT.—**

The following conditions shall apply regarding the construction, use and occupancy of cabins and related structures on Federal lands within conservation system units or areas not provided for in section 1303(a).

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(2) Traditional and customary uses of existing cabins and related structures on Federal lands within a unit or area may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Secretary. Such special use permit shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the unit or area was established. No special use permits shall be issued to authorize the use of an existing cabin constructed for private recreational use.

(3) No special use permit shall be issued under subsections (b) (1) or (2) unless the permit applicant:

(A) In the case of existing cabins or structures, reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interests or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the existing or proposed cabin or structure and a map showing its geographic location.

(C) Agrees to vacate the cabin or structure and remove, within a reasonable time period established by the Secretary, all personal property from it upon nonrenewal or revocation of the permit; and

(D) Acknowledges in the permit application that the applicant has no interest in the real property on which the cabin or structure is located or will be constructed.

(4) The United States shall retain ownership of all new cabins and related structures on Federal lands within a unit or area specified in this subsection, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit authorized by paragraphs (1) or (2) of this subsection. Cabins or other structures not under permit shall be used only for official Government business; provided, however, that during emergencies involving the safety of human life or where designated for public use by the unit or area manager, such cabins may be used by the general public.

**(c) PERMITS TO BE RENEWED FOR LIFE OF CLAIMANT AND IMMEDIATE FAMILY.—**

(1) Whenever issuance of a nontransferable renewable five-year special use permit is authorized by section 1303 (a) and (b), said permit shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure, or unless the Secretary has revoked the special use permit in accordance with the criteria established in this section.

(2) Notwithstanding any other provision of this section, the Secretary, after notice and hearing, may revoke a permit provided for in this section if he determines, on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the unit was established.

**(d) EXISTING CABIN LEASES OR PERMITS.—**Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect at the time of passage of this Act for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings, following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the values for which the unit was established, he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he may prescribe in keeping with the management objec-

tives of the unit. Subject to the provisions of the original lease or permit, nothing in this Act or subsection shall necessarily preclude the Secretary, or the Secretary of Agriculture from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

#### ARCHEOLOGICAL AND PALEONTOLOGICAL SITES

SEC. 1304. Notwithstanding any acreage or boundary limitations contained in this Act with respect to the Cape Krusenstern National Monument, the Bering Land Bridge National Preserve, the Yukon-Charley Rivers National Preserve, and the Kobuk Valley National Park, the Secretary may designate Federal lands or he may acquire by purchase with the consent of the owner, donation, or exchange any significant archeological or paleontological site in Alaska located outside of the boundaries of such areas and containing resources which are closely associated with any such area. If any such site is so designated or acquired, it shall be included in and managed as part of such area. Not more than seven thousand five hundred acres of land may be designated or acquired under this section for inclusion in any single area. Before designation or acquisition of any property in excess of one hundred acres under the provisions of this section, the Secretary shall—

- (1) submit notice of such proposed designation or acquisition to the appropriate committees of the Congress; and
- (2) publish notice of such proposed designation or acquisition in the Federal Register.

#### COOPERATIVE INFORMATION/EDUCATION CENTERS

SEC. 1305. The Secretary is authorized in consultation with other Federal agencies, to investigate and plan for an information and education center for visitors to Alaska on not to exceed one thousand acres of Federal land at a site adjacent to the Alaska Highway, and to investigate and plan for similar centers in Anchorage and Fairbanks, Alaska. For the purposes of this investigation, the Secretary shall seek participation in the program planning and/or operation of such centers from appropriate agencies of the State of Alaska, and he is authorized to accept contributions of funds, personnel, and planning and program assistance from such State agencies, other Federal agencies, and Native representatives. The Secretary of Agriculture is authorized to investigate and plan for, in a similar manner, an information and education center for visitors to Alaska in either Juneau, Ketchikan, or Sitka, Alaska. No information center shall be developed pursuant to investigations and plans conducted under authority of this section unless and until such development is specifically authorized by Congress.

#### ADMINISTRATIVE SITES AND VISITOR FACILITIES

SEC. 1306. (a) **ESTABLISHMENT.**—In conforming with the conservation and management plans prepared for each unit and the purposes of assuring the preservation, protection, and proper management of any conservation system unit, the Secretary may establish sites and visitor facilities—

- (1) within the unit, if compatible with the purposes for which the unit is established, expanded, or designated by this Act, and the other provisions of this Act, or
- (2) outside the boundaries of, and in the vicinity of, the unit.

To the extent practicable and desirable, the Secretary shall attempt to locate such sites and facilities on Native lands in the vicinity of the unit.

(b) **AUTHORITIES OF SECRETARY.**—For the purpose of establishing administrative sites and visitor facilities under subsection (a)—

- (1) the Secretary and the head of the Federal agency having primary authority over the administration of any Federal land which the Secretary determines is suitable for use in carrying out such purpose may enter into agreements permitting the Secretary to use such land for such purposes;
- (2) the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land) which the Secretary determines is suitable for carrying out such purposes; and
- (3) the Secretary may construct, operate, and maintain such permanent and temporary buildings and facilities as he deems appropriate on land which is within, or in the vicinity of, any conservation system unit and with respect to which the Secretary has acquired authority under this subsection to use the

property for the purpose of establishing an administrative site or visitor facility under subsection (a), except that the Secretary may not begin construction of buildings and facilities on land not owned by the United States until the owner of such land has entered into an agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities in furtherance of the purposes of this Act.

#### REVENUE-PRODUCING VISITOR SERVICES

SEC. 1307. (a) **CONTINUATION OF EXISTING VISITOR SERVICES.**—Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) **PREFERENCE.**—Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary—

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

(2) shall give preference to persons whom he determines, by rule, are local residents; and

(3) shall, consistent with the provisions of this section, offer to Cook Inlet Region, Inc. in cooperation with Village Corporations within the Cook Inlet Region when appropriate, the right of first refusal to provide new revenue producing visitor services within the Kenai National Moose Range or that portion of the Lake Clark National Park and Preserve within the boundaries of the Cook Inlet Region that right to remain open for a period of ninety days as agreed to in paragraph VIII of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204).

(c) **DEFINITION.**—As used in this section, the term “visitor service” means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. Nothing in this Act shall limit or effect the authority of the Federal Government or the State of Alaska to license and regulate transportation services.

#### LOCAL HIRE

SEC. 1308. (a) **PROGRAM.**—The Secretary shall establish a program under which any individual who, by reason of having lived or worked in or near a conservation system unit, has special knowledge or expertise concerning the natural or cultural resources of such unit and the management thereof (as determined by the Secretary) shall be considered for selection for any position within such unit without regard to—

(1) any provision of the civil service laws or regulations thereunder which require minimum periods of formal training or experience,

(2) any such provision which provides an employment preference to any other class of applicant in such selection, and

(3) any numerical limitation on personnel otherwise applicable.

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

(b) **REPORTS.**—The Secretary shall from time to time prepare and submit to the Congress reports indicating the actions taken in carrying out the provisions of subsection (a) of this section together with any recommendations for legislation in furtherance of the purposes of this section.

#### KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

SEC. 1309. The second sentence of subsection (b)(1) of the first section of the Act entitled “An Act to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the State of Alaska and Washington, and for other purposes”, approved June 30, 1976 (90 Stat. 717), is amended to read as fol-

lows: "Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation or exchange, and notwithstanding the provisions of subsection 6(i) of the Act of July 7, 1958 (72 Stat. 339, 342), commonly known as the Alaska Statehood Act, the State may include the minerals in any such transaction."

#### NAVIGATION AIDS AND OTHER FACILITIES

SEC. 1310. (a) **EXISTING FACILITIES.**—Within conservation system units established or expanded by this Act, access to, and operation and maintenance of, existing air and water navigation aids, communications sites and related facilities and existing facilities for weather, climate, and fisheries research and monitoring shall be permitted in accordance with the laws and regulations applicable to units of such systems, as appropriate. Access to and operation and maintenance of facilities for national defense purposes and related air and water navigation aids within or adjacent to such areas shall continue in accordance with the laws and regulations governing such facilities notwithstanding any other provision of this Act. Nothing in the Wilderness Act shall be deemed to prohibit such access, operation and maintenance within wilderness areas designated by this Act.

(b) **NEW FACILITIES.**—The establishment, operation, and maintenance within any conservation system unit of new air and water navigation aids and related facilities, facilities for national defense purposes, and related air and water navigation aids, and facilities for weather, climate, and fisheries research and monitoring shall be permitted but only (1) after consultation with the Secretary or the Secretary of Agriculture, as appropriate, by the head of the Federal department or agency undertaking such establishment, operation, or maintenance and (2) in accordance with such terms and conditions as may be mutually agreed in order to minimize the adverse effects of such activities within such unit.

#### SCENIC HIGHWAY STUDY

SEC. 1311. (a) **WITHDRAWAL.**—Subject to valid existing rights, all public lands within an area, the centerline of which is the centerline of the Parks Highway from the entrance to Denali National Park to the Talkeetna junction which is one hundred and thirty-six miles south of Cantwell, the Denali Highway between Cantwell and Paxson, the Richardson Highway and Edgerton Highway between Paxson and Chitina, and the existing road between Chitina and McCarthy (as those highways and road are depicted on the official maps of the department of transportation of the State of Alaska) and the boundaries of which are parallel to the centerline and one mile distant therefrom on either side, are hereby withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States. Nothing in this section shall be construed to preclude road realignment, road improvement, or the extraction of gravel for such purposes from lands withdrawn or affected by the study mandated herein.

(b) **STUDY.**—During the three-year period beginning on the date of enactment of this Act, the Secretary shall study the desirability of establishing a Denali Scenic Highway to consist of all or part of the lands described in subsection (a) of this section. In conducting the studies, the Secretary, through a study team which includes representatives of the Secretary of Transportation, the National Park Service, the Bureau of Land Management, the State, and of each Regional Corporation within whose area of operation the lands described in subsection (a) are located, shall consider the scenic and recreational values of the lands withdrawn under this section, the importance of providing protection to those values, the desirability of providing a symbolic and actual physical connection between the national parks in south central Alaska, and the desirability of enhancing the experience of persons traveling between those parks by motor vehicles. Members of the study team who are not Federal employees shall receive from the Secretary per diem (in lieu of expenses) and travel allowances at the rates provided for employees of the Bureau of Indian Affairs in Alaska in grade GS-15.

(c) **COOPERATION NOTICE: HEARINGS.**—In conducting the studies required by this section, the Secretary shall cooperate with the State and shall consult with each Village Corporation within whose area of operation lands described in this section are located and to the maximum extent practicable with the owner of any lands adjoining the lands described in subsection (a) concerning the desirability of establishing a Denali Scenic Highway. The Secretary, through the National Park Service, shall also give such public notice of the study as he deems appropriate, including at least publication in a newspaper or newspapers having general circulation in the

area or areas of the lands described in subsection (a), and shall hold a public hearing or hearings at one or more locations convenient to the areas affected.

(d) **REPORT.**—Within three years after the date of enactment of this Act, the Secretary shall report to the President the results of the studies carried out pursuant to this section together with his recommendation as to whether the scenic highway studied should be established and, if his recommendation is to establish the scenic highway, the lands described in subsection (a) which should be included therein. Such report shall include the views and recommendations of all members of the study team. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations and those of the Governor of Alaska with respect to creation of the scenic highways, together with maps thereof, a definition of boundaries thereof, an estimate of costs, recommendations on administration, and proposed legislation to create such a scenic highway, if creation of one is recommended.

(e) **PERIOD OF WITHDRAWAL.**—The lands withdrawn under subsection (a) of this section shall remain withdrawn until such time as the Congress acts on the President's recommendation, but not to exceed two years after the recommendation is transmitted to the Congress.

#### ADMINISTRATION OF NATIONAL RECREATION AREAS

SEC. 1312. (a) National recreation areas established by this Act shall be administered by the Secretary or the Secretary of Agriculture as appropriate, in order to provide for public outdoor recreation use and enjoyment and for the conservation of the scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment of such areas. Except as otherwise provided in this Act, the appropriate Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, fish and wildlife, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources and the continuation of such existing uses and developments as will promote, or are compatible with, or do not significantly impair public recreation and conservation of the scenic, scientific, historic, fish and wildlife, or other values contributing to public enjoyment. In administering the recreation areas, the appropriate Secretary may utilize such statutory authorities pertaining to the administration of the National Park System, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. Except with respect to the Noatak National Recreation Area, the Secretary under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation areas in the manner described by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the mineral leasing laws, if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

(c) All receipts derived from permits and leases issued on lands or interest in lands within the recreation areas under the mineral leasing laws shall be disposed of as provided in such laws; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

#### ADMINISTRATION OF NATIONAL PRESERVES

SEC. 1313. A National Preserve in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park except as otherwise provided in this Act and except that the taking of fish and wildlife for sport and subsistence purposes, and trapping shall be allowed in a national preserve under appropriate regulation and applicable State and Federal law. Within national preserves the Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the

appropriate State agency having jurisdiction over hunting, fishing, and trapping activities and representatives of affected subsistence users.

#### TAKING OF FISH AND WILDLIFE

SEC. 1314. (a) Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as specifically provided by this Act, or to amend the Alaska constitution.

(b) Except as specifically provided otherwise by this Act, nothing in this Act is intended to enlarge or diminish the responsibility and authority of the Secretary over the public lands.

(c) The taking of fish and wildlife in all conservation system units, and in national conservation areas, national recreation areas, and national forests, shall be carried out in accordance with the provisions of this Act and other applicable State and Federal law. Those areas designated as national parks or national monuments in the State shall be closed to the taking of fish and wildlife, except that—

(1) notwithstanding any other provision of this Act, the Secretary shall administer those units of the National Park System, and those additions to existing units, established by this Act and which permit subsistence uses, to provide an opportunity for the continuance of such uses by local residents; and

(2) fishing shall be permitted by the Secretary in accordance with the provisions of this Act and other applicable State and Federal law.

#### WILDERNESS MANAGEMENT

SEC. 1315. (a) APPLICATION ONLY TO ALASKA.—The provisions of this section are enacted in recognition of the unique conditions in Alaska. Nothing in this section shall be construed to expand, diminish, or modify the provisions of the Wilderness Act or the application or interpretation of such provisions with respect to lands outside of Alaska.

(b) AQUACULTURE.—In accordance with the goal of restoring and maintaining fish production in the State of Alaska to historic levels, and in a manner which adequately assures protection, preservation, enhancement, and rehabilitation of the wilderness resource, the Secretary or the Secretary of Agriculture, as appropriate, may permit fishery research, management, enhancement, and rehabilitation activities within wilderness and wilderness study areas designated by this Act other than in units of the National Park System. Subject to reasonable regulations, permanent improvements and facilities such as fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks may be permitted by the Secretary to achieve this objective. Any fish hatchery, fishpass or other aquaculture facility authorized for any such area shall be constructed, managed, and operated in a manner that minimizes adverse impacts on the wilderness character of the area. Developments for any such activities shall involve those facilities essential to these operations and shall be constructed in such rustic manner as to blend into the natural character of the area. Reasonable access solely for the purposes of this subsection, including use of motorized equipment shall be permitted in furtherance of research, management, rehabilitation and enhancement activities subject to reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.

(c) FISHERY RESEARCH.—Only fishery research may be authorized, in wilderness or wilderness study areas within units of the National Park System, as the Secretary determines to be necessary and desirable to study, manage, protect, restore, augment, or sustain indigenous fish populations. Fishery research activities permitted within units of the National Park System shall be undertaken in a manner that is consistent with the purposes for which such units are established or expanded. The construction or erection of permanent structures in support of these activities in wilderness or wilderness study areas within units of the National Park System shall not be permitted.

(d) EXISTING CABINS.—Previously existing public use cabins within wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area.

(e) NEW CABINS.—Within wilderness areas designated by this Act, the Secretary or the Secretary of Agriculture as appropriate, is authorized to construct and maintain a limited number of new public use cabins and shelters if such cabins and shel-

ters are necessary for the protection of the public health and safety. All such cabins or shelters shall be constructed of materials which blend and are compatible with the immediate and surrounding wilderness landscape. The Secretary or the Secretary of Agriculture, as appropriate, shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources of his intention to remove an existing or construct a new public use cabin or shelter and no such cabin or shelter shall be removed or constructed until thirty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to remove or construct has been submitted to such committees, unless each committee by resolution waives the waiting period.

(f) **TIMBER CONTRACTS.**—The Secretary of Agriculture is hereby directed to modify any existing national forest timber sale contracts applying to lands designated by this Act as wilderness by substituting, to the extent practicable, timber on the other national forest lands approximately equal in volume, species, grade, and accessibility for timber or relevant lands within such units.

(g) **SCIENTIFIC RESEARCH.**—In accordance with the provisions of the Wilderness Act of 1964, the Secretary shall allow scientific research, including the removal of plants, animals or other matter for research purposes. Temporary structures and reasonable access, including motorized access where necessary, may be authorized by the Secretary if such structures or access are reasonably necessary for the purpose of conducting scientific research, and are generally compatible with the purposes for which the wilderness was established. All such structures and access shall be subject to reasonable regulation by the Secretary.

#### ALLOWED USES

SEC. 1316. (a) On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act of other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termination of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.

(b) Notwithstanding the foregoing provisions, the Secretary may determine, after adequate notice, that the establishment and use of such new facilities or equipment would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes for which the affected conservation system unit was established, including the wilderness character of any wilderness area within such unit, and may thereupon deny such proposed use or establishment.

#### GENERAL WILDERNESS REVIEW PROVISION

SEC. 1317. (a) Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act relating to public notice, public hearings, and review by State and other agencies, review, as to their suitability or unsuitability for preservation as wilderness, all lands within National Parks, National Monuments and units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President.

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of sections 3 (c) and (d) of the Wilderness Act. The President shall advise the Congress of his recommendations with respect to such areas within seven years from the date of enactment of this Act.

(c) Nothing in this section shall be construed as affecting the administration of any National Park, National Monument or unit of National Wildlife Refuge System in accordance with this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.

## STATEWIDE CULTURAL ASSISTANCE PROGRAM

SEC. 1318. In furtherance of the national policy set forth in the first section of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), and in furtherance of the need to protect and interpret for the public benefit cultural and archeological resources and objects of national significance relating to prehistoric and historic human use and occupation of lands and waters in Alaska, the Secretary may, upon the application of a Native corporation or Native group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and interpretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretive displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources.

## EFFECT ON EXISTING RIGHTS

SEC. 1319. Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

- (1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on lands within the State of Alaska;
- (2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;
- (3) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto.

## BUREAU OF LAND MANAGEMENT LAND REVIEWS

SEC. 1320. Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under section 201 and section 202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law. Nothing in this section shall be construed as relieving the Secretary of the duty of reviewing the wilderness values and recommending appropriate designations in the National Petroleum Reserve—Alaska in connection with the study required by section 105 of the National Petroleum Reserves Production Act of 1976 (Public Law 94-258).

## SMALL HYDROELECTRIC FACILITIES

SEC. 1321. (a) The Congress finds that small hydroelectric power facilities have high potential for providing an economical, long-term, and environmentally sound source of electrical power for small communities in Alaska.

(b) Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the location or construction of a small hydroelectric facility within a conservation unit pursuant to existing law.

(c) Any small hydroelectric facility permitted within a conservation unit shall be designed and constructed in such a manner as to minimize to the maximum extent possible any adverse effects on the natural values of the unit.

## AUTHORIZATION FOR APPROPRIATION

SEC. 1322. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1980. No authority to enter into contracts or to make payments or to

expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

(b) It is the intent of Congress that moneys be authorized and appropriated for the management and development of facilities for the conservation system units designated in this Act at a level commensurate with levels of funding for other existing national conservation system units of comparable size and comparable resource values.

#### EFFECT ON PRIOR WITHDRAWALS

SEC. 1323. (a) The withdrawals and reservations of the public lands made by Public Land Orders No. 5653 of November 16, 1978, and 5654 of November 17, 1978, Federal Register Documents No. 34051, of December 5, 1978 and No. 79-17803 of June 8, 1979 and Proclamations No. 4611 through 4627, inclusive, of December 1, 1978, were promulgated to protect these lands from selection, appropriation, or disposition prior to the enactment of this Act. As to all lands not within the boundaries established by this Act of any conservation system unit, national conservation area, national recreation area, new national forest, special management area, or national forest addition, the aforesaid withdrawals and reservations are hereby rescinded as of the dates of their respective promulgations, and such lands shall be managed by the Secretary pursuant to the Federal Land Policy and Management Act of 1976, or in the case of lands within a national forest, by the Secretary of Agriculture pursuant to the laws applicable to the national forests, unless otherwise specified by this Act. As to the Federal lands which are within the aforesaid boundaries, the aforesaid withdrawals and reservations are, on the effective date of this Act, hereby rescinded and superseded by the withdrawals and reservations made by this Act. Notwithstanding any provision to the contrary contained in any other law, the Federal lands within the aforesaid boundaries established by this Act shall not be deemed available for selection, appropriation, or disposition except as expressly provided by this Act.

(b) This section shall become effective upon the relinquishment by the State of Alaska of selections made on November 15, 1978, pursuant to the Alaska Statehood Act which are located within the boundaries of conservation system units, national conservation areas, national recreation areas, new national forests, and forest additions, established, designated, or expanded by this Act.

#### ACCESS

SEC. 1324. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to non-federally-owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to non-federally-owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

### TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND RELATED PROVISIONS

#### PART A—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

##### STOCK ALIENATION

SEC. 1401. (a) Section 7(h)(3) of the Alaska Native Claims Settlement Act is amended to read as follows:

“(3)(A) On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the

articles of incorporation of the corporation, or agreements between corporations and individual shareholders.

"(B) If adopted by December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—

"(i) the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and

"(ii) the granting to the corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.

"(C) Notwithstanding any provision of Alaska law to the contrary—

"(i) any amendment to the articles of incorporation of a regional corporation to provide for any of the restrictions specified in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and

"(ii) any amendment to the articles of incorporation of a Native corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment receives, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation."

(b) Section 8(c) of such Act is amended to read as follows:

"(c) The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for regional corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate."

(c) At the end of section 1696(h)(1) of title 43, United States Code, insert immediately before the period the words: "or by stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act".

#### SELECTION REQUIREMENTS

SEC. 1402. Subsection (a)(2) of section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(2)), is amended by adding to the end of that subsection the following: "Provided, That the Secretary in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—

"(A)(i) a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;

"(ii) such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and

"(iii) such waiver would result in a better land ownership pattern or improved land or resource management opportunity; or

"(B) the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act."

#### RETAINED MINERAL ESTATE

SEC. 1403. Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding a new paragraph (4) to read as follows:

"(4) Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:

"(A) Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.

"(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.

"(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph, it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).

"(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act."

#### VESTING DATE FOR RECONVEYANCES

SEC. 1404. (a) Section 14(a)(1) of the Alaska Native Claims Settlement Act is amended by inserting "as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)" after "title to the surface estate in the tract occupied".

(b) Section 14(c)(2) of such Act is amended by inserting "as of December 18, 1971" after "title to the surface estate in any tract occupied".

(c) Section 14(c)(4) of such Act is amended to read:

"(4) the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971."

#### RECONVEYANCE TO MUNICIPAL CORPORATIONS

SEC. 1405. Section 14(c)(3) of the Alaska Native Claims Settlement Act is amended by striking out the semicolon at the end and inserting in lieu thereof the following new language: "unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: Provided further, That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: Provided, however, That the word "sale", as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;"

#### CONVEYANCE OF PARTIAL ESTATES

SEC. 1406. (a) Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended by replacing the existing paragraph with the following paragraph to read as follows:

"(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than 640 acres."

(b) Sections 14(h)(2) and 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613 (h)(2) and (h)(5)) are amended by adding to the end of each section "unless the lands are located in a Wildlife Refuge".

(c) Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(h)(6)) is modified by adding at the end thereof the following sentence: "Any minerals reserved by the United States pursuant to the Act of March 8, 1922 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of this Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a Wildlife Refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended."

(d) Section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) is amended by adding at the end thereof the following new paragraphs:

"(9) Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraph (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary, or, as to Cook Inlet Region, Inc., from those areas designated for in lieu selection in paragraph I.B.(2) of the document identified in section 12(b) of Public Law 94-204. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands, and shall be in whole sections, except where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlement, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlement of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.

"(10) Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection, may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.

"(11) For purposes set forth in subsections (h) (1), (2), (3), (5), and (6), the term Wildlife Refuges refers to Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act."

(e) Any Regional Corporation which asserts a claim with the Secretary to the subsurface estate of lands selectable under section 14(h) of the Alaska Native Claims Settlement Act which are in a Wildlife Refuge shall not be entitled to any in lieu surface or subsurface estate provided by subsections 12(c)(4) and 14(h)(9) of such Act. Any such claim must be asserted within one hundred and eighty days after the date of enactment of this Act. Failure to assert such claim within the one-hundred-and-eighty-day period shall constitute a waiver of any right to such subsurface estate in a Wildlife Refuge as the boundaries of the refuge existed on the date of enactment of the Alaska Native Claims Settlement Act.

#### SHAREHOLDER HOMESITES

SEC. 1407. Section 21 of the Alaska Native Claims Settlement Act is amended by adding a new subsection at the end thereof, as follows:

"(j) A real property interest distributed prior to December 18, 1991, by a Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: Provided, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate: Provided further, That the land conveyed does not exceed one and one-half acres: Provided further, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority."

#### BASIS IN THE LAND

SEC. 1408. Section 21(c) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(c) The receipt of land or any interest therein pursuant to this Act or of cash in order to equalize the values of properties exchanged pursuant to subsection 22(f) shall not be subject to any form of Federal, State, or local taxation. The basis for determining gain or loss from the sale or other disposition of such land or interest in land for purposes of any Federal, State, or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt, adjusted as provided in section 1016 of the Internal Revenue Code of 1954, as amended: Provided, however, That the basis of any such land or interest therein attributable to an interest in a mine, well, other natural deposit, or block of timber shall be not less than the fair value of such mine, well, natural deposit, or block of timber (or such interest therein as the Secretary shall convey) at the time of the first commercial development thereof, adjusted as provided in section 1016 of such Code. For purposes of this subsection, the time of receipt of land or any interest therein shall be the time of the conveyance by the Secretary of such land or interest (whether by interim conveyance or patent)."

#### FIRE PROTECTION

SEC. 1409. Subsection (e) of section 21 of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(e)) is amended by inserting the words "corporation organized under section 14(h)(3)," after "Native group," by replacing the comma following the citation "(64 Stat. 967, 1100)" with a period, and by making a revised sentence out of the remaining phrase by striking the words "and" and "also", replacing the comma after the word "lands" with the words "they shall", and replacing the word "forest" with "wildland".

#### INTERIM CONVEYANCES AND UNDERSELECTIONS

SEC. 1410. Section 22(j) of the Alaska Native Claims Settlement Act is amended to read as follows:

"(j)(1) Where lands to be conveyed to a Native, Native corporation, or Native group pursuant to this Act as amended and supplemented have not been surveyed, the same may be conveyed by the issuance of an 'interim conveyance' to the party entitled to the lands. Subject to valid existing rights and such conditions and reservations authorized by law as are imposed, the force and effect of such an interim conveyance shall be to convey to and vest in the recipient exactly the same right, title, and interest in and to the lands as the recipient would have received had he been issued a patent by the United States. Upon survey of lands covered by an interim conveyance a patent thereto shall be issued to the recipient. The boundaries of the lands as defined and conveyed by the interim conveyance shall not be altered but may then be redescribed, if need be, in reference to the plat of survey. The Secretary shall make appropriate adjustments to insure that the recipient receives his full entitlement. Where the term 'patent,' of a derivative thereof, is used in this Act, unless the context precludes such construction, it shall be deemed to include 'interim conveyance,' and the conveyances of land to Natives and Native corporations provided for this Act shall be as fully effectuated by the issuance of interim conveyances as by the issuance of patents.

"(2) Where lands selected and conveyed, or to be conveyed to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), (11)(a)(3), 16(a), or 16(d). Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections."

#### ESCROW ACCOUNT

SEC. 1411. (a) Subsection (a) of section 2 of Public Law 94-204 (89 Stat. 1146) is amended to read as follows:

"SEC. 2. (a)(1) During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, li-

censes, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting Corporation or individual entitled to receive benefits under such Act.

"(2) Such proceeds which were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance or this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate Corporation or individual to which the land was conveyed by the United States: Provided, That interest shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: Provided further, That any rights of a Corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest: And provided further, That moneys for such payments have been appropriated as provided in subsection (e) of this section.

"(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate Corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the Corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

"(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

"(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B-1 and B-2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204) for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976."

(b) Section 2 of Public Law 94-204 (89 Stat. 1146) is amended by adding a new subsection to read as follows:

"(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section."

#### LIMITATIONS

Sec. 1412. Except as specifically provided in this Act, (i) the provisions of the Alaska Native Claims Settlement Act are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

### PART B—OTHER RELATED PROVISIONS

#### SUPPLEMENTAL APPROPRIATION FOR NATIVE GROUPS

Sec. 1413. The Secretary shall pay by grant to each of the Native Group Corporations established pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act and finally certified as a Native Group, an amount not more than \$100,000 or less than \$50,000 adjusted according to population of each Group. Funds authorized under this section may be used only for planning, development, and

other purposes for which the Native Group Corporations are organized under the Settlement Act.

#### FISCAL YEAR ADJUSTMENT ACT

SEC. 1414. (a) Moneys appropriated for deposit in the Alaska Native Fund for the fiscal year following the enactment of this Act, shall, for the purposes of section 5 of Public Law 94-204 only, be deposited into the Alaska Native Fund on the first day of the fiscal year for which the moneys are appropriated, and shall be distributed at the end of the first quarter of the fiscal year in accordance with section 6(c) of the Alaska Native Claims Settlement Act notwithstanding any other provision of law.

(b) For the fiscal year in which this Act is enacted, the money appropriated shall be deposited within 10 days of enactment, unless it has already been deposited in accordance with existing law, and shall be distributed no later than the end of the quarter following the quarter in which the money is deposited: Provided, That if the money is already deposited at the time of enactment of this Act, it must be distributed at the end of the quarter in which this Act is enacted.

(c) Notwithstanding section 38 of the Fiscal Year Adjustment Act or any other provisions of law, interest earned from the investment of appropriations made pursuant to the Act of July 31, 1976 (Public Law 94-373; 90 Stat. 1051), and deposited in the Alaska Native Fund on or after October 1, 1976, shall be deposited in the Alaska Native Fund within thirty days after enactment of this Act and shall be distributed as required by section 6(c) of the Alaska Native Claims Settlement Act.

#### RELINQUISHMENT OF SELECTIONS PARTLY WITHIN CONSERVATION UNITS

SEC. 1415. Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its rights in any portion of any validly selected Federal land, including land underneath waters, which lies within the boundary of the conservation system unit. Upon relinquishment, the Federal land (including land underneath waters) so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act as amended by this Act, an equal acreage of other lands available for such purpose. The Native Corporation may retain an equal acreage from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this section shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit, on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the conservation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

#### ALASKA TOWNSITES

SEC. 1416. (a) The townsite trustee shall convey all lands which—

(1) are within a patented townsite or which are the subject of an application for such patent under the Acts of March 3, 1891 (43 U.S.C. 732) or May 25, 1926 (43 U.S.C. 733-736), and

(2) were unoccupied on October 21, 1976, to the home rule or first- or second-class city, if any, incorporated under the laws of the State of Alaska for the community in which the townsite was originally entered. Any remaining unobligated trust funds shall also be transferred to the city.

(b) Where a community has not incorporated as a city under the laws of the State of Alaska, or a city does not wish to receive conveyance of the unoccupied lands in the townsite pursuant to subsection (a) of this section, the townsite trustee shall convey all unoccupied lands in the townsite for which he still retains title, without charge, to the State of Alaska for the community in which the townsite was originally entered, to be administered in the same manner as provided by Alaska law for administration of lands conveyed to the State of Alaska pursuant to section 14(c)(3) of the Settlement Act. Any remaining unobligated trust funds shall also be transferred by the trustee to the State. If, subsequent to conveyance of the unoccupied

lands in the townsite to the State of Alaska, the community in which the townsite was originally entered incorporates as a city under the laws of the State of Alaska, the State will convey to the city all unoccupied lands in the townsite for which it still retains title, without charge, together with any unobligated trust funds. This procedure will also apply in the event a city previously declining conveyance of unoccupied lands in the townsite indicates to the State its desire to receive conveyance.

(c) The Secretary shall proceed to process any pending townsite entry which has been filed by the townsite trustee and issue patent, if appropriate, to the townsite trustee. After the issuance of patent to the townsite trustee, the provisions of this section shall apply. In order to protect valid existing rights, the townsite trustee shall administer and discharge his trust on all tracts lawfully occupied on October 21, 1976, in accordance with the rules and regulations which governed such administration prior to the repeal of the Townsite Act.

(d) Lands conveyed to a municipal corporation or to the State in trust pursuant to this section or lands conveyed to a municipal corporation under the provisions of the Townsite Act after December 18, 1971, shall be credited toward the minimum acreage reconveyance requirement imposed upon Native village corporations by section 14(c)(3) of the Alaska Native Claims Settlement Act.

#### PRIBILOF ISLANDS ACQUISITION AUTHORITY

Sec. 1417. (a) Congress finds and declares that—

(1) certain cliff areas on Saint Paul Island and Saint George Island of the Pribilof Islands group in the Bering Sea and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, are used by numerous species of migratory birds, several of them unique, as rookeries;

(2) these areas are of singularly high value for such birds;

(3) these cliff areas, from the line of mean high tide to and including the bluff and areas inland from them, and the entirety of Otter Island, Walrus Island, and the Sea Lion Rocks, properly ought to be made and be managed as a part or parts of the Alaska Maritime National Wildlife Refuge free of any claims of Native Corporation ownership;

(4) this can best be accomplished through purchase for cash by the United States;

(5) the implementation of the Alaska Native Claims Settlement Act and the remoteness of the Pribilof Islands have combined to prevent adequate definition of the precise boundaries of the bird cliff areas and agreement on prices per acre at this time, but that definition and agreement thereon is an achievable goal; and

(6) the two Native Village Corporations, Tanadgusix, Incorporated, and Tanaq, Incorporated, and the Secretary believe that mutually acceptable terms can be reached as to price and areas to be transferred free of Native Corporation ownership to the Alaska Maritime National Wildlife Refuge.

(b) In the event that Tanadgusix, Incorporated, and Tanaq, Incorporated, file with the Secretary of the Interior within one hundred and twenty days from the effective date of this Act, instruments duly authorized by their boards of directors, acceding to the terms of this section, then the Secretary is hereby directed to negotiate, and authorized to establish within two years from the date of this Act, the boundaries and prices. Upon proffer by the Village Corporations of satisfactory deeds to such land, together with a conveyance to the United States by the Aleut Regional Corporation, Incorporated, duly authorized by its Board of Directors, of the Corporation's interest in, or claims under the Alaska Native Claims Settlement Act to, the subsurface estate of such land, the Secretary shall accept such deeds and the land shall thereupon be included in the Alaska Maritime National Wildlife Refuge.

(c) In conducting such negotiations, the Secretary shall be directed as follows:

(1) the total area of land acquired shall be not more than 10,000 acres and not less than 6,000 acres: *Provided*, That the Secretary shall not acquire more uplands, inland from the Bird Cliffs on Saint Paul and Saint George Islands than that equal to an overall average of one hundred sixty acres per mile of mean high tide line or a line drawn along the top edge of the cliffs, whichever is longer.

(2) the total price for such land shall be the fair value on the date of this Act as determined by any method, or preferably any number of methods, appropriate for valuing this unique habitat, as may be agreed upon by the Secretary and the concerned Native Village Corporations: *Provided*, That the average price shall be not less than \$200 per acre nor more than \$1,100 per acre.

(d) The Native Corporations shall raise no objection to any such areas being studied for and designated as components of the National Wilderness Preservation System. Such study or designation shall not preclude development of boat harbors on Saint Paul or Saint George Islands outside any area so studied or designated.

(e) The Native Village Corporations may, with respect to any Bird Cliff area and for a corresponding reduction in consideration therefor, reserve in the deeds for such area, and the Secretary may accept such deeds, the right to prevent or control any development which by itself, or in conjunction with other factors, may be inimical to values of importance to them.

(f) The applicable provisions of this Act, are extended and shall apply to the land acquired under this section.

(g) There are hereby authorized to be appropriated for the purposes of this section, out of any money in the Treasury not otherwise appropriated, for the acquisition of such lands, not to exceed \$11,000,000, to remain available until expended, and without regard to fiscal year limitation.

(h) Nothing in this section shall prohibit the Secretary in his discretion from exercising the authority now vested in him by section 22(f) of the Alaska Native Claims Settlement Act to offer in addition to or in lieu of the terms of this agreement, lands or interests therein for exchange, where the Secretary and the concerned Native Village Corporations may agree to substitute such an exchange in whole or in part for the provisions of this section.

(i) The land or money under this section shall be deemed to be property exchanged within the meaning of section 21(c) of the Alaska Native Claims Settlement Act.

(j) If the Village Corporations, or either of them, have not obtained the conveyance from the Aleut Regional Corporation referred to in subsection (b) above upon expiration of two years from the date of this Act the provisions of this section shall be extended for two years to permit the Secretary to negotiate for and acquire the interests of the two Village Corporations, or either of them, in such lands, without such conveyance.

#### NANA/COOK INLET REGIONAL CORPORATIONS LANDS

SEC. 1418. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

#### Kateel River Meridian

Township 32 north, range 18 west, sections 3 through 10, 13 through 36, except those lands within the Kelly River drainage;

Township 32 north, range 17 west, sections 29 through 32, except those lands within the Kelly River drainage;

Township 31 north, range 18 west;

Township 31 north, range 17 west, sections 5 through 8, except those lands within the Kelly River drainage, 17 through 20, 29 through 32;

Township 30 north, range 19 west, sections 1 through 18;

Township 30 north, range 18 west, sections 1 through 9;

Township 30 north, range 17 west, section 6.

(b)(1) On or prior to one hundred eighty days from the date of enactment of this Act, NANA Regional Corporation, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a). In addition, on or prior to such date, Cook Inlet Region, Incorporated, if it receives the written consent of NANA Regional Corporation, Incorporated, and of the State of Alaska, may select from such lands, such selections to be credited against the Secretary's obligation under paragraph 1(C)(1) of the document entitled, "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as Clarified August 31, 1976", and any such selections conveyed shall be conveyed in partial satisfaction of the entitlement of Cook Inlet Region, Incorporated, under section 12 of Public Law 94-204, as amended.

(2) The lands selected by NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary, shall consist of tracts which—

(A) contain not less than eight sections or 5,120 acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a meanderable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary) (1)

to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of either NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by either NANA Regional Corporation, Incorporated or Cook Inlet Region, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act.

(f) Nothing in this section shall be construed as granting or denying to any Regional Corporation, including NANA Regional Corporation, Incorporated, or Cook Inlet Region, Incorporated, the right to select land pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act outside the areas withdrawn by sections 11 and 16 of such Act.

#### DOYON REGIONAL CORPORATION LANDS

SEC. 1419. LAND EXCHANGE.—(a)(1) The Secretary is authorized, on the terms and conditions provided in this section and in section 1420, to accept from Doyon, Limited, a Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, a relinquishment of all selections filed by that corporation under sections 12(c) and 14(h)(8) of such Act which—

(A) lie within the watershed of the Charley River, were withdrawn for selection by Doyon pursuant to section 11(a)(3) of such Act and lie within the following townships:

##### Fairbanks Meridian

Township 2 north, range 23, 24, 25, and 26 east,  
Township 3 north, range 23, 24, 25, and 26 east,  
Township 4 north, range 24, 25, and 26 east,  
Township 2 south, range 20 east;

(B) lie in the following townships outside, but adjacent to, the Charley River watershed:

##### Fairbanks Meridian

Township 2 north, range 23 east,  
Township 2 north, range 24 east, sections 19 through 21, 28 through 33, inclusive;

(C) lie within the following townships inside the Kanuti National Wildlife Refuge:

##### Fairbanks Meridian

Township 15 north, range 20 west, sections 4 through 9, 16 through 18, inclusive,  
Township 17 north, range 23 west; and

(D) lie within the following townships along the Yukon River:

##### Kateel River Meridian

Township 19 south, range 3 west. That portion lying west of the mean high water line of the Yukon River.

Township 20 south, range 3 west. All except the Yukon River and Bullfrog Island.

Township 21 south, range 3 west. That portion of sections 7, 8, and 9 lying south of Honeymoon Slough, and sections 16, 17, and 18.

Township 21 south, range 4 west. Sections 12 and 13 above the mean high water line of the Yukon River, and sections 2, 3, 10, 11, 14, 15, 19 through 23, and 27 through 34 all lying west of the mean high water line of the Yukon River.

(2) Doyon, Limited, shall have ninety days after the date of enactment of this Act to effect the relinquishment of all the land selections described in subsection (a) hereof, and shall not be entitled to any of the benefits of subsections (b), (c), and (d) hereof or of section 1420 of this Act if the relinquishment of all such selections does not occur during that period.

(3) Following the relinquishment by Doyon, Limited, of all the land selections described in subsection (a) hereof, the Secretary shall determine the acreage so relinquished by such measuring techniques, including aerial photography but not ground surveys, upon which he and Doyon may agree.

(b)(1) In exchange for the lands relinquished pursuant to subsection (a) hereof, the Secretary shall convey to Doyon, Limited, pursuant to the provisions of the Alaska Native Claims Settlement Act, subject to valid existing rights and on the terms and conditions hereinafter set forth, such lands as Doyon may select, within one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof, on an acre-for-acre basis up to the total acreage so relinquished, from the following described lands:

#### Fairbanks Meridian

Township 35 north, range 7 west, sections 19 through 36.  
 Township 34 north, range 7 west, sections 1 through 21, and 28 through 33.  
 Township 29 north, range 13 west, sections 1 through 3, and 10 through 15.  
 Township 20 north, range 10 west, within the study area delineated in section 1420.

Township 20 north, range 11 west, within the study area delineated in section 1420.

Township 20 north, range 12 west, within the study area delineated in section 1420 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 10 west, within the study area delineated in section 1420.

Township 21 north, range 11 west, within the study area delineated in section 1420 and all the remaining lands in the township which are outside of the Hodzana River watershed.

Township 21 north, range 12 west, within the study area delineated in section 1420 and all remaining lands in the township which are outside of the Hodzana River watershed.

Township 1 north, range 25 east, sections 13, 14, 15, 21 through 28, and 33 through 36: *Provided*, That Doyon may not receive a land conveyance within any of the following watersheds:

- (1) Arctic Creek, a tributary of Flume Creek;
- (2) Diamond Fork of the Seventy-mile River;
- (3) Copper Creek, a tributary of the Charley River.

Township 1 south, range 25 east, sections 1, 2, 3, 10 through 14, 23, 24, and 25: *Provided*, That Doyon may not receive a land conveyance within the watershed of Copper Creek, a tributary of the Charley River.

Township 3 south, range 30 east, sections 20 through 29 and 32 through 36.

Township 4 south, range 28 east, sections 10 through 15, 22 through 28, 33 and 36: *Provided*, That Doyon may not receive a land conveyance any closer than one mile to the mean high water line of the North Fork of the Fortymile River, nor any closer than one-half mile to Champion Creek.

Township 4 south, range 29 east, sections 18 through 22, and 25 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 30 east, sections 1, 2, 11, 12, 13, 24, 25, and 28 through 36: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 4 south, range 31 east, sections 6, 7, 8, 17 through 20, and 29 through 32: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 30 east, sections 1 through 6, 11, and 12: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 31 east, sections 4 through 9: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Champion Creek.

Township 5 south, range 25 east, sections 12, 13, and 24: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 5 south, range 26 east, sections 7, 8, and 17 through 20: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of the Middle Fork of the Fortymile River.

Township 6 south, range 18 east, sections 4 through 9 and 16 through 18.

Township 7 south, range 17 east, sections 12, 13, 24, 25, 26, and 36.

Township 7 south, range 18 east, sections 7, 8, 17 through 20, and 29 through 32.

Township 8 south, range 18 east, sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

Township 6 south, range 28 east, sections 31 through 33: *Provided*, That Doyon may not receive a land conveyance any closer than one-half mile to the mean high water line of Hutchison Creek.

Township 7 south, range 28 east, sections 4 through 9, 14 through 23, and 26 through 35.

Township 8 south, range 28 east, sections 2 through 11, and 14 through 18.

Township 7 south, range 21 east, sections 11 through 14, 23 through 26, 35, and 36.

Township 7 south, range 22 east, sections 2 through 11.

#### Copper River Meridian

Township 27 north, range 6 east, sections 1, 2, 11, and 12.

Township 27 north, range 7 east, sections 1 through 12.

Township 28 north, range 7 east, sections 31 through 36.

Township 28 north, range 6 east, sections 35 and 36.

(2) Unless a waiver of any such requirement is obtained from the Secretary, the lands selected by Doyon pursuant to subsection (b)(1) shall consist of tracts which: (a) contain not less than eight sections or five thousand one hundred and twenty acres, whichever is smaller, except for the last tract required to complete Doyon's land entitlement; and (b) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, to conform to section lines where a section is less than standard size, or to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection). Selections under subsection (b)(1), subsection (c), and section 1420 shall not be subject to or charged against the maximum acreage limitations set forth in paragraph 3B(2) (a) and (b) of the Stipulation and Agreement entered into by Doyon and the Secretary in Doyon, Limited against Morton, civil action numbered 1586-73, in the United States District Court for the District of Columbia.

(3) The lands selected by Doyon, Limited, and conveyed by the Secretary pursuant to subsection (b) hereof shall be treated as if such lands had been withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act and had been selected by Doyon pursuant to section 12(c) of that Act. A failure by Doyon, Limited, to select its total land entitlement under subsection (b)(1) shall not affect Doyon's total land entitlement under section 12(c) and 14(h)(8) of such Act.

(4) Beginning on the date of enactment of this Act, the lands described in subsection (b)(1) hereof shall be withdrawn from all forms of appropriation under the public land laws as if such lands had been withdrawn pursuant to section 11(a) of the Alaska Native Claims Settlement Act. The Secretary is authorized to terminate such withdrawal with respect to lands not selected by Doyon, Limited, either one year after the Secretary's acreage determination pursuant to subsection (a)(3) hereof or, with respect to the lands subject to such release, upon the giving of notice by Doyon to the Secretary that the corporation is releasing its selection rights under this paragraph to all or part of the withdrawn lands, whichever first occurs. Such withdrawal shall not prevent reasonable surface studies or mineral exploration, including core drilling, by Doyon or its assigns on the lands withdrawn, subject to such rules and regulations as the Secretary may prescribe: *Provided*, That the issu-

ance of regulations under this subparagraph, or any permits thereunder, shall not be subject to any requirement for preparation or submission of an environmental impact statement contained in the National Environmental Policy Act of 1969.

(c)(1) During the withdrawal period specified in subsection (b)(4) hereof, the lands so withdrawn shall also be available for selection by Doyon, Limited, subject to the requirements of subsection (b)(2), in whole or partial satisfaction of its land entitlement under section 14(h)(8) of the Alaska Native Claims Settlement Act, and the period of withdrawal shall be extended with respect to any lands so selected until the date of conveyance pursuant to section 14(e) of such Act. The Secretary shall issue a decision to convey title to the lands selected by Doyon pursuant to this subparagraph, subject to valid existing rights, within one hundred and eighty days after each selection.

(2) At any time after enactment of this Act, but no later than six months after termination of the withdrawal provided in subsection (b)(4) hereof, any or all of the land entitlement of Doyon, Limited, under section 14(h)(8) of the Alaska Native Claims Settlement Act may be satisfied by Doyon's identification of the appropriate acreage within lands withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act, which were selected by Doyon on or before December 18, 1975, under section 12(c) of such Act, and have not been relinquished. Upon identification by Doyon, Limited, under this paragraph, such acreage shall no longer be deemed a section 12(c) selection, shall be charged against Doyon's section 14(h)(8) land entitlement and shall be conveyed by the Secretary to Doyon in accordance with the provisions of the Alaska Native Claims Settlement Act.

(3) In the event Doyon, Limited, effects a relinquishment under subsection (a) hereof, and the provisions of this paragraph thus become operative, the corporation shall not thereafter make selections under section 14(h)(8) of the Alaska Native Claims Settlement Act on lands which were (a) withdrawn pursuant to section 11(a), but not selected under section 12(c) of such Act and (b) lie within a conservation system unit created or expanded pursuant to this Act: *Provided*, That all Doyon's other selection rights under section 14(h)(8) shall not be affected.

(d)(1) In recognition of the potential need of Doyon, Limited, for access in a southerly direction from its landholdings in the watersheds of the Kandik and Nation Rivers across the Yukon River, the Secretary shall review applications submitted by Doyon, Limited, for one or more rights-of-way which, in order to provide such access, would pass through public lands within the Yukon-Charley National Preserve.

(2) The Secretary shall approve an application reviewed under paragraph (1) of this subsection, and shall grant the right-of-way requested in such application, if he determines that there exists no economically feasible or otherwise reasonably available alternative route.

(3) Each right-of-way granted under this subsection shall be subject to such reasonable regulations issued by the Secretary as are necessary to minimize the adverse impact of such right-of-way upon any conservation system unit.

(4) No rights-of-way shall be granted under this subsection which would cross the Charley River or which would involve any lands within the watershed of the Charley River.

#### HODZANA RIVER STUDY AREA

Sec. 1420. (a) Subject to the provisions of subsection 1419 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in subsection 1419(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

Beginning at elevation point 2970 which lies within the northeast one quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 east Fairbanks meridian and section 1, township 21 north, range 10 east Fairbanks meridian;

thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 east Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 east Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of

the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34, and 35 of township 20 north, range 12 west Fairbanks meridian, and to the northeast one quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watersheds of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-2, F-3, F-6, and F-7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-3, F-4, F-5, and F-6. The use of these quadrangles and the protracted land lines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above described basin, and should any discrepancy appear upon on the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the land lines protracted upon the aforementioned United States Geological Survey Quadrangles.

(b) During the study period herein provided, Doyon, Limited, may, under such reasonable rules and regulations as the Secretary finds necessary to protect the water quality and quantity of the Hodzana River, conduct such investigations within the study area, including core drilling, which will not materially disturb the land surface, as are required to determine the extent of mineralization therein. During the study period, the Fish and Wildlife Service is authorized to undertake such studies of the Hodzana River and its environs as are required to determine the measures to undertake and the regulations necessary to protect and maintain the water quality and quantity of the Hodzana River should lands in its watershed be selected by Doyon, Limited and the minerals therein be developed. Upon agreement with Doyon, Limited, the Secretary is authorized to extend the study period up to an additional two years; if so, the duration of the withdrawal from appropriation for the lands described in subsection (1) hereof and the time during which Doyon, Limited may select such lands or identify such lands for conveyance shall be extended for a like period.

(c) The right of Doyon, Limited to land conveyances within the study area shall be limited to twenty-three thousand forty acres. Any selections or land identifications by the corporation within the study area also shall be subject to the provisions of subsection 1419(b)(2) of this Act, unless the results of the study indicate, and Doyon and the Secretary agree, that some or all of such requirements should be waived.

(d) In the event Doyon receives conveyance in the study area, the corporation shall have those rights of access to the lands involved as are reasonably necessary for the economic operation of such mineral developments. Upon final termination of mining activity, Doyon shall restore any access roads as may be agreed upon by Doyon and the Secretary.

(e) The National Environmental Policy Act of 1969 shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement before the issuance of regulations under this paragraph, or any permit relating to mineral development, the conduct of any investigation in the

study area, the conveyance of interests therein to Doyon or the grant of any easement or right-of-way to the lands involved. The Secretary, however, is authorized to promulgate such regulations as may reasonably be necessary to protect the water quality and quantity, and to prevent substantial adverse environmental degradation, of the Hodzana River. Any such regulations shall be coordinated with, and shall not be more stringent than, the applicable requirements under the Federal Water Pollution Control Act.

#### CONVEYANCE TO THE STATE OF ALASKA

Sec. 1421. In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act and regardless of whether such lands lie within the boundaries of a conservation system unit established, designated, redesignated, or expanded by this Act, the United States shall, upon Doyon's meeting the terms and conditions set forth in section 1419(a)(1), convey to the State of Alaska all right, title and interest of the United States in:

- (1) the following lands located south of Circle on the Yukon River:

#### Fairbanks Meridian

- Township 8 north, range 18 east, section 1;
- Township 8 north, range 19 east, That portion of sections 1 through 18, inclusive, lying south and west of the mean high water line of the Yukon River;
- Township 8 north, range 20 east, That portion of sections 7 and 18 lying west of the mean high water line of the Yukon River;
- Township 9 north, range 17 east;
- Township 9 north, range 18 east, That portion lying south and west of the mean high water line of the Yukon River;
- Township 9 north, range 19 east, That portion lying south and west of the mean high water line of the Yukon River;
- (2) Upon relinquishment by Doyon, Limited of all land selections pursuant to section 1419(a) of this Act, the lands described in subparagraphs 1419(a)(1)(D).

#### DOYON AND FORTY MILE RIVER

Sec. 1422. (a) Subject to the provisions of subsections (b) and (c) of this section, Doyon, Limited shall have the right within one year after the date of enactment of this Act to identify some or all of the following described lands, previously selected by such corporation, in partial satisfaction of its entitlement under section 12(c) of the Alaska Native Claims Settlement Act:

- (1) Lands withdrawn pursuant to section 17(d)(1) and formerly withdrawn pursuant to section 17(d)(2), of the Alaska Native Claims Settlement Act:

#### Fairbanks Meridian

- Township 1 south, range 27 east, sections 24, 25, 34, 35, 36;
- Township 1 south, range 28 east, sections 19, 20, 21, 28 through 32;
- Township 2 south, range 27 east, sections 1 through 4, 8 through 12, 14 through 17, 19 through 22, 27 through 33;
- Township 3 south, range 24 east, sections 20 through 25, 27 through 34;
- Township 3 south, range 25 east, sections 2 through 5, 8 through 10, 15 through 22, 27 through 34;
- Township 3 south, range 26 east, sections 13, 22 through 28, 31 through 36;
- Township 3 south, range 27 east, sections 4 through 8, 17, 18;
- Township 3 south, range 28 east, sections 1 through 5, 9 through 11, 14 through 16, 21 through 23, 26, 27;
- Township 3 south, range 29 east, sections 11 through 15, 20 through 24, 26 through 34;
- Township 4 south, range 25 east, sections 1 through 5, 8 through 17;
- Township 4 south, range 26 east, sections 2 through 10, 17, 18;
- Township 4 south, range 28 east, sections 1, 2;
- Township 4 south, range 29 east, sections 1 through 18;
- Township 5 south, range 25 east, sections 1, 4 through 10, 12 through 17, 20 through 24, 28, 29;

Township 5 south, range 26 east, sections 4 through 8, 17 through 19;  
 Township 6 south, range 23 east, section 34;  
 Township 6 south, range 25 east, sections 22, 27, 28, 32 through 35;  
 Township 7 south, range 22 east, sections 23 through 26, 35, 36;  
 Township 7 south, range 23 east, sections 3 through 9, 17 through 19, 30, 31;  
 Township 7 south, range 24 east, sections 1, 2, 10 through 16, 21 through 24, 26 through 29, 31 through 34;  
 Township 7 south, range 25 east, sections 6 through 8, 17 through 21, 28 through 33;  
 Township 8 south, range 21 east, sections 13, 23 through 28, 33 through 36;  
 Township 8 south, range 22 east, sections 1 through 4, 8 through 23, 28 through 33;

#### Copper River Meridian

Township 19 north, range 16 east, sections 3 through 9, 17 through 20;  
 Township 20 north, range 14 east, sections 1 through 18, 20 through 22;  
 Township 20 north, range 15 east, sections 2 through 11, 13 through 17, 21 through 28, 32 through 36;  
 Township 20 north, range 16 east, sections 13, 14, 21 through 29, 31 through 36;  
 Township 21 north, range 12 east, sections 2 through 10, 17 through 20, 30;  
 Township 21 north, range 13 east, sections 1 through 5, 10 through 14, 23 through 24;  
 Township 21 north, range 15 east, sections 30, 31, 32;  
 Township 22 north, range 12 east, sections 4 through 11, 13 through 27, and 36;  
 Township 22 north, range 13 east, sections 18 through 21, 26 through 36;  
 Township 24 north, range 11 east, sections 22 through 27, 34 through 36;  
 Township 24 north, range 12 east, sections 3 through 33;  
 Township 24 north, range 13 east, sections 2 through 4, 7 through 11, 14 through 23, 30;  
 Township 25 north, range 11 east, sections 4 through 10, 14 through 18, 20 through 28, 34 through 36;  
 Township 25 north, range 12 east, sections 31, 32, 33;  
 Township 25 north, range 13 east, sections 1 through 3, 9 through 16, 21 through 23, 26 through 28, 32 through 35;  
 Township 26 north, range 13 east, sections 1 through 3, 12;  
 Township 26 north, range 14 east, sections 4 through 10, 14 through 18, 20 through 23, 26, 27, 31 through 36;  
 Township 27 north, range 9 east, sections 1 through 3, 9 through 12, 14 through 16, 20 through 23, 26 through 29, 32 through 34;  
 Township 27 north, range 10 east, sections 2 through 4, 9 through 11, 14 through 16, 21 through 27, 34 through 36;  
 Township 27 north, range 13 east, sections 3 through 10, 14 through 17, 21 through 28, 34 through 36;  
 Township 27 north, range 14 east, sections 30, 31, 32;  
 Township 28 north, range 9 east, sections 35, 36;  
 Township 28 north, range 10 east, sections 31 through 35;

(2) Lands withdrawn pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act some or all of which may not be included within the boundaries of the Fortymile Wild, Scenic and/or Recreational River.

#### Fairbanks Meridian

Township 3 south, range 27 east, sections 19 through 36;  
 Township 3 south, range 28 east, sections 28 through 34;  
 Township 4 south, range 28 east, sections 3 through 6, 8 through 17, 19 through 33, 36;  
 Township 4 south, range 29 east, sections 19 through 22, 25 through 36;  
 Township 4 south, range 30 east, sections 1, 2, 11 through 13, 24, 25, 28 through 36;  
 Township 4 south, range 31 east, sections 6 through 8, 17 through 20, 29 through 32;

Township 5 south, range 25 east, sections 25 through 27, 33 through 36;  
 Township 5 south, range 26 east, sections 13 through 15, 20 through 35;  
 Township 5 south, range 27 east, sections 7 through 24, 29, 30;  
 Township 5 south, range 28 east, sections 2 through 5, 7 through 10, 15 through 23, 25 through 30, 33 through 36;  
 Township 5 south, range 29 east, sections 29 through 32;  
 Township 5 south, range 30 east, sections 1 through 6, 11, 12;  
 Township 5 south, range 31 east, sections 4 through 9;  
 Township 5 south, range 32 east, sections 24 through 27, 34 through 36;  
 Township 5 south, range 33 east, sections 2 through 4, 8 through 11, 14 through 22, 28 through 32;  
 Township 6 south, range 23 east, sections 2, 3, 10 through 15, 22 through 27, 35, 36;  
 Township 6 south, range 24 east, sections 13, 14, 17 through 36;  
 Township 6 south, range 25 east, sections 2 through 5, 7 through 11, 15 through 21, 29, 30;  
 Township 6 south, range 32 east, sections 1 through 5, 8 through 11, 14 through 17, 20 through 22, 27 through 29, 32 through 35;  
 Township 7 south, range 31 east, sections 13 through 17, 19 through 34;  
 Township 7 south, range 32 east, sections 3 through 5, 7 through 10, 13 through 30, 34 through 36;  
 Township 7 south, range 33 east, sections 13, 19, 24 through 27, 29 through 36;  
 Township 7 south, range 34 east, section 4, 7 through 9, 16 through 21, 28 through 33.

#### Copper River Meridian

Township 26 north, range 14 east, sections 12, 13, 24, 25.

(b) Doyon, Limited shall have a right to identify only those lands described in subsection (a) hereof which are not included within a conservation system unit pursuant to this Act, and each selection so identified shall be subject to the provisions of subsection 1419(b)(2) of this Act. The Secretary shall convey title to the land promptly after its identification by Doyon, Limited, subject to valid existing rights.

(c) The provisions of this section shall take effect only upon the execution and filing of a stipulation by Doyon, Limited, consenting to the dismissal, with prejudice, of Doyon, Limited against Andrus, Civil Action numbered 78-1148 in the United States District Court for the District of Columbia, within sixty days after the effective date of this Act.

#### AHTNA REGIONAL CORPORATION LANDS

SEC. 1423. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

#### Fairbanks Meridian

Township 20 south, range 5 west, sections 7 through 9, 11 through 14, 16 through 21, 23 through 26, 28 through 33, 35, 36;

Township 20 south, range 6 west, sections 1 through 36;

Township 20 south, range 7 west, sections 1 through 5, 8 through 14, 23 through 36;

Township 20 south, range 8 west, sections 1 through 28, 33 through 36;

Township 20 south, range 9 west, sections 22 through 27, 34 through 36.

(b)(1) On or prior to one hundred and eighty days from the date of enactment of this Act, Ahtna, Incorporated, may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Ahtna, Incorporated, unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary shall consist of tracts which:

(A) contain not less than eight sections or one thousand two hundred and eighty acres, whichever is less; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the conveyance of meridians, (2) to conform to section lines where a

section is less than standard size, or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Ahtna, Incorporated, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Ahtna, Incorporated, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act.

#### BERING STRAITS REGIONAL CORPORATION LANDS

Sec. 1424. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14(h)(8) of the Alaska Native Claims Settlement Act and this section:

#### Kateel River Meridian

Tract one—Township 6 north, range 36 west, sections 2, 3, 4, 9, 10, 11, 14, 15, 16;

Tract two—Township 1 north, range 40 west, sections 19, 20, 21, 28-33;

Tract three—Township 3 south, range 21 west, sections 23, 26, 35;

Township 4 south, range 21 west, sections 1, 2, 3;

Tract four—Township 7 south, range 35 west, sections 11, 14, 23, 26, 34, 35, 36;

Township 8 south, range 35 west, sections 1, 2, 3;

Tract five—Township 8 south, range 33 west, sections 19, 20, 21, 27-34;

Tract six—Township 10 south, range 9 west, section 31;

Township 10 south, range 10 west, sections 35, 36;

Township 11 south, range 9 west, sections 6, 7;

Township 11 south, range 10 west, sections 1, 2, 11, 12;

Tract seven—Township 16 south, range 13 west, sections 5, 6, 7, 8;

Tract eight—Fairway Rock located within Teller Quadrangle 65 degrees 35 minutes north, 165 degrees 45 minutes west.

Tract nine—Punuk Islands located within Saint Lawrence Quadrangle 63 degrees 5 minutes north, 168 degrees 50 minutes west.

(b)(1) On or prior to one hundred and eighty days from the date of enactment of this Act, Bering Straits Native Corporation may select, pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, from the lands withdrawn pursuant to subsection (a).

(2) The lands selected by Bering Straits Native Corporation unless otherwise provided in a waiver of this paragraph (b)(2) by the Secretary shall consist of tracts which—

(A) are not less than the lesser of (1) the entire area within any single tract withdrawn pursuant to subsection (a), or (2) eight sections, or (3) five thousand one hundred and twenty acres; and

(B) have boundaries which follow section lines, except where such boundary is the border of a navigable body of water, with no segment of an exterior line less than two miles in length (except where shorter segments are necessary (1) to follow section lines where township lines are offset along standard parallels caused by the convergence of meridians, (2) to conform to section lines where a section is less than standard size or (3) to avoid crossing the boundary lines of conservation system units created by this Act, or of lands which are unavailable for selection).

(c) The Secretary shall convey the surface and subsurface estate of the acreage selected pursuant to subsection (b). Conveyance pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bering Straits Native Corporation under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not selected by and conveyed to Bering Straits Native Corporation shall return to the public domain subject to any

prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act and the provisions of section 906(k) of this Act.

(f) Any selection pursuant to section 14(h)(8) of any land withdrawn by subsection (a) of this section shall preempt any prior selection by Bering Straits Native Corporation under any other authority of the same lands. Failure to select any particular lands withdrawn by subsection (a) of this section under section 14(h)(8) of the Alaska Native Claims Settlement Act will not affect any prior valid selection under section 14(h)(1) of the Alaska Native Claims Settlement Act but such prior selection shall be adjudicated and conveyed, if valid, pursuant to the Alaska Native Claims Settlement Act and any applicable regulations.

#### EKLUTNA VILLAGE CORPORATION LANDS

SEC. 1425. EKLUTNA-STATE AGREEMENTS AND NEGOTIATIONS.—(a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to consolidate ownership among the United States, the State of Alaska, the Municipality of Anchorage, Eklutna, Incorporated, and Cook Inlet Region, Incorporated, thereby facilitating land management, a fair implementation of the Alaska Native Claims Settlement Act, the protection of State public park lands and resources, and appropriate development patterns in and about Anchorage, Alaska.

(b) The Secretary shall accept relinquishments and make conveyances of selections in accordance with the specific terms, conditions, covenants, reservations, and other restrictions set forth in any agreement respecting the lands described in subparagraph (1) below, executed by the State of Alaska, by the Municipality of Anchorage, and by Eklutna, Incorporated, and hereafter submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and filed with the Secretary, the execution and implementation of which agreement are hereby authorized as to those duties and obligations of the United States, the State of Alaska, the Municipality of Anchorage, and Eklutna, Incorporated, which arise under Federal law: Provided, however, That any conveyance under such agreement of lands to Eklutna, Incorporated, shall be only of the surface estate, with a subsequent conveyance to Cook Inlet Region, Incorporated, of the subsurface estate except as otherwise provided in subsection (h). In aid thereof:

(1) The following lands located within the townships described in sections 11(a) (1) and (2) of the Alaska Native Claims Settlement Act with respect to the Native Village of Eklutna are withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and including Public Law 94-204, except section 12 thereof, and from selection under the Alaska Statehood Act, or any statutes authorizing selections by the State of Alaska: (A) lands withdrawn or reserved for national defense purposes; and (B) lands determined by the Secretary under section 3(e)(1) of the Alaska Native Claims Settlement Act not to be public lands for purposes of the Alaska Native Claims Settlement Act. This withdrawal and the agreement shall not affect the administrative jurisdiction of the Department of Defense or any other holding agency over the lands withdrawn, but all forms of disposition other than in accordance with this section and the agreement are prohibited: Provided, That the foregoing to the contrary notwithstanding, lands placed prior to July 15, 1979 in the pool contemplated by part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8-13-76", but only to the extent authorized by that document under section 12 of Public Law 94-204 as amended heretofore and in accordance with the procedures and with the consents and approvals required by laws, regulations and Executive orders in effect on such date of placement, may be selected by Cook Inlet Region, Incorporated, free of the effects of the agreement pursuant to this section; if the lands placed in that pool are not thereafter selected in accordance with part I.C.(2) of that document any agreement pursuant to this section shall govern: Provided, further, That neither the revocation of certain withdrawals of lands made by subsection (b) effective upon the filing of the agreement, nor the expiration of the withdrawal made by subsection (b) in the event no agreement is reached, shall be deemed an action causing those lands affected thereby to be subject to disposition under such section 12. The withdrawal made by this subsection (b) will expire March 15, 1982, if an executed agreement described in this section is not filed by the parties thereto on or before that date with the Secretary in the Alaska State Office of the Bureau of Land Management; but if an agreement is so executed, rights under the agreement shall vest as of the effective date of this Act, and this withdrawal shall become permanent, except as otherwise provided in the agreement. The agreement shall not impose upon the United States obligations or outlays of funds, except as reasonable in the ordinary

course of business, or impose any procedural requirements or require the reassignment of personnel; and any of its provisions to the extent to the contrary shall be void as against the Secretary.

(2) Upon termination or revocation of any national defense withdrawal or reservation or of any other withdrawal in effect December 18, 1971, respecting lands described in subsection (b)(1), or upon declaration of their excess status in whole or in part, whichever first occurs, but not before, and from time to time, the lands excessed or as to which the withdrawal is terminated or revoked shall be conveyed to Eklutna, Incorporated, as to the surface estate and Cook Inlet Region, Incorporated as to the subsurface estate, or to the State of Alaska (for reconveyance by the State of Alaska in whole or in part to the Municipality of Anchorage), as may be provided in the agreement described in this subsection: Provided, however, That such conveyance shall not be made of lands in the pool established under part I.C.(2) of the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified 8-31-76" under section 12 of Public Law 94-204 as amended heretofore, unless and until removed from that pool in accordance with such part I.C.(2). This section and the agreement shall preempt the procedures of the Federal Property Act (40 U.S.C. 471, et seq., and of 41 CFR 101-47.000 et seq.), (other than as to fixtures and personalty) and the preference right for State selection of section 6(g) of the Alaska Statehood Act. The conveyances to Eklutna, Incorporated, of lands withdrawn by this subsection called for by the agreement shall not be subject to section 1613(c) of title 43, United States Code. This section shall revoke PLO 5187 as it pertains to any lands withdrawn by this subsection and any power project withdrawals other than Power Project 350 as to such lands, effective upon the date of filing of the agreement. Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna, Incorporated, and the subsurface estate conveyed to Cook Inlet Region, Incorporated, pursuant to this section and the agreement, shall be charged against their respective entitlements under sections 12 and 14 of the Settlement Act and be considered conveyed and received pursuant to the Settlement Act, and section 6 of the Alaska Statehood Act or section 906(c) of this Act.

(c) If an agreement to the following effect executed by the State of Alaska and Eklutna, Incorporated, is hereafter filed with the Secretary in the Alaska State Office of the Bureau of Land Management on or before April 2, 1982, the public lands as defined in the Settlement Act, located within township 17 north, range 3 east, Seward Meridian, Alaska, shall be deemed to have been withdrawn pursuant to section 11(a) of the Settlement Act as of December 18, 1971, and, selections heretofore made by Eklutna, Incorporated, with respect to lands therein shall be processed by the Secretary as though said selections had been made within a township heretofore validly withdrawn pursuant to section 11(a). If no such agreement is filed, this subsection shall not be held to affect the validity or invalidity of such selections. Whether or not any agreement is filed, this subsection shall not be held to affect the validity or invalidity of any third party interest heretofore created by the State of Alaska.

(d) Notwithstanding other provisions of this Act, the State and Eklutna, Incorporated, are each authorized to relinquish, in whole or in part, pursuant to either or both of the agreements contemplated by subsections (b) and (c), any one or more land selections affecting lands to be conveyed under the agreement to the other whether or not such selections have been previously approved or tentatively approved. The lands affected by the State selections so relinquished shall be deemed public lands as of December 18, 1971, as that term is defined in the Settlement Act.

(e) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-24 Civil in the United States District Court for the District of Alaska, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all lands in township 17 north, range 3 east, Seward Meridian, which are to be conveyed to Eklutna, Incorporated, under the agreement referred to in subsection (c).

(f) Eklutna, Incorporated, and the Secretary shall stipulate to dismiss cause number A-78-192 Civil in the United States District Court for the District of Alaska except as to the lands affected thereby which under the agreement referred to in subsection (b) are to remain in litigation in that cause, if any, when the Secretary tenders to Eklutna, Incorporated, a conveyance of all those lands which under the agreement the State agrees are to be conveyed to Eklutna, Incorporated, from among those selected at one time by the State under the authority of the Mental Health Enabling Act of 1956 (70 Stat. 709).

(g) The Secretary shall convey to Eklutna, Incorporated, its entitlement without regard to the acreage or interests which may ultimately be conveyed to Eklutna, Incorporated, under the agreement from within lands withdrawn by subsection (b). The agreement shall, however, require Eklutna, Incorporated, to subject to section 907 of this Act one or more compact tracts of lands of at least equal acreage to that

ultimately to be conveyed to Eklutna, Incorporated, under the agreement from those withdrawn by subsection (b). The agreement shall require Eklutna, Incorporated, to reconvey to the State lands from those subject to section 907 in an amount provided by the agreement, upon the occasion of each receipt of lands by Eklutna, Incorporated, from among those withdrawn by subsection (b). Lands received by the State in such a reconveyance from Eklutna, Incorporated, shall be charged, to the extent of the acreage received by Eklutna, Incorporated, in the relevant conveyance to it, against the State's entitlement under section 6 of the Alaska Statehood Act, or section 906(c) of this Act, as the State may elect. If thereby the State receives more than its entitlements under the Act elected, it shall reconvey to the United States a compact tract of unencumbered State lands of equal acreage contiguous to lands belonging to the United States. Eklutna, Incorporated, shall also subject to section 907 of this Act, once an agreement under subsection (c) exists and thereafter from time to time, one or more compact tracts which equals the acreage amount by which Eklutna, Incorporated's entitlement would be over satisfied considering the acreage already conveyed to Eklutna, Incorporated; to the extent such a risk of over entitlement abates the lands may be withdrawn from the Land Bank.

(h) In the event that Eklutna, Incorporated, receives a conveyance from the United States of the surface estate in lands withdrawn by subsection (b) pursuant to the agreement authorized in that subsection, and if a reconveyance from Eklutna, Incorporated, of the surface estate in land to the State from those subject to section 907 of this Act is thereby occasioned, a conveyance of the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be withheld until the Secretary ascertains to whom the subsurface estate is to be conveyed under this subsection. The entity owning the subsurface estate in those reconveyed lands shall retain that interest, unless it in the agreement or separately consents to convey the same to the State. In the event such entity so consents to convey the subsurface to the State, the Secretary shall convey the subsurface estate in the lands conveyed to Eklutna, Incorporated, to that entity; if such entity does not so consent, the subsurface estate in the lands conveyed to Eklutna, Incorporated, shall be conveyed to the State.

#### EKLUTNA-STATE ANCHORAGE AGREEMENT

SEC. 1426. (a) The purpose of this section is to provide for the settlement of certain claims and litigation, and in so doing to implement section 14 of the Settlement Act under the unique circumstances of the Native Village of Eklutna, with respect to the municipality of Anchorage.

(b) The terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Agreement of Compromise and Settlement" submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs, executed by Eklutna, Incorporated, and the municipality of Anchorage, acting by its mayor, and to be executed by the State of Alaska, acting by the commissioner of the department of community and regional affairs, are hereby ratified as to the rights, duties, and obligations of the State of Alaska, the municipality of Anchorage, and Eklutna, Incorporated, which arise among them under section 14(c) (2) and (3) of the Settlement Act, and Eklutna, Incorporated, is discharged accordingly from section 14(c)(3) thereof as to all lands heretofore selected by it.

(c) If, for any reason, the foregoing agreement is not executed by the State of Alaska this section shall be of no force and effect.

#### KONIAG VILLAGE AND REGIONAL CORPORATION LANDS

SEC. 1427. (a) As used in this section, the term—

(1) "Afognak Island" means Afognak Island, and Bear, Teck, Hogg, and Murphy Islands, above the line of mean high tide within the exterior boundaries of the Chugach National Forest.

(2) "Deficiency village acreage on the Alaska Peninsula" means the aggregate number of acres of public land to which "Koniag deficiency village corporations" are entitled, under section 14(a) of the Alaska Native Claims Settlement Act, to a conveyance of the surface estate on account of deficiencies in available lands on Kodiak Island, and to which Koniag, Incorporated is entitled under section 14(f) of that Act to conveyance of the subsurface estate.

(3) "12(b) acreage on the Alaska Peninsula" means the aggregate number of acres of public lands to which "Koniag 12(b) village corporations" are entitled under section 14(a) of the Alaska Native Claims Settlement Act by reason of section 12(b) of that Act, to conveyance of the surface estate and to which Koniag, Incorporated,

under section 14(f) of that Act, is entitled to conveyance of the subsurface estate, less the aggregate acreage of 12(b) lands on Kodiak Island as to which Koniag 12(b) village corporations will receive conveyances, the latter being estimated to be approximately fifteen thousand acres.

(4) "Koniag deficiency village corporation" means any or all of the following:

Afognak Native Corporation,  
Nu-Nachk-Pit, Incorporated,  
Ouzinkie Native Corporation,  
Leisnoi, Incorporated.

(5) "Koniag 12(b) village corporation" means the village corporations listed in subparagraph (4) above, if within sixty days of the effective date of this act Koniag, Incorporated, by a resolution duly adopted by its Board of Directors, designates them as such as a class, and all of the following: Natives of Akhiok, Incorporated, Old Harbor Native Corporation, Kaguyak, Inc., Karluk Native Corporation and each of the corporations listed in subsection (e)(2) of this section which files a release as provided for in subsection (e)(1) of this section.

(6) "Koniag region" means the geographic area of Koniag, Incorporated, under the Alaska Native Claims Settlement Act.

(7) "Koniag village" means a Native village under the Alaska Native Claims Settlement Act which is within the Koniag region.

(8) "Koniag village corporation" means a corporation formed under section 8 of the Alaska Native Claims Settlement Act to represent the Natives of a Koniag village and any village corporation listed in subsection (e)(2) of this section which has filed a release as provided in subsection (e)(1) of this section.

(9) "Koniag 14(h)(8) lands on the Alaska Peninsula" means the aggregate number of acres of public lands to which Koniag, Incorporated Regional Native Corporation is entitled under section 14(h)(8) of the Alaska Native Claims Settlement Act, less the acreage of lands withdrawn for conveyance to that corporation by Public Land Order Numbered 5627 (42 F.R. 63170) and conveyed to that corporation.

(10) Any term defined in subsection 3(e) of the Alaska Native Claims Settlement Act has the meaning therein defined.

(11) "Alaska Peninsula" means the Alaska Peninsula and all islands adjacent thereto which are withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and Koniag, Incorporated, including but not limited to Sutwik, Hartman, Terrace, Nakchamik, and West and East Channel Islands, except those islands selected by Koniag, Inc. pursuant to section 15 of Public Law 94-204.

(b)(1) In full satisfaction of (A) the right of Koniag, Incorporated, Regional Native Corporation to conveyance of Koniag 14(h)(8) lands on the Alaska Peninsula under the Alaska Native Claims Settlement Act; (B) the right of each Koniag Deficiency Village Corporation to conveyance under that Act of the surface estate of deficiency village acreage on the Alaska Peninsula; (C) the right of each Koniag 12(b) Village Corporation to conveyance under the Alaska Native Claims Settlement Act of surface estate of 12(b) acreage on the Alaska Peninsula; and (D) the right of Koniag, Incorporated under the Alaska Native Claims Settlement Act to conveyances of the subsurface estate of the deficiency village acreage on the Alaska Peninsula and of the 12(b) acreage on the Alaska Peninsula; and in lieu of conveyances thereof under section 902 of this Act, or otherwise, the Secretary of the Interior shall, under the terms and conditions set forth in this section, convey as provided in subsection (c) of this section the surface estate of all of the public lands on Afognak Island except those lands referred to in subparagraphs 2 (A), (B), (C), and (D) of this subsection, and simultaneously therewith, the Secretary shall, under the terms and conditions set forth in this section, convey the subsurface estate of such lands to Koniag, Incorporated.

(2) There are excepted from the conveyances provided for in subparagraph (1) of this subsection:

(A) Selections of the State of Alaska on Afognak Island heretofore made under section 6(a) of the Alaska Statehood Act and described as follows:

Seward Meridian, Alaska

Parcel I

Township 22 south, range 17 west, section 31, southwest quarter;  
Township 22 south, range 18 west, section 36, southeast quarter;  
Township 23 south, range 17 west, sections 6, west half; 7, west half; 18, west half; 19, west half and southeast quarter; 20, southwest quarter; 29, west half, 30 all;

Township 23 south, range 18 west, section 1, east half; 12, east half; 13 all; 24 all; 25 all;

#### Parcel II

Township 22 south, range 17 west, section 30, all; 31 all;

Township 22 south, range 17 west, section 6, northeast quarter;

(B) Surface estate of lands on Afognak Island to which Afognak Native Corporation, Ouzinkie Native Corporation and Natives of Kodiak, Incorporated are entitled pursuant to the Alaska Native Claims Settlement Act and the subsurface estate of such lands;

(C) The lands on Afognak Island referred to in subsection (d) of this section if conveyed as therein provided.

(D) The following described lands:

#### Seward Meridian, Alaska

Beginning at the point for the meander corner of sections 7 and 18, township 22 south, range 21 west, Seward meridian at the line of mean high tide on the easterly shore of Foul Bay, southeasterly of Ban Island;

thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, approximately 2¼ miles to the corner of sections 9, 10, 15, and 16, township 22 south, range 21 west, Seward meridian;

thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, township 22 south, range 21 west, Seward meridian;

thence easterly, between sections 3 and 10, 2 and 11, approximately 2 miles to the corner of sections 1, 2, 11 and 12, township 22 south, range 21 west, Seward meridian;

thence northerly, between sections 1 and 2, approximately one-half mile to the one-quarter section corner of sections 1 and 2, township 22 south, range 21 west, Seward meridian;

thence easterly, on the east-west centerline of section 1, approximately one-half mile to the center one-quarter section corner of section 1, township 22 south, range 21 west, Seward meridian;

thence northerly, on the north-south centerlines of sections 1 and 36, approximately 1 mile to the center one-quarter section corner of section 36, township 21 south, range 21 west, Seward meridian;

thence easterly, on the east-west centerline of section 36, approximately one-half mile to the one-quarter section corner of sections 31 and 36, township 21 south, ranges 20 and 21 west, Seward meridian;

thence northerly, between ranges 20 and 21 west, approximately 2½ miles to the corner of sections 13, 18, 19, and 24, township 21 south, ranges 20 and 21 west, Seward meridian;

thence easterly, between sections 18 and 19, 17 and 20, approximately 1½ miles to the one-quarter section corner of sections 17 and 20, township 21 south, range 20 west, Seward meridian;

thence northerly, on the north-south centerline of section 17, approximately one-half mile to the center one-quarter section corner of section 17, township 21 south, range 20 west, Seward meridian;

thence easterly, on the east-west centerline of section 17, approximately one-half mile to the one-quarter section corner of sections 16 and 17, township 21 south, range 20 west, Seward meridian;

thence northerly, between sections 16 and 17, approximately one-half mile to the corner of sections 8, 9, 16, and 17, township 21 south, range 20 west, Seward meridian;

thence easterly, between sections 9 and 16, approximately one-half mile to the one-quarter section corner of sections 9 and 16, township 21 south, range 20 west, Seward meridian;

thence northerly, on the north-south centerlines of sections 4 and 9, approximately 2 miles to the closing subdivision corner of section 4, township 21 south, range 20 west, Seward meridian;

thence westerly, on the fifth standard parallel south, approximately 2½ miles to the standard corner of sections 31 and 32, township 20 south, range 20 west, Seward meridian;

thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31, and 32, township 20 south, range 20 west, Seward meridian;

thence westerly, between sections 30 and 31, approximately one-half mile to the one-quarter section corner of sections 30 and 31, township 20 south, range 20 west, Seward meridian;

thence northerly, on the north-south centerline of section 30, approximately one-half mile to the center one-quarter section corner of section 30, township 20 south, range 20 west, Seward meridian;

thence westerly, on the east-west centerline of section 30, approximately one-half mile to the one-quarter section corner of sections 25 and 30, township 20 south, ranges 20 and 21 west, Seward meridian;

thence southerly, between ranges 20 and 21 west, approximately one-half mile to the corner of sections 25, 30, 31, and 36, township 20 south, ranges 20 and 21 west, Seward meridian;

thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35, and 36, township 20 south, range 21 west, Seward meridian;

thence northerly, between sections 25 and 26, approximately one-half mile to the point for the meander corner of sections 25 and 26, township 20 south, range 21 west, Seward meridian, at the line of mean high tide of the southerly arm of Bluefox Bay;

thence westerly, northerly, southerly and easterly along the line of mean high tide of Afognak Island to the point for the intersection of the north-south centerline of section 29, township 20 south, range 21 west, Seward meridian on the northerly shore of Devil Inlet;

thence southerly, on the north-south centerline of section 29, township 20 south, range 21 west, Seward meridian, across Devil Inlet, to the line of mean high tide on the southerly shore of Devil Inlet;

thence westerly, northerly, southerly and easterly along the line of mean high tide of Afognak Island to the point of beginning.

(3) All public lands on the Alaska Peninsula withdrawn pursuant to section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated are hereby withdrawn, subject to valid existing rights and Native selection rights under that Act as modified by this Act, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act and shall remain so withdrawn subject to the provisions of section 1204 of this Act. Following the filing with the Secretary of the Interior of (A) all resolutions pursuant to subparagraph (4) of this subsection, (B) the joint venture agreement referred to in subsection (c) of this section, and (C) releases by such of the Koniag Village Corporations referred to in subsection (e)(2) of this section as file releases as provided in subsection (e)(1) of this section, and upon the conveyances by the Secretary of the Interior of all public lands on Afognak Island to be conveyed as provided in subsection (c) of this section, all Native selection rights in and to public lands on the Alaska Peninsula withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for Koniag Village Corporations and for Koniag, Incorporated, shall, except as provided in subsection (g) of this section, be extinguished and all claims thereto arising under this Act or the Alaska Native Claims Settlement Act shall be barred.

(4) As a condition precedent to the conveyances provided for by subparagraph (1) of this subsection, Koniag, Incorporated, each Koniag Deficiency Village Corporation and each Koniag 12(b) Village Corporation shall file with the Secretary of the Interior resolutions duly adopted by their respective boards of directors accepting the conveyances provided for in this subsection as being in full satisfaction of their respective entitlements to conveyances of Koniag 14(h)(8) lands on the Alaska Peninsula, of deficiency village acreage on the Alaska Peninsula and of 12(b) acreage on the Alaska Peninsula, and Koniag, Incorporated, shall further file with the Secretary of the Interior a resolution duly adopted by its board of directors accepting the provisions of subsection (1) of this section.

(5) The lands on Afognak Island required to be conveyed pursuant to paragraph (1) of this subsection shall remain open and available to sport hunting and fishing and other recreational uses by the public under applicable law (but without liability on the part of Koniag, Incorporated or any Koniag Village Corporation, except for willful acts, to any user by reason of such use), subject only to such reasonable restrictions which may be imposed by Koniag, Incorporated and the affected Koniag Village Corporations for the purposes of limiting or prohibiting such public uses in the immediate vicinity of logging or other commercial operations which may be undertaken by the corporations upon the affected lands. Such restrictions shall comprise only those restrictions necessary to insure public safety and to minimize con-

licts between recreational and commercial uses. Koniag, Incorporated and the affected Koniag Village Corporations shall permit access to the lands on Afognak Island conveyed to them by employees of the State for purposes of managing fish and wildlife and by other State officers and employees, and employees of political subdivisions of the State, for the purposes of carrying out this subsection.

(6) To further accomplish the purposes of paragraph (5), Koniag, Incorporated and the Koniag Villages are authorized to enter into cooperative agreements regarding lands on Afognak Island with the Secretary of the Interior, the State of Alaska, and those political subdivisions of the State which desire to participate and which have jurisdiction over the portions of Afognak Island affected. Each such agreement shall—

(A) permit the Secretary of the Interior reasonable access to such land to carry out the obligations of the Secretary under the agreement;

(B) set forth those services which any other party agrees to provide, which services may include technical and other assistance with respect to fire control, trespass control, law enforcement, resource and land use planning, the conserving of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement;

(C) set forth such additional terms and conditions as the parties may agree to as being necessary and appropriate to carry out the terms of the agreement; and

(D) specify the effective period of the agreement.

(c) The Secretary of the Interior shall convey the surface estate on Afognak Island to be conveyed under subsection (b)(1) of this section to a joint venture providing for the development of the surface estate on Afognak Island to be conveyed under this subsection, consisting of the Koniag Deficiency Village Corporations, the Koniag 12(b) Village Corporations and Koniag, Incorporated (or wholly owned subsidiaries thereof), in which (1) the share of the Koniag Deficiency Village Corporations as a class in the costs and revenues of such joint venture is determined on the basis of a fraction, the numerator of which is the deficiency village acreage on the Alaska Peninsula and the denominator is the sum of the deficiency village acreage on the Alaska Peninsula plus the 12(b) acreage on the Alaska Peninsula plus the Koniag 14(h) acreage on the Alaska Peninsula, which fraction shall be multiplied by the number of acres on Afognak Island to be conveyed by reason of subparagraph (b)(1) of this subsection; (2) the share of the Koniag 12(b) Village Corporations as a class is determined on the basis of a fraction, the numerator of which is the 12(b) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above, which fraction shall be multiplied by the number of acres on Afognak Island referred to in (1) above; and (3) the share of Koniag, Incorporated is determined on the basis of a fraction, the numerator of which is the Koniag 14(h) acreage on the Alaska Peninsula and the denominator of which is the denominator referred to in (1) above which fraction shall be multiplied by the number of acres on Afognak Island to in (1) above. In such joint venture, each Koniag Deficiency Village Corporation shall participate in the share of the Koniag Deficiency Village Corporations as a class in the ratio that the entitlement of each to deficiency village acreage on the Alaska Peninsula bears to the total deficiency village acreage on the Alaska Peninsula and each Koniag 12(b) Village Corporation shall participate in the share of the Koniag 12(b) Village Corporations as a class in the ratio that the number of Natives enrolled under the Alaska Native Claims Settlement Act to the village that corporation represents bears to the number of Natives enrolled to all villages represented by Koniag 12(b) Village Corporations. The conveyance shall be made as soon as practicable after there has been filed with the Secretary of the Interior a duly executed joint venture agreement with provisions for sharing of and entitlements in costs and revenues of such venture as provided in this subsection. The conveyance shall not indicate the respective interests of each of the corporations in the surface estate conveyed but such interests shall be as provided in this subsection which shall be incorporated by reference into the conveyance. The subsurface estate in the foregoing lands shall be conveyed simultaneously to Koniag, Incorporated. Neither the joint venture, and Koniag Village Corporation having an interest in the joint venture or the lands conveyed thereto, nor Koniag, Incorporated shall take or permit any action which may be inimical to bear denning activities on the Tonkin Cape Peninsula.

(d) In the event the Ouzinkie Native Corporation and Koniag, Incorporated, within ninety days after the effective date of this Act, enter into an agreement to convey to the Kodiak Island Borough their respective rights, titles, and interests in and to the surface and subsurface estate respectively in the following described land:

## Seward Meridian, Alaska

Township 27 south, range 20 west,

Sections 9 through 12 inclusive, all;

Sections 13, north half, excluding Monashka Bay; southwest quarter, north half southeast quarter, excluding Monashka Bay; southwest quarter south east quarter;

Sections 14, 15, and 16, all;

Sections 21 and 22, all;

Section 23, north half, north half southwest quarter, southwest quarter southwest quarter, northwest quarter southeast quarter;

Section 24, north half northwest quarter;

Section 27, north half, southwest quarter, west half southeast quarter;

the Secretary of the Interior shall convey to Ouzinkie Native Corporation the surface estate and to Koniag, Incorporated the subsurface estate in the following described land on Afognak Island:

## Seward Meridian, Alaska

Township 22 south, range 19 west,

Sections 6, 7, 15, all;

Section 18, west half;

Sections 19, 22, 28, all;

Sections 31 through 35 inclusive, all;

Section 36, south half.

The agreement between Kodiak Island Borough, Ouzinkie Native Corporation and Koniag, Incorporated may contain the provisions agreed to by the parties including, but not limited, to easements across the lands to be conveyed to the Kodiak Island Borough.

(e)(1) Each village listed in paragraph (2) of this subsection which, through the Koniag Village Corporation listed alongside it, files with the Secretary of the Interior, within sixty days from the effective date of this Act, a release duly authorized by its board of directors releasing, in consideration of the benefits provided for in this section, the United States, its officers, employees, and agents from all claims of the village and the village corporations to lands and interests therein arising under the Alaska Native Claims Settlement Act or compensation in any form therefor (except as provided in paragraph (3) of this subsection) along with a release by Koniag, Incorporated, duly authorized by its board of directors, releasing the United States, its officers, employees, and agents, from Koniag's claims to subsurface estate under the Alaska Native Claims Settlement Act arising out of the claims of such village or compensation in any form therefor (except as provided in paragraph (3) of this subsection) shall be deemed an eligible village under the Alaska Native Claims Settlement Act. This section shall be inoperative as to any such village which does not file such a release but shall be operative as to each of such villages which files such a release.

(2) The villages and Koniag village corporations referred to in the foregoing paragraph are:

Anton Larsen Bay  
Bells Flats  
Uganik  
Litnik  
Port William  
Ayakulik  
Uyak

Anton Larsen, Incorporated  
Bells Flats Natives, Incorporated  
Uganik Natives, Incorporated  
Litnik, Incorporated  
Shuyak, Incorporated  
Ayakulik, Incorporated  
Uyak Natives, Incorporated

(3)(A) When Uyak Natives, Incorporated, Uganik Natives Incorporated, or Ayakulik, Incorporated (and Koniag, Incorporated in respect of such corporations) executes a release as provided for in paragraph (1) of this subsection, the Secretary of the Interior shall convey to each village corporation executing such release the surface estate of the one square mile of land excluded from the Kodiak Island National Wildlife Refuge by Public Land Order Numbered 1634 on account of the village it represents. The Secretary of the Interior shall by reason of conveyance of surface estate to a village corporation under this paragraph (3) convey to Koniag, Incorporated the subsurface estate in such lands.

(B) Upon conveyance of each Koniag Village Corporation of that land described in subparagraph (A), such village corporation shall comply with the requirements of

subsection (f) of this section, except that it shall be required to convey twenty acres to the State in trust for any Municipal Corporation established in the Native village in the future for community expansion and appropriate rights of way for public use, and other foreseeable community needs.

(4) There shall vest in the Native village corporation representing each village that files a release as provided for in subsection (e)(1) of this section the right to all revenues received by Koniag, Incorporated from the Alaska Native Fund which would have been distributed to it by Koniag, Incorporated under subsections (j) and (k) of section 7 of the Alaska Native Claims Settlement Act (subject to subsection (l) of section 7 of that Act) had such village been determined to be eligible at the time of such distributions, less amounts heretofore paid by Koniag, Incorporated under subsection (m) of section 7 of that Act to stockholders of such corporations as members of the class of at-large stockholders of Koniag, Incorporated. Each corporation representing a village that files a release as provided for in subsection (e)(1) of this section shall hereafter be entitled to share pro rata with all other Koniag village corporations in distributions of funds to village corporations made by Koniag, Incorporated out of funds hereafter received by Koniag, Incorporated from the Alaska Native Fund or from any other source and shall be eligible for all other rights and privileges to which Alaska Native village corporations are entitled under any applicable laws, except as limited by this subsection. Nothing in this paragraph shall prohibit Koniag, Incorporated from withholding out of funds otherwise due a village corporation that files a release as provided for in subsection (e)(1) of this section, such sums as may be required to reimburse Koniag, Incorporated for an equitable portion of expenses incurred by Koniag, Incorporated in connection with or arising out of the defense of or assertion of the eligibility of the village represented by such corporation for benefits under the Alaska Native Claims Settlement Act, including costs incident to land selection therefor.

(f) All conveyances made by reason of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances (including patents) had been made or issued pursuant to that Act.

(g) Nothing in this section shall be deemed to affect (1) section 15 of the Act of January 2, 1976 (Public Law 94-204) as amended by section 912 of this Act; (2) the right, subject to subsection (1) of this section, of Koniag, Incorporated to in lieu subsurface estate on the Alaska Peninsula under sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, less the acreage of such in lieu subsurface estate conveyed to Koniag, Incorporated under the provisions of law referred to in subdivision (1) of this subsection; or (3) the right under the Alaska Native Claims Settlement Act of Koniag, Incorporated, subject to subsection (1) of this section, to subsurface estate in and to the following described land:

#### Seward Meridian, Alaska

Township 37 south, range 48 west,  
 Section 9,  
 Sections 15 through 17 inclusive,  
 Sections 20 through 22 inclusive,  
 Sections 28, 33;  
 Township 37 south, range 49 west,  
 Sections 21 through 23 inclusive,  
 Sections 26 through 28 inclusive,  
 Sections 33 through 35 inclusive;  
 Township 38 south, range 48 west,  
 Sections 4 through 9 inclusive;  
 Township 38 south, range 49 west,  
 Sections 1 through 4 inclusive,  
 Sections 6 through 23 inclusive,  
 Sections 26 through 34 inclusive;  
 Township 38 south, range 50 west,  
 Sections 1 through 3 inclusive,  
 Sections 10 through 12 inclusive,  
 Sections 13 through 15 inclusive,  
 Sections 22 through 26 inclusive,  
 Sections 35, 36;  
 Township 39 south, range 49 west,

Sections 3 through 7 inclusive,  
 Sections 9 through 10 inclusive,  
 Sections 18, 19, 30;  
 Township 38 south, range 50 west,  
 Sections 1, 2, 7, 8, 12, 13,  
 Sections 15 through 18 inclusive,  
 Sections 20 through 22 inclusive,  
 Sections 24 through 27 inclusive,  
 Section 35.

(h) All public lands on Afognak Island, other than those lands referred to in subsections (b)(2) (A) and (B) of this section are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act as amended, and shall remain so withdrawn until and unless conveyed pursuant to this Act. Any such lands not conveyed under this section except those lands described in subsection (b)(2)(D) may be opened by the Secretary of the Interior to the extent he deems appropriate.

(i) As additional consideration for the relinquishment by Koniag village corporations of rights to surface estate on the Alaska Peninsula and by Koniag, Incorporated of rights to surface and subsurface estate thereon as provided in subsection (b)(4) of this section, Koniag, Incorporated shall, solely for purpose of prospecting for, extraction and removal of subsurface resources retained by it under subsection (l) of this section on the Alaska Peninsula, have the same rights of access and use of surface estate, after consultation with the surface owner, as are now provided for in 50 CFR 29.32.

(j) The acreage to be allocated to Koniag, Incorporated under section 12(b) of the Alaska Native Claims Settlement Act shall be determined as though each village listed in subparagraph (e)(2) of this section had selected 69,120 acres under section 12(a) of the Alaska Native Claims Settlement Act. Acreages allotted to other regional corporations under section 12(b) of the Alaska Native Claims Settlement Act shall be determined on the basis of the acreages actually conveyed to such villages under this section or the Alaska Native Claims Settlement Act.

(k) Koniag, Incorporated's interest in the timber resources of the joint venture referred to in subsection (c) of this section, determined as therein provided, shall for purposes of section 7(i) of the Alaska Native Claims Settlement Act be deemed to be Koniag's timber resources. Koniag, Incorporated shall be entitled to deduct from its share of proceeds therefrom any and all expenses of the kind and nature which regional corporations are entitled to deduct from revenues from timber resources prior to the distributions required by said section 7(i).

(l) In conveying subsurface estate to Koniag, Incorporated on the Alaska Peninsula, whether under subsection (g)(3) of this Act or as in lieu subsurface estate as provided in sections 12(a)(1) and 14(f) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall retain all minerals other than oil and gas and sand and gravel used in connection with prospecting for, extracting, storing or removing oil and gas: Provided, That removal of oil and gas and sand and gravel shall, after consultation with the surface owner, be accomplished as now provided in 50 CFR section 29.32. Koniag, Incorporated may in its discretion enter into agreements with the owner of the surface estate in such lands for the conveyance of the subsurface estate to the surface owner without compensation, but this provision shall not be construed to require such conveyances without Koniag, Incorporated's agreement.

(m) All public lands, including submerged lands, adjacent to and seaward of Afognak Island from the line of mean high tide to the exterior boundary of the former "Afognak Forest and Fish Culture Reserve," part of the existing Chugach National Forest, as reserved by proclamation dated December 24, 1892, and as shown on the diagram forming a part of the proclamation dated February 23, 1909, are hereby included within the Alaska Maritime National Wildlife Refuge and the lands described in subdivision (D) of subsection (b)(2) of this section are hereby included within the Kodiak National Wildlife Refuge: Provided, That notwithstanding the inclusion of Delphin and Discover Islands in the Alaska Maritime National Wildlife Refuge, the joint venture provided for in subsection (c) of this section shall be entitled to and there shall be conveyed to the joint venture in the conveyance provided for in subsection (c) hereof, the right to timber resources on such islands: *Provided*, That management and harvest of such timber resources shall be only in accordance with management plans jointly developed by the joint venture and the Secretary of the Interior.

(n) Section 22(j)(2) of the Alaska Native Claims Settlement Act as amended by section 1410 shall not apply to Koniag, Incorporated or to any Koniag Village Corporation.

(o) Nothing in this section shall abrogate any existing Forest Service timber contract on Afognak Island or revoke existing cabin leases or term special use permits on Afognak Island.

#### CHUGACH VILLAGE CORPORATION LANDS

SEC. 1428. (a) Notwithstanding the restrictions applicable to the village corporation selections under section 12(b) of the Alaska Native Claims Settlement Act imposed by section 12(a) of the Settlement Act, including but not limited to the sixty-nine thousand one hundred and twenty-acre conveyance limitation placed on land selected by village corporations within the National Forest, National Wildlife Refuge System, or State selected lands, the Secretary shall convey under section 14(a) of the Alaska Native Claims Settlement Act from lands previously selected from lands withdrawn pursuant to section 11 of such Act in the Chugach National Forest by the village corporations created by the enrolled residents of the villages of Chenega, Eyak and Tatitlek, those additional entitlement acreages which are reallocated to these corporations under section 12(b) of such Settlement Act by the Regional Corporation for the Chugach region.

(b) Within ninety days after the enactment of this act, the three village corporations referred to in subsection (a) of this section shall file with the Secretary a list of those lands selected by each of them under section 12(b) from lands withdrawn pursuant to section 11 of the Settlement Act from within the Chugach National Forest, in the order of priority in which they wish to receive conveyance to such lands: Provided, however, That the village of Chenega shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act on the mainland in the area of Icy Bay and Whale Bay, as depicted on the map entitled "Areas not available for Chenega 12(b) conveyance," dated April 1979: Provided, further, That the village of Eyak shall not be able to receive conveyance to lands selected pursuant to section 12(b) of the Settlement Act in the area east of Mountain Slough and more than a thousand feet south of the centerline of the Copper River Highway as depicted on the map entitled "Areas not available for Eyak 12(b) conveyance," dated April 1979.

(c) The Board of Directors of Chugach Natives, Incorporated, shall, within ninety days after the enactment of this Act, file with the Secretary a resolution indicating the number of acres allocated to each of these village corporations under the regional corporation's existing sixty-four thousand four hundred-acre 12(b) allocation, and the basis on which future 12(b) allocations made by the Secretary, if any, are to be reallocated among the village corporations in the Chugach region.

(d) The Secretary shall process the lands for conveyance in the priority listed, as subject to the requirements of the settlement act for selection, tract size, compactness, and contiguity, convey to the corporations such acreage to which they are entitled: Provided, however, That applicants for selection filed by the State of Alaska under section 6(a) of the Alaska Statehood Act, as amended, shall take precedence over such Chugach Village Corporation 12(b) selections within the Chugach National Forest, except in the area of Windy and Cedar Bays on Hawkins Islands, where applications for State selections in township 15 south, ranges 4 and 5 west of the Copper River Meridian, shall be subordinated to 12(b) selections filed by the Eyak Corporation; and except further in the area of Boswell Bay on Hinchbrook Island, where State applications for selection in township 17 south, range 5 west of the Copper River meridian, except for those in sections 10 and 15 of said township, shall be subordinated to 12(b) selections filed by the Eyak Corporation. State applications for selection of any of the above-described lands which are not subordinated to Chugach village selections shall be adjudicated and approved or disapproved pursuant to section 6(a) of the Alaska Statehood Act: Provided, however, That any disapproval of such State selections shall not vest any selection right in any Chugach Village Corporation.

(e) Should the corporations fail to timely file the information required by subsections (b) and (c) of this section or if the priority listing submitted under subsection (b) does not meet the tract size, compactness, or contiguity requirements of the Settlement Act, the Secretary may provide the corporations thirty days from the date of notice to file the information to make the necessary corrections.

(f) If any Chugach Village Corporation voluntarily relinquishes any selection of lands within the boundaries of a conservation system unit, such lands shall be added to such unit and administered accordingly.

## CHUGACH REGIONAL CORPORATION LANDS

SEC. 1429. (a) Subject to valid existing rights, within one hundred and eighty days after the enactment of this Act, Chugach Natives, Incorporated, shall be entitled to select public lands not reserved for purposes other than National Forests from within the Chugach Region under section 14(h)(8) of the Alaska Native Claims Settlement Act from within the boundaries of the Chugach National Forest. Chugach Natives, Incorporated, shall make no selection of lands within the areas identified on the maps entitled "Western Prince William Sound Areas Not Available for Chugach 14(h)(8) Selection" and "Copper River Delta Area Not Available for Chugach 14(h)(8) selection," both dated April 1979.

(b) The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, as though such lands were available for selection under such provision.

(c) The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations: Provided, however, That the corporation shall make no selection of lands, which overlap selection applications filed by the State of Alaska under section 6(a) of the Alaska Statehood Act as amended, on or before September 1, 1978, and that any disapproval of such selection applications shall not vest any selection right in Chugach Natives, Incorporated.

(d) If Chugach Natives, Incorporated, elects to select any or all of its lands to which it is entitled under section 14(h)(8) of the Settlement Act from lands within the Chugach National Forest made available pursuant to this authority, the following lands within the Carbon Mountain regional deficiency area shall be adjudicated as though they were timely filed by Chugach Natives, Incorporated, under section 12(c) of the Settlement Act. Notwithstanding any prior relinquishment of 12(c) selections and subsequent selection of these lands by Chugach Natives, Incorporated, under section 14(h)(8) of the settlement Act:

Township 16 south, range 9 east, sections 7 through 10, 16 through 31.

Township 19 south, range 9 east, sections 1 through 36.

Township 20 south, range 9 east, sections 1 through 36.

Township 20 south, range 10 east, sections 5 through 8, 17 through 20, 29 through 32.

(e) If legislation is enacted or a proposal implemented pursuant to section 1430 of this Act, selections by the Chugach Natives, Incorporated, under this section shall also be subject to the provisions of such legislation or proposal.

(f) The Secretary shall process the lands for conveyance under this section subject to the requirements of the Settlement Act for selection, tract, size, and compactness. These selections shall also be subject to any requirements regarding contiguity which are agreed to as a result of the study established by section 1430.

## CHUGACH REGION STUDY

SEC. 1430. (a) PARTICIPANTS; PURPOSES.—The Secretary of the Interior, the Secretary of Agriculture, and the Alaska Advisory Coordinating Council, in conjunction with Chugach Natives, Incorporated, and the State of Alaska, if the State chooses to participate, are directed to study the land ownership and use patterns in the Chugach region. The objectives of the study are: to identify lands, pursuant to guidelines contained in section 1302(h) of this Act, and in section 22(f) of the Settlement Act, as amended, which can be made available for conveyance to Chugach Natives, Incorporated; for the purpose of consolidation of land ownership patterns in the Chugach region; to improve the boundaries of and identify new conservation system units; to obtain a fair and just land settlement for the Chugach people; and realization of the intent, purpose and promise of the Alaska Native Claims Settlement Act by the Chugach Natives, Incorporated. The study participants are directed to identify in-region and out-of-region lands, including lands within the Chugach National Forest and State lands but excluding lands in private ownership, which can be made available to Chugach Natives, Incorporated, in satisfaction of its regional land entitlement pursuant to section 12(c) of the Alaska Native Claims Settlement Act, to consider monetary payment in lieu of land and to consider all other options which the participants in the study consider to be appropriate to achieve the objectives set forth above.

(b) LANDS.—Lands identified to meet the study objectives outlined in subsection (a) shall be, to the maximum extent possible, lands of like kind and character to those traditionally used and occupied by the Chugach people and shall be, to the maximum extent possible, coastal accessible, and economically viable. The inclusion of lands within the areas designated as conservation system units or for wilderness

study by this Act within the Chugach region shall not preclude the identification of those lands to meet the study objectives outlined in subsection (a).

(c) **PROCEDURE.**—The study participants shall hold at least three public hearings, at least one of which shall be in Anchorage and at least two of which shall be in the Chugach region. In conducting the study, the study participants shall seek review and comment from the public, including the residents of the Chugach region, and all meetings of the study participants shall be open to the public.

(d) **REPORT.**—The study shall be completed and the President shall report to the Congress within one year of the date of enactment of this Act. He shall also transmit with the report any legislation necessary to implement the study recommendations.

(e) **DEADLINE.**—If legislation is necessary to implement the recommendations of the study submitted by the President, then any selection deadlines for Chugach Natives, Incorporated, under section 12(c) of the Alaska Native Claims Settlement Act or section 14(h)(8) of such Act pursuant to section 1429 of this Act will be extended for one year following the date of enactment of the legislation enacted to implement the recommendations of the study submitted by the President.

(f)(1) **LAND STATUS DURING STUDY.**—Until Congress takes final action on any legislation transmitted by the President which is necessary to implement the study or until the recommendations of the study are implemented, whichever occurs first, all State selections filed after July 21, 1979 pursuant to section 6 of the Alaska Statehood Act or title 9 of this Act within the Chugach region shall be considered timely filed but shall not be adjudicated or conveyed except as provided in this section: Provided, That nothing in this section shall impede or be interpreted so as to restrict the adjudication and conveyance of State selections filed before September 1, 1978: State selections filed after July 21, 1979 within the Chugach region shall be subordinate to the results of the study as implemented or to legislation enacted to implement the study as to the land as affected and any such selection which is in conflict with the results of the study as implemented shall thereupon be denied.

(2) Except for lands within the areas designated as conservation system units or for wilderness study by this Act, the Secretary of the Interior is hereby authorized to withdraw, subject to valid existing rights, any federal lands identified for possible selection and conveyance or exchange to Chugach in the proposed study report submitted by the President. The Secretary shall specify all forms of appropriation or disposal, if any, prohibited on such lands in such withdrawals, including but not limited to selections by the State of Alaska, appropriations under the mining laws; leasing under the mineral leasing laws or appropriations under any other public land laws. The consent of the head of any agency administering the land in the area to be withdrawn shall not be necessary prior to such withdrawal. Such withdrawal shall remain in force and effect for one year following the date of enactment of the legislation authorizing implementation of the recommendations in the study report signed by the President unless the Secretary shall earlier determine that the lands of any part thereof included in the withdrawal no longer need the protection of the withdrawal. If lands are selected by Chugach Natives, Incorporated, the withdrawals of the selected lands shall remain in force and effect until the selection is conveyed or finally rejected. The withdrawal and any modification, amendment or revocation thereof shall be published in the Federal Register and shall be effective on the date of publication in the Federal Register.

(3) Prior to conveyance, any lands selected by Chugach Natives, Incorporated pursuant to the study of legislation implementing the study, shall be subject to administration by the Secretary of the Interior or by the Secretary of Agriculture in the case of national forest lands under applicable laws and regulations, and their authority to make contact and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal: Provided, however, That the Secretary shall not make any contract or grant any lease, permit, right-of-way or easement without prior consultation with Chugach Natives, Incorporated. Any lands irrevocably selected by Chugach Natives, Incorporated, shall not be subject to any contract, lease, permit, right-of-way or easement without the prior consent of Chugach Natives, Incorporated. However, the Secretary shall not be prohibited, if otherwise authorized, from issuing permits without prior consultation with Chugach Natives, Incorporated, or without the consent of Chugach Natives, Incorporated, on lands irrevocably selected by Chugach Natives, Incorporated, to the Prince William Sound Fisheries Management Council for aquaculture sites identified to the Secretary by the Prince William Sound Fisheries Management Council and Chugach Natives, Incorporated, with thirty days after the enactment of this Act.

(4) Lands withdrawn pursuant to this section shall not be construed to be "lands held for the benefit of Indians, Aleuts, and Eskimos" pursuant to section 103(e)(2) of Public Law 94-579 (43 U.S.C. 1702 (1976)).

(5) All lands withdrawn under this subsection shall be subject to section 2 of Public Law 94-204 (43 U.S.C., 1613).

(g) **INTERIM MANAGEMENT.**—Until Congress takes final action on any legislation transmitted by the President pursuant to this section or until lands agreed to by the participants in the study are conveyed, whichever comes first, the Secretary of the Interior and the Secretary of Agriculture shall manage lands under their control in the Chugach region in close consultation with Chugach Natives, Incorporated, and, to the maximum extent possible, in such a manner so as not to adversely affect or preclude any option which the participants in the study may consider.

(h) **RELINQUISHED AREAS.**—Any lands within the exterior boundaries of a conservation system unit or a national forest previously selected by Chugach Natives, Incorporated, but relinquished by Chugach Natives, Incorporated, shall, upon receipt of any such relinquishment become a part of the unit and administered accordingly.

(i) **CONVEYANCE OF EXISTING SELECTIONS.**—Prior to the enactment of new legislation to implement the recommendations of the study, nothing in this section shall be construed to prevent Chugach Natives, Incorporated, from notifying the Secretary of its desire to receive conveyance of lands previously selected or the power of the Secretary to adjudicate such selections and to convey those lands properly selected.

#### ARCTIC SLOPE REGIONAL CORPORATION LANDS

**SEC. 1431(a) PURPOSES; REFERENCE DOCUMENT.**—In order to further the purposes of:

- (1) Satisfying land entitlements in the Arctic Slope Region;
- (2) Consolidating and exchanging land holdings for the mutual benefit of the United States and the Native Corporations within the Arctic Slope region; and
- (3) Providing for oil and gas operations in the Kurupa Lake area, consistent with environmental protection,

Congress enacts this section. The specific terms, conditions, procedures, covenants, reservations and other restrictions set forth in the document entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region, Between the Department of the Interior and Arctic Slope Regional Corporation" (hereafter in this section referred to as Terms and Conditions"), which was executed on June 29, 1979, and subsequently submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate are hereby incorporated in this section, and are ratified, as to the duties and obligations of the United States and the Arctic Slope Regional Corporation, as a matter of Federal law.

(b) **TRANSFER TO THE UNITED STATES.**—The Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

#### Fairbanks Meridian

Township 34 north, range 21 west, sections 4 through 9, 16 through 18;  
 Township 34 north, range 22 west, sections 1 through 6, 11 through 14;  
 Township 35 north, range 20 west, sections 1 through 24;  
 Township 35 north, range 21 west, sections 1 through 4, 9 through 16, 21 through 24, 28 through 33;  
 Township 35 north, range 22 west, sections 1 through 12, 17 through 20, 27 through 34;  
 Township 35 north, range 23 west, sections 1 through 3, 10 through 17, 20 through 24, 28, 29, 32, 33;  
 Township 36 north, range 21 west, sections 1 through 4, 9 through 20, 23 through 26, 29 through 32, 35, 36;  
 Township 36 north, range 22 west, sections 5 through 8, 25 through 36;  
 Township 36 north, range 23 west, sections 1, 5 through 8, 12 through 30, 34 through 36;  
 Township 36 north, range 24 west, sections 1 through 3, 10 through 12;  
 Township 37 north, range 21 west, sections 25 through 36;  
 Township 37 north, range 22 west, sections 25 through 36;

#### Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;  
 Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

Township 17 south, range 2 west, partial, sections 3 through 6;  
 Township 17 south, range 3 west, partial, sections 1 through 4;

#### Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24.

(c)(1) LAND EXCHANGE.—As a land exchange, contingent upon Arctic Slope Regional Corporation's relinquishment of lands described in subsection (b) and upon conveyance of lands described in paragraph (4) below, and subject to valid existing rights, (1) the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands, subject to valid existing rights and to the terms, conditions, procedures, covenants, reservations, and restrictions specified in the "Terms and Conditions":

#### Umiat Meridian

Township 13 south, range 4 east, sections 1 through 36;  
 Township 14 south, range 3 east, sections 9 through 16, 21 through 28, 32 through 36;  
 Township 15 south, range 3 east, sections 25 through 30, 33 through 36;  
 Township 15 south, range 4 east, sections 6, 7, 18 through 36;  
 Township 16 south, range 3 east, sections 1 through 3, 6, 7, 9 through 16, 18 through 30;

(2) Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands subject to the terms, conditions, procedures, covenants, reservations and restrictions specified in the "Terms and Conditions":

#### Umiat Meridian

Township 12 south, range 11 west, sections 17 through 20, 29, 30;  
 Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

#### Kateel River Meridian

Township 34 North, range 18 east, sections 9 through 16, 21, through 24;

(3) The Secretary shall except and reserve access easements for park-related purposes from Kurupa Lake to federally owned lands within Gates of the Arctic National Park limited to: The right to land and store aircraft at Kurupa Lake, the right to ingress and egress from the Lake along specific corridors leading to federally owned lands in Gates of the Arctic National Park and the right to camp overnight at the lakeshore and along the specific easement corridors. The conveyance shall be subject to the following covenants: The requirement for a plan of oil and gas operations prior to any exploration or development activities, the authority of the Secretary to modify or revoke any plan of operations for oil and gas exploration which does not utilize available technologies least damaging to the resources of the Kurupa Lake area and surrounding Federal lands and the authority of the Secretary to require good faith consultations to develop a plan of operations for oil and gas development which utilizes available technologies minimizing damage to the resources of the Kurupa Lake area and surrounding Federal lands. Such exceptions, reservations, and covenants shall be binding on Arctic Slope Regional Corporation, its successors and assigns. Subject to valid existing rights, the Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States, except sand and gravel, in the subsurface estate of the following described lands, subject to the terms, conditions, procedure, covenants, reservations, and restrictions specified in the "Terms and Conditions".

#### Umiat Meridian

Township 12 south, range 9 east, sections 1 through 31;  
 Township 12 south, range 10 east, sections 1 through 18;

(4) The Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title, and interest of Arctic Slope Regional Corporation in the following described lands:

## Umiat Meridian

Township 13 south, range 1 west, sections 31 through 36;  
 Township 13 south, range 1 east, sections 31 through 36;  
 Township 14 south, range 2 east, sections 6, 7, 18, 19, 30, 31;  
 Township 14 south, range 4 east, sections 1 through 3, 10 through 15, 22 through 27, 33 through 36;  
 Township 15 south, range 1 west, sections 1 through 6, 11, 12, 19, 20, 27 through 34;  
 Township 15 south, range 1 east, sections 5 through 8, 17 through 20;  
 Township 16 south, range 2 east, sections 13 through 15, 22 through 27, 34 through 36;  
 Township 16 south, range 4 east, sections 1 through 4, 9 through 16, 19 through 36;  
 Township 17 south, range 1 west, sections 1, 2, 5, 6, partial;  
 Township 17 south, range 1 east, partial;  
 Township 17 south, range 3 east, partial;  
 Township 16 south, range 2 west, sections 19 through 36;  
 Township 16 south, range 3 west, sections 19 through 28, 33 through 36;  
 Township 15 south, range 4 west, sections 2 through 4, 9 through 11, 14 through 16, 19 through 23, 26 through 32;  
 Township 16 south, range 4 west, sections 5 through 8, 17 through 24.

(d) TRANSFERS TO NATIVE CORPORATION.—The Secretary shall convey to Arctic Slope Regional Corporation all right, title, and interest of the United States in the following described lands selected or identified for selection pursuant to the Alaska Native Claims Settlement Act, and to the extent such lands lie outside the boundaries of the National Petroleum Reserve in Alaska:

## Umiat Meridian

Township 3 south, range 6 west, sections 24 through 26, 33 through 36;  
 Township 4 south, range 6 west, sections 1 through 5, 7 through 36;  
 Township 4 south, range 7 west, sections 11 through 16, 19 through 36;  
 Township 4 south, range 8 west, sections 23 through 29, 33 through 36;  
 Township 5 south, range 6 west, sections 1 through 18;  
 Township 5 south, range 7 west, sections 1 through 36;  
 Township 5 south, range 8 west, sections 1 through 5, 7 through 36;  
 Township 5 south, range 9 west, sections 25 through 27, 34 through 36;  
 Township 6 south, range 6 west, sections 19, 30, 31;  
 Township 6 south, range 7 west, sections 1 through 18, 22 through 27, 34 through 36;  
 Township 7 south, range 6 west, sections 5 through 8, 17 through 20, 29 through 32;  
 Township 7 south, range 7 west, sections 1, 2, 11 through 14, 19 through 36;  
 Township 7 south, range 8 west, sections 19 through 36;  
 Township 7 south, range 9 west, sections 22 through 27, 34 through 36;  
 Township 8 south, range 6 west, sections 4 through 9, 16 through 36;  
 Township 8 south, range 7 west, sections 1 through 36;  
 Township 8 south, range 8 west, sections 1 through 18, 22 through 27, 34 through 36;  
 Township 9 south, range 6 west, sections 1 through 36;  
 Township 9 south, range 7 west, sections 1 through 36;  
 Township 9 south, range 8 west, sections 1 through 36;  
 Township 10 south, range 5 west, sections 19 through 36;  
 Township 10 south, range 6 west, sections 1 through 36;  
 Township 10 south, range 7 west, sections 1 through 36;  
 Township 10 south, range 8 west, sections 1 through 36;  
 Township 10 south, range 9 west, sections 19 through 36;  
 Township 10 south, range 10 west, sections 19 through 36;  
 Township 11 south, range 5 west, sections 1 through 18;  
 Township 11 south, range 6 west, sections 1 through 18;  
 Township 11 south, range 7 west, sections 1 through 21, 28 through 33;  
 Township 11 south, range 8 west, sections 1 through 36;  
 Township 11 south, range 9 west, sections 1 through 36;  
 Township 11 south, range 10 west, sections 1 through 36;  
 Township 11 south, range 11 west, sections 1 through 36;  
 Township 11 south, range 12 west, sections 1 through 36;  
 Township 11 south, range 13 west, sections 1 through 36;

Township 12 south, range 8 west, partial, sections 1 through 24;  
 Township 12 south, range 9 west, partial, sections 1 through 24;  
 Township 12 south, range 10 west, partial, sections 1 through 24;  
 Township 12 south, range 11 west, sections 1 through 16, 21 through 28;  
 Township 12 south, range 12 west, sections 1 through 12, 17 through 20, 29, 30;  
 Township 12 south, range 13 west, sections 1 through 30;

#### Kateel River Meridian

Township 34 north, range 16 east, sections 7 through 24;  
 Township 34 north, range 17 east, sections 7 through 24;  
 Township 34 north, range 18 east, sections 7, 8, 17 through 20.

(e)(1) ACQUISITION AND EXCHANGE AUTHORITY.—(1) The Secretary is authorized, in order to carry out the purposes of this Act, to acquire by purchase or exchange any of the following described lands which have been or may hereafter be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c)(2) of this section or pursuant to the Alaska Native Claims Settlement Act:

#### Umiat Meridian

Township 12 south, range 8 east, sections 1 through 36;  
 Township 12 south, range 7 east, sections 7 through 36;  
 Township 12 south, range 6 east, sections 10 through 15, 22 through 27, 34 through 36;  
 Township 13 south, range 7 east, sections 1 through 18;  
 Township 13 south, range 6 east, sections 1 through 18;  
 Township 12 south, range 11 west, sections 17 through 20, 29, 30;  
 Township 12 south, range 12 west, sections 13 through 16, 21 through 28;

#### Kateel River Meridian

Township 34 north, range 18 east, sections 9 through 16, 21 through 24;

(2) Lands specified in paragraph (1) of this subsection may be acquired for such purposes only with the consent of Arctic Slope Regional Corporation. If such lands are so acquired by the Secretary, or if any such lands are not conveyed to Arctic Slope Regional Corporation, such lands shall become, and be administered as, a part of Gates of the Arctic National Park; the boundaries of the Park shall thereby be deemed to include such lands to the same extent as if the lands were included within such boundaries by this Act: *Provided*, That no such boundary change shall take effect until ninety days after the Secretary provides notice in writing to the Congress of his intention to consummate an acquisition that would result in such boundary change.

(3) To facilitate an exchange provided for in this subsection, the Secretary is authorized to make available to Arctic Slope Regional Corporation lands, or interests therein, from public lands within the Arctic Slope Region, as determined pursuant to section 7(a) of the Alaska Native Claims Settlement Act, including lands, or interests therein, within the National Petroleum Reserve—Alaska in the event that lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas, or other minerals.

(f) LAND EXCHANGE.—As a land exchange:

(1) contingent upon Arctic Slope Regional Corporation conveying the lands described in paragraph (2) below and upon receiving interim conveyances to the following described lands:

#### Umiat Meridian

Township 9 south, range 2 west, sections 22 through 27, 34 through 36;  
 Township 9 south, range 3 west, sections 1 through 3, 10 through 12;  
 Township 9 south, range 12 west, sections 1 through 18;  
 Township 9 south, range 13 west, sections 1 through 3, 10 through 15, 22 through 24;

the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in the following described lands:

## Umiat Meridian

Township 9 south, range 12 west, sections 19 through 24;  
 Township 9 south, range 11 west, sections 4 through 9, 16 through 21;  
 Township 9 south, range 3 west, sections 13 through 15, 22 through 27;  
 Township 9 south, range 2 west, sections 28, 33;

(2) the Secretary is authorized to accept from Arctic Slope Regional Corporation a relinquishment of all right, title and interest of Arctic Slope Regional Corporation in the following described lands:

## Umiat Meridian

Township 8 south, range 11 west, sections 13 through 15, 22 through 27;  
 Township 8 south, range 10 west, sections 7 through 11, 13 through 21, 28 through 33.

(g) **KAKTOVIK EXCHANGE.**—As a land exchange, contingent upon Kaktovik Inupiat Corporation conveying the lands described in paragraph (1) of this subsection and upon the Arctic Slope Regional Corporation conveying the lands described in paragraph (4) of this subsection—

(1) the Secretary is authorized to accept from Kaktovik Inupiat Corporation all right, title and interest of Kaktovik Inupiat Corporation in the surface estate of the following described lands:

## Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;  
 Township 2 south, range 24 east, sections 1 through 24, 29 through 32;

(2) the Secretary shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

All those lands on Kaktovik Island—Barter Island Group, Alaska, which were not properly selected by Kaktovik Inupiat Corporation on or before December 18, 1975, and which were not on January 1, 1979, in a defense withdrawal.

*Provided*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(3) Kaktovik Inupiat Corporation shall identify additional lands it desires to acquire pursuant to this exchange from within the following described lands, and to the extent necessary to acquire the surface estate of an aggregate total of twenty-three thousand and forty acres, including the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g)(2) hereof:

## Umiat Meridian

Township 7 north, ranges 32 through 36 east;  
 Township 8 north, ranges 32 through 36 east;  
 Township 9 north, ranges 33 through 34 east;

or such other adjacent lands as the Secretary and Kaktovik Inupiat Corporation may mutually agree upon. Upon the concurrence of the Secretary in the lands identified, he shall convey to Kaktovik Inupiat Corporation all right, title and interest of the United States in the surface estate of the lands so identified; *Provided*, That such lands shall be contiguous to lands previously conveyed to Kaktovik Inupiat Corporation pursuant to section 14(a) of the Alaska Native Claims Settlement Act: *Provided further*, That such lands when conveyed to Kaktovik Inupiat Corporation shall be subject to the provisions of the Alaska Native Claims Settlement Act, including section 22(g) of said Act, except that the acreage limitation for village corporation selection of lands within the National Wildlife Refuge System shall not apply;

(4) the Secretary is authorized to accept from Arctic Slope Regional Corporation a conveyance of all right, title and interest of Arctic Slope Regional Corporation in the subsurface estate of the following described lands:

## Umiat Meridian

Township 2 south, range 23 east, sections 25 through 28, 33 through 36;

Township 2 south, range 24 east, sections 1 through 24, 29 through 32.

(h) WEYUK LANDS TRANSFER.—Upon the concurrence of the Secretary of Defense, the Secretary shall convey to Arctic Slope Regional Corporation all right, title and interest of the United States in all or part of the following described lands:

Beginning at Weyuk, United States Coast and Geodetic Survey Survey Mark (1586) north 62 degrees east 2,900 feet, more or less, the true point of beginning of this description, thence north 1,100 feet, more or less, thence easterly, meandering along the coast approximately 2,000 feet, more or less, thence south 700 feet, more or less, thence west 1,800 feet, more or less, to the true point of beginning.

(i) NAVAL ARCTIC RESEARCH LABORATORY.—The Secretary shall convey to Ukpavik Inupiat Corporation all right, title and interest of the United States in the surface estate of the following described lands:

## Umiat Meridian

Township 23 north, range 18 west, sections 13 fractional excluding interim conveyance numbered 045, 14 excluding northwest quarter; southwest quarter; west half southeast quarter, 23 excluding northwest quarter; west half northeast quarter; southwest quarter, southeast quarter, 24 excluding east half, southwest quarter and interim conveyance numbered 045, 28 excluding northeast quarter; southeast quarter, 29 fractional, 32 fractional, excluding United States Survey 4615, United States Survey 1432, and interim conveyance numbered 045, 33 excluding northeast quarter; east half east half northwest quarter; northeast quarter southeast quarter; northeast quarter northwest quarter southeast quarter and interim conveyance numbered 045.

(j) RIGHTS-OF-WAY, ETC.—(1) In recognition that Arctic Slope Regional Corporation has a potential need for access in an easterly direction from its landholdings in the Kurupa Lake area and the watershed of the Killik River to the Trans-Alaska Pipeline corridor, the Secretary is authorized and directed, upon application by Arctic Slope Regional Corporation for a right-of-way in this region, to grant to such corporation, its successors and assigns, according to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended, a right-of-way across the following public lands, or such other public lands as the Secretary and Arctic Slope Regional Corporation may mutually agree upon, for oil and gas pipelines, related transportation facilities and such other facilities as are necessary for the construction, operation and maintenance of such pipelines:

## Umiat Meridian

Township 11 south, range 10 west;

Township 10 south, ranges 8 through 10 west;

Township 10 south, range 7 west, sections 19 through 36;

Township 11 south, range 7 west, sections 1 through 18;

Township 11 south, range 6 west;

Township 11 south, range 5 west, sections 1 through 18;

Township 10 south, range 5 west, sections 19 through 36;

Township 10 south, ranges 1 through 4 west;

Township 10 south, ranges 1 through 10 east.

The final alignment and location of all facilities across public lands shall be in the discretion of the Secretary.

(2) The Secretary or the Secretary of Defense shall make available to Arctic Slope Regional Corporation, its successors and assigns, such sand and gravel as is reasonably necessary for the construction or maintenance of any pipeline or facility and use of rights-of-way appurtenant to the exercise of the rights granted under this subsection, such sand and gravel to be provided to Arctic Slope Regional Corporation, its successors and assigns, for fair market value by negotiated sale.

(k) NEPA.—The National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as requiring the preparation or submission of any environmental document for any action taken by the Secretary pursuant to this section.

(l) SURFACE USES, ETC.—(1) With respect to the following described lands, the surface estate of which is to be conveyed to Arctic Slope Regional Corporation pursuant to subsection (c) hereof:

## Umiat Meridian

Township 12 south, range 9 east, sections 1 through 31;

Township 12 south, range 10 east, sections 1 through 18;

Arctic Slope Regional Corporation shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and removal of oil and gas from said subsurface estate, subject to such rules and regulations by the Secretary that are applicable to the National Park System.

(2) The Secretary shall identify for Arctic Slope Regional Corporation, its successors and assigns, reasonably available sand and gravel which may be used without cost to the United States in the construction and maintenance of facilities and use of rights-of-way appurtenant to the exercise of the rights conveyed under this subsection, notwithstanding the provisions of section 601 et seq., title 30, United States Code, and sand and gravel shall be made available at no charge to Arctic Slope Regional Corporation.

(m) RELATION TO ENTITLEMENTS.—(1) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (c)(4) of this section.

(2) The Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsections (c)(1), (c)(2), (d), (f) (1) and (h) of this section.

(3) The Secretary shall reduce the acreage charged against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Arctic Slope Regional Corporation to the United States pursuant to subsection (g)(4) of this section.

(4) Notwithstanding the exception by the United States of sand and gravel, the Secretary shall charge against the entitlement of Arctic Slope Regional Corporation pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Arctic Slope Regional Corporation pursuant to subsection (c)(3) of this section.

(5) The Secretary shall reduce the acreage charged against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act by the amount of acreage determined by the Secretary to be conveyed by Kaktovik Inupiat Corporation to the United States pursuant to subsection (g)(1) of this section.

(6) The Secretary shall charge against the entitlement of Kaktovik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Kaktovik Inupiat Corporation pursuant to subsection (g) (2) and (3) of this section.

(7) The Secretary shall charge against the entitlement of Ukeagvik Inupiat Corporation pursuant to section 12(a) of the Alaska Native Claims Settlement Act the lands conveyed by the Secretary to Ukeagvik Inupiat Corporation pursuant to subsection (i) of this section.

(8) In no event shall the conveyances issued by the Secretary to Arctic Slope Regional Corporation, Kaktovik Inupiat Corporation, and Ukeagvik Inupiat Corporation pursuant to the Alaska Native Claims Settlement Act and this section exceed the total entitlements of such Corporations under the Alaska Native Claims Settlement Act, except as expressly provided for in subsection (g) of this section.

(n) RESERVED LANDS.—Congress finds that it is in the public interest to reserve in public ownership the submerged lands in the bed of the Colville River adjacent to lands selected by Kuupik Corporation and in the beds of the Nechelik Channel, Kupigruak Channel, Elaktoveach Channels, Tamayayak Channel, and Sakoonang Channel from the Colville River to the Arctic Ocean, and (2) notwithstanding any other provision of law, conveyance of the surface estate of lands selected by Kuupik Corporation pursuant to section 12 (a) and (b) of the Alaska Native Claims Settlement Act and associated conveyance of the subsurface estate to Arctic Slope Regional Corporation pursuant to section 14(f) of such Act shall not include conveyance of the beds of the Colville River and of the channels named in this subsection, and the acreage represented by the beds of such river and of such named channels shall not be charged against the land entitlement of Kuupik Corporation and Arctic Slope Regional Corporation pursuant to the provisions of the Alaska Native Claims Settlement Act.

(o) FUTURE OPTION TO EXCHANGE, ETC.—(1) Whenever, at any time within forty years after the date of enactment of this act, public lands in the National Petroleum Reserve—Alaska or in the Arctic National Wildlife Range, within seventy-five miles

of lands selected by a Village Corporation pursuant to the provisions of section 12(a)(1) of the Alaska Native Claims Settlement Act, are opened for purposes of commercial development (rather than exploration) of oil or gas, Arctic Slope Regional Corporation shall be entitled, at its option, within five years of the date of such opening, to consolidate lands by exchanging the in-lieu subsurface lands which it selected pursuant to the provisions of section 12(a)(1) of the Act for an equal acreage of the subsurface estate, identified by Arctic Slope Regional Corporation, beneath the lands selected by the Village Corporation. Prior to the exercise of such option, Arctic Slope Regional Corporation shall obtain the concurrence of the affected Village Corporation. The subsurface estate identified for receipt by Arctic Slope Regional Corporation pursuant to this subsection shall be contiguous and in reasonably compact tracts, except as separated by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than five thousand seven hundred and sixty acres.

(2) Arctic Slope Regional Corporation shall not be entitled to exchange, pursuant to the provisions of paragraph (1) of this subsection, any in-lieu subsurface estate which the corporation has developed for purposes of commercial extraction of subsurface resources; unless the Secretary determines such an exchange to be in the national interest.

(3) The Secretary shall take such steps as may be necessary to effectuate an exchange sought by Arctic Slope Regional Corporation in accordance with the provisions of paragraph (1).

(4) With regard to subsurface estates acquired by Arctic Slope Regional Corporation pursuant to this subsection, the Secretary may promulgate such regulations as may be necessary to protect the environmental values of the Reserve or Range and consistent with the regulations governing the development of those lands within the Reserve or Range which have been opened for purposes of development, including, but not limited to, regulations issued pursuant to section 22(g) of the Alaska Native Claims Settlement Act.

(p) CONDITIONS.—All lands or interests in lands conveyed by the Secretary in subsections (d), (f)(1), (g)(2), (g)(3), (h), and (i) of this section to Arctic Slope Regional Corporation or a village corporation, as the case may be, shall be subject to valid existing rights, and in accordance with, and subject to, the provisions of the Alaska Native Claims Settlement Act, as amended, as though the lands were originally conveyed to such corporation under the provisions of such Act.

#### COOK INLET VILLAGE SETTLEMENT

Sec. 1432. The Secretary is directed to:

(a) Terminate the review of the eligibility of Salamatof Native Association, Inc. and withdraw any determination that said village corporation is not eligible for benefits under section 14(a) of this Act;

(b) Implement the agreement among the Secretary, Cook Inlet Region, Inc. and Salamatof Native Association, Inc., which agreement dated August 17, 1979, had been filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs in the House of Representatives, the terms of which are hereby authorized;

(c) Remove from the Kenai National Moose Range the surface estate of any land, therein to be conveyed to Salamatof and the subsurface estate of any lands therein conveyed or to be conveyed to Cook Inlet Region, Inc., pursuant to the agreement authorized to be implemented under subparagraph (ii) of this paragraph;

(d) Implement an agreement among Cook Inlet Region, Inc., the corporation representing the Village of Alexander Creek, the corporation representing the group of Alexander Creek and the United States, if such agreement is filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives prior to December 18, 1979, the terms of which are hereby authorized, and upon performance of the conditions precedent set forth in said agreement, certify Alexander Creek, Inc., as a group corporation, eligible for land and other benefits under the Alaska Native Claims Settlement Act and this Act;

(e) Treat lands conveyed to Alexander Creek as lands conveyed to Village Corporations for the limited purpose of calculating the acreage to be charged against the entitlement of Cook Inlet Region under section 4 of Public Law 94-456; and

(f) Accept any lands that are tendered by the State of Alaska for the purpose of implementing the agreement described in subparagraph (i) of this paragraph, such tender not to be subject to the provisions of section 6(i) of the Alaska Statehood Act (72 Stat. 339).

## BRISTOL BAY NATIVE CORPORATION LANDS

Sec. 1433. (a) The following lands are hereby withdrawn for selection pursuant to the provisions of section 14 (h)(8) of the Alaska Native Claims Settlement Act and this section:

## Seward Meridian

Township 14 south, range 56 west, sections 6, 7, 18, 19, and 30.

(b) On or prior to one hundred and eighty days from the date of enactment of this Act, Bristol Bay Native Corporation may select pursuant to section 14(h)(8) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (a).

(c) The Secretary shall convey to Bristol Bay Native Corporation the surface and subsurface estate of the acreage selected by it Conveyances pursuant to this section shall be subject to valid existing rights and the provisions of the Alaska Native Claims Settlement Act.

(d) Nothing in this section shall be deemed to increase or decrease the acreage entitlement of Bristol Bay Native Corporation, under any section of the Alaska Native Claims Settlement Act.

(e) Any lands withdrawn under subsection (a) and not conveyed to Bristol Bay Native Corporation, shall return to the public domain subject to any prior withdrawals made by the Secretary pursuant to subsection 17(d)(1) of the Alaska Native Claims Settlement Act, subsection 204(e) of the Federal Land Policy and Management Act, and the provisions of section 906(k) of this Act.

## SHEE ATIKA-CHARCOAL AND ALICE ISLAND CONVEYANCE

Sec. 1434. In partial satisfaction of the rights of Shee Atika, Inc., under section 14(h)(3) of the Alaska Native Claims Settlement Act, the Secretary of the Interior shall convey to Shee Atika, Inc., subject to reservation of easements as provided in section 17(b)(3) of that Act, the surface estate, and to Sealaska Corporation the subsurface estate, in and to the land owned by the United States in section 1, township 56 S, range 63 E, Copper River meridian, comprising Charcoal and Alice Islands, excluding, however, the land therein occupied under Federal permit by the Mount Edgecombe Grade School, the lands comprising the Mausoleum of the United States Public Health Service, as designated by that Service, and the lands comprising the maintenance and warehouse buildings of the Bureau of Indian Affairs, Department of the Interior, as designated by the Bureau of Indian Affairs, and approximately 1.5 acres, heretofore declared excess to the needs of the United States Public Health Service and transferred to the General Services Administration. Shee Atika, Inc., shall designate from the land heretofore selected by or conveyed to it pursuant to section 14(h)(3) of the Alaska Native Claims Settlement Act, a block of land equal in acreage to the lands to be conveyed to it under this provision, and all claims and rights of Shee Atika, Inc., in and to the surface estate, and all claims and rights of Sealaska Corporation, in and to the subsurface estate of such designated lands shall be deemed extinguished.

## AMENDMENT TO PUBLIC LAW 94-204

SEC. 1435. Section 12(b) of the Act of January 2, 1976 (Public Law 94-204), as amended by section 4 of the Act of October 4, 1976 (Public Law 94-456) and section 3 of the Act of November 15, 1977 (Public Law 95-178) is hereby amended to add the following new paragraphs:

"12(b)(7)(i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b)(6) of this Act are otherwise fulfilled: (a) Cook Inlet Region, Inc., may, by crediting the account established in subsection 12(b)(7)(ii), bid, as any other bidder for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. sec. 484), as amended. No preference right of any type will be offered to Cook Inlet Region Inc., for bidding for General Services Administration surplus property under this subparagraph and no additional advertising shall be required other than that prescribed in title 40, United States Code, section 484(e)(2) of the Federal Property and Administrative Services Act; (b) the Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary any surplus property otherwise to be disposed of pursuant to (40 U.S.C. 484(e)(3)) to be offered Cook Inlet Region, Inc.

for a period of 90 days so as to aid in the fulfillment of the Secretary's program purposes under the Alaska Native Claims Settlement Act: *Provided*, That nothing in this subsection 12(b)(7)(i)(b) shall be construed to establish, enlarge or diminish authority of the Administrator or the Secretary within the State of Alaska. If the Region accepts such property, it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(C)(2)(e) of the document, referred to in subsection (b) of this section. Prior to any disposition under subsection 12(b)(7)(i)(b), the Administrator shall notify the governing body of the locality where such property is located and any appropriate State agency, and no such disposition shall be made if such governing body or State agency, within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.

"(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Inc. surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by paragraph I(C)(2)(e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region, Inc., the effective date of this subsection to acre or acre-equivalents under paragraph I(C)(2)(g) of the document referred to in this subsection and shall be adjusted to reflect transfers or successful bids under 12(b)(6) of this section.

"(iii) The amount charged against the Treasury account established under subsection (ii) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to (40 U.S.C. 485(b)), as amended.

"(iv) The basis for computing gain or loss on subsequent sale or other disposition of lands or interests in land conveyed to Cook Inlet Region, Inc., under this subsection, for purposes of any Federal, State or local tax imposed on or measured by income, shall be the fair value of such land or interest in land at the time of receipt. The amount charged against Cook Inlet's entitlement under I(C)(2)(e) of the document referred to in subsection (b) of this section shall be prima facie evidence of such fair value.

"12(b)(8) Cooks Inlet Region, Inc., the Secretary and/or the Administrator shall have until July 15, 1981, to complete the nomination of lands for the pool described in subsection 12(b)(6): *Provided, however*, That the Secretary shall report to Congress on January 15, 1981, as to:

"(i) Such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, or elsewhere can be made available to the Cook Inlet Region, Inc., to the extent of its entitlement;

"(i) The feasibility and appropriate nature of reimbursement to Cook Inlet Region, Inc., for its unfulfilled entitlement as valued in paragraph I(C)(2)(e) of the document referred to in this subsection; and

"(iii) The extent to which implementation to the mechanisms established in subsection 12(b)(7) promise to meet said unfulfilled commitment; and

"(iv) Such other remedial legislation on administrative action as may be needed.

#### BRISTOL BAY GROUP CORPORATION LANDS

Sec. 1436. (a) Congress finds that the individual Natives enrolled to Port Alsworth are enrolled at-large in the Bristol Bay Native Corporation. The roll prepared by the Secretary shall be determinative of this fact and such enrollment shall be final.

(b) The individual Natives enrolled to Port Alsworth have formed a group corporation which shall hereafter be referred to as Tanalian, Incorporated. The benefits bestowed by this section upon these Natives shall accrue to such group corporation, regardless of its name.

(c) If Tanalian Incorporated is certified as a group under the Alaska Native Claims Settlement Act, Tanalian Incorporated shall be entitled to make selections in accordance with subsection (d) hereof.

(d)(1) Tanalian Incorporated if certified shall be entitled to make selections of the surface estate of public lands as that term is described in section 3(e) of the Alaska Native Claims Settlement Act from the following described lands, except it may not select any land of Power Site Reserve 485 (the Kontrashibuna Power Site), land acquired by the United States after January 1, 1979, or land subject to a valid existing right, in the amount agreed to by Bristol Native Corporation (not to exceed 320 acres per person or 2240 acres, whichever is less) and charged against Bristol Bay Native Corporation's rights to select under section 14(h) as provided for in 43 CFR 2653.1(b):

## Seward Meridian

Township 1 north, Range 29 west, sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, and 21.

(2) If Tanalian Incorporated is certified as a group, the Secretary shall give written notice within sixty days of such certification to Bristol Bay Native Corporation.

(3) If such notice is given, Bristol Bay Native Corporation shall, within sixty days thereafter, give written notice to the Secretary and Tanalian Incorporated as to the amount of acreage Tanalian Incorporated may select.

(4) Within one hundred and eighty days after receipt of such notice, Tanalian Incorporated may select, pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (d)(1).

(5) Within one hundred and eighty days after Tanalian Incorporated makes selections in accordance with subsection (d)(1) hereof, Bristol Bay Native Corporation may select subject to any valid existing right an amount of subsurface estate from public lands as defined in the Alaska Native Claims Settlement Act previously withdrawn under sections 11(a)(1) or 11(a)(3) of the Alaska Native Claims Settlement Act within its boundaries equal to the surface estate entitlement of Tanalian Incorporated. Bristol Bay Native Corporation will forego an in lieu subsurface selections in that portion of the Nondalton withdrawal area which falls within the Lake Clark Preserve. Selections made by Bristol Bay Native Corporation shall have priority over any selections made by the State after December 18, 1975. Such subsurface selections shall be in a single contiguous and reasonably compact tract and the exterior boundaries of such selections shall be in conformity with the public lands survey system.

(e) If there is any conflict between selections made by Tanalian Incorporated pursuant to this section and valid Cook Inlet Region, Inc. or Cook Inlet Region Village selections, the selections of Cook Inlet Region, Inc. or the Cook Inlet Region Village shall prevail.

(f) The Secretary shall convey to Tanalian Incorporated and to Bristol Bay Native Corporation the surface and subsurface estate, respectively, of the acreage selected by the corporation pursuant to this section.

(g) Nothing contained in this section, or done pursuant to authorizations made by this section, shall alter or affect the acreage entitlements of Cook Inlet Region, Inc., or Bristol Bay Native Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act nor the boundaries of Cook Inlet Region, Inc. or Bristol Bay Native Corporation, respectively.

## TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

### AREAS SUBJECT TO THE NATIONAL NEED RECOMMENDATION PROCESS

SEC. 1501. The process contained in this title shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Range.

### RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS

SEC. 1502. (a) RECOMMENDATION.—At any time after the date of enactment of this Act the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 1501. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

(b) FINDINGS.—A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on the information available to him—

(1) there is an urgent national need for the mineral activity; and

(2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) REPORT.—Together with his recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;

(2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of such Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969, the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

(d) **APPROVAL.**—Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) **ONE-HUNDRED-AND-TWENTY-DAY COMPUTATION.**—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

#### EXPEDITED CONGRESSIONAL REVIEW

**SEC. 1503. (a) RULEMAKING.**—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by subsection (b) of this section and it supercedes other rules only to the extent that it is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) **RESOLUTION.**—For purposes of this section, the term “resolution” means a joint resolution, the resolving clause of which is as follows: “That the House of Representatives and Senate approve the recommendation of the President for \_\_\_\_\_ in \_\_\_\_\_ submitted to the Congress on 19 \_\_\_\_”, the first blank space therein to be filled in with appropriate activity, the second blank space therein to be filled in with the name or description of the area of land affected by the activity, and the third blank space therein to be filled with the date on which the President submits his recommendation to the House of Representatives and the Senate. Such resolution may also include material relating to the application and effect of the National Environmental Policy Act of 1969 to the recommendation.

(c) **REFERRAL.**—A resolution once introduced with respect to such Presidential recommendation shall be referred to one or more committees (and all resolutions with respect to the same Presidential recommendation shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) **OTHER PROCEDURES.**—Except as otherwise provided in this section the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

## I. PURPOSE

The principal purpose of H.R. 39, as reported by the Committee, is to designate approximately 105 million acres of Federal land in Alaska for protection of their resource values under permanent Federal ownership and management. The bill more than doubles the size of the National Park System and the National Wildlife Refuge System. It triples the size of the National Wilderness Preservation System. It virtually completes the public land allocation process in Alaska which began with the Statehood Act of 1958 which granted the State the right to select approximately 104 million acres of public land. This Federal land disposal process was continued by the Alaska Native Claims Settlement Act of 1971 which granted Alaska Natives the right to select approximately 44 million acres of Federal land.

In order to carry out the principal purposes, the Committee adopted a number of other significant provisions which, together with the land designations, are discussed in the following Summary of Major Provisions.

## II. SUMMARY OF MAJOR PROVISIONS

### TITLE I—PURPOSES, DEFINITIONS, AND MAPS

Sets forth the purposes of the bill and spells out general definitions and map references.

### TITLE II—NATIONAL PARK SYSTEM

Establishes or expands 13 management units of the National Park System totaling 42.80 million acres. Sets out specific rules for management and use of these areas.

### TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

Establishes or expands 14 management units from the National Wildlife Refuge System totaling 42.47 million acres. Sets out specific rules for management and use of these areas.

### TITLE IV—NATIONAL CONSERVATION AREAS

Establishes 4 national conservation areas totaling 7.37 million acres and one national recreation area of 1 million acres, to be administered by the Secretary of the Interior through the Bureau of Land Management. Sets out specific rules for management and use of these areas.

### TITLE V—NATIONAL FOREST SYSTEM

Establishes one new National Forest of 5.4 million acres, adds 3.04 million acres to existing National Forests, establishes a 1.2 million acre Seward National Recreation Area in the existing Chugach National Forest, and establishes a 1.55 million acre Misty Fjords National Forest Monument in the Tongass National Forest. Sets out specific rules for management and use of these areas.

### TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

Designates 24 rivers or river segments as components of the Wild and Scenic Rivers System and designates 10 rivers for study for possible inclusion in the system.

### TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEM

Designates 38.6 million acres as part of the National Wilderness Preservation system and designates 3 million acres for wilderness study.

### TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

Recognizes the importance of subsistence use of fish, wildlife and other resources by many Alaskans. Establishes a statutory preference for subsistence resource use over other uses including sport hunting and fishing. Establishes a specific statutory program to assure that the preference is implemented under State regulation and management.

## **TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT**

Expedites conveyance of Federal lands to Alaska Natives and the State of Alaska so as to fulfill the land grants made under the Alaska Native Claims Settlement Act and the Alaska Statehood Act.

## **TITLE X—FEDERAL NORTH SLOPE LANDS STUDY PROGRAM**

Recognizes the unique combination of wilderness, wildlife, and oil and gas values on the Alaska North Slope by directing a special study of all Federal lands in the area except the Petroleum Reserve National—Alaska to assure that all elements of resource use and preservation will be presented to Congress at the same time. Includes a special oil and gas exploration program for the Arctic National Wildlife Range, an oil and gas leasing program for non-North Slope Federal lands and a mineral resource assessment program.

## **TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS**

Establishes a special procedure for allowing access for transportation and other purposes across and into conservation system units. Recognizes the need to balance protection of the resources and the need for access to permit development of Federal, State, and private lands not included in such units.

## **TITLE XII—FEDERAL-STATE COOPERATION**

Establishes an Alaska Land Use Council as an innovative vehicle for Federal and State cooperation in the management of Federal and State lands. Also authorizes special cooperative agreements for wildlife refuges and designates the Bristol Bay Cooperative Region as a unique experiment in Federal-State cooperation.

## **TITLE XIII—ADMINISTRATIVE PROVISIONS**

Contains a variety of special management provisions dealing with various land management systems and other specific management concerns.

## **TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND RELATED PROVISIONS**

Contains a number of amendments to the Alaska Native Claims Settlement Act which will simplify administration of that Act and assure that the Natives receive full benefits which the Congress intended in the original law. Also authorizes a number of specific selections which will benefit both the Natives and the Federal Government.

## **TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS**

Establishes a special procedure under which the President, with Congressional approval, can permit mineral exploration, development and extraction which is prohibited under existing law, but may be needed to meet future national needs.

### III. BACKGROUND AND NEED

#### ALLOCATION OF PUBLIC LANDS IN ALASKA

The Alaska Native Claims Settlement Act of 1971 (ANCSA) did more than settle the longstanding aboriginal claims of Alaskan Native peoples. It also set in motion a sequence of events which may well constitute the most significant single land conservation action in the history of our country.

ANCSA directed the Secretary of the Interior to withdraw from all forms of appropriation up to 80 million acres of Federal lands in Alaska and to report to the Congress his recommendations for administering them as units of the National Park, National Forest, National Wildlife Refuge, and National Wild and Scenic Rivers Systems. These lands are often referred to as the "d-2" lands after section 17(d) (2) of the 1971 Act, which is the section authorizing the Secretary's action.

The 1971 Act also set a deadline of December 1978 for Congress to act on these lands by providing that any of them which Congress has not by then chosen for special legislative protection will revert to ordinary public lands status. Congress, of course, has the ultimate responsibility for disposition of the public lands.

H.R. 39, as amended by the Committee, will virtually complete the public land allocation process in Alaska which began with Statehood in 1959. The Statehood Act granted the State of Alaska the right to select over 104 million acres of public land. This land disposal process was continued by the Alaska Native Claims Settlement Act, which granted Native corporations the right to select about 44 million acres of public land. As reported by the Committee, this bill would set aside for the future enjoyment and benefit of the American people other public lands in addition to the existing National Forests, National Parks and National Wildlife Ranges, totalling about 105 million acres.

Alaska's greatest problem now is uncertainty, concerning the status of its vast lands and related national resources. This is the uncertainty which H.R. 39 (as amended) addresses, and which it resolves by laying the groundwork for orderly, responsible, and sound development of Alaska's resources and society. By transferring title over validly selected lands to the Natives and to the State of Alaska, the bill goes far toward letting people know where they stand and to giving Alaska and its citizens the means of shaping their own future. Thus, this legislation is in the best interests of Alaska and her people, as well as of all the American people for whose future heritage it provides.

The State lands and the Native lands as well as other public lands, will be the basis for direct economic development. But the conservation system units themselves will be an economic asset to the State of Alaska and its people, as well as for all the Nation and the world. They should offer a tremendous boost to the recreation industry in Alaska.

Although still in its infancy compared to that of other States (Alaska ranks near the bottom in tourist-related revenues and jobs), Alaska's recreation industry is currently increasing at a rate of between 10 and 15 percent per year. Visits to Alaska's existing National Parks have more than quadrupled since 1971, growing more than 87 percent per year between 1971 and 1976.

The State of Alaska calculates tourism income in 1977 at \$150 million from 270,000 tourists. By contrast, a recent study in next-door British Columbia reports that in 1976, 10.5 million visitors spend \$1.2 billion—tourism is expected to be British Columbia's biggest industry by 1982. Although air fares and growing public awareness are attracting more and more people to Alaska, the State has, as yet, only scratched the surface of its tourism potential.

National parks, trails, wild and scenic rivers, wilderness areas and wildlife ranges are themselves major destination points for tourists. The National Park Service estimates that visits to the National Park System in the lower 48 generate between \$15 and \$20 billion for the Nation's recreation industry. A 1976 analysis of the tourism benefits to the village of Estes Park, Colorado—the eastern gateway to Rocky Mountain National Park—found that visitors to the park brought into the community a total of \$30 million in initial expenditures per year.

#### HISTORY OF SECTION 17(d) OF ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA)

Section 17(d)(2) of ANCSA had its genesis in the Senate Native Claims bill (S. 35, sec. 24(c)(4) which directed the Secretary to conduct detailed studies and investigations of *all* unreserved public lands in Alaska, Naval Petroleum Reserve No. 4 (now the National Petroleum Reserve—Alaska) and the Rampart Power Site withdrawal, and within 3 years, submit his recommendations as to which areas were suitable as recreation, wilderness or wildlife management areas within the National Park, National Forest and National Wildlife Refuge Systems and withdraw such areas from entry under the public land laws.

This section was amended on the Senate floor by adoption of an amendment offered by Senators Bible, Jackson and Metcalf to make clear that while the State of Alaska could identify lands for selection within the withdrawn areas, such lands could not be tentatively approved or patented and, in the event the Congress enacted legislation establishing a conservation system unit, the State would be entitled to alternative public lands. Native village selections could be patented.

A modified version was adopted by the Conference Committee as Section 17(d)(2), which authorized the Secretary to withdraw up to 80 million acres of "National Interest" land by September 1972 for study for possible addition to the National Park, Wildlife Refuge, Wild and Scenic Rivers, and National Forest Systems. This provision also stipulated that all legislative proposals resulting from such studies needed to be submitted to the Congress by December 18, 1973, and that Congress would then have 5 years to act, during which time all of the lands included would be fully protected from appropriation under the public land laws.

Section 17(d)(1) originated in the House as an amendments to H.R. 3100 (numbered H.R. 10367 as reported) which withdrew all public

lands in the State of Alaska from all forms of appropriation under the public land laws. The Conference Committee, apprehensive about opening the public lands too quickly after several years of unavailability and fearful of a land rush which might frustrate the Secretary of the Interior's withdrawal actions and interfere with Native land selection rights, modified the House version to extend the "land freeze" for 90 days, in order to give the Secretary time to review and withdraw sufficient public land to satisfy Native selections and also meet the requirements of Section 17(d)(2) to withdraw land for "National Interest" purposes.

Section 17(d)(1), commonly called the "public interest" provision of ANCSA, authorized the Secretary to withdraw such public lands as he thought advisable for study and possible classification for future management. State selection or for opening of public land areas to entry. The Conference Report made clear that the larger public interest should be protected:

The "classification" and "reclassification" authority granted under subsection 17(d)(1) is *new* legislative authority. The authority is limited to Alaska and to the purposes provided for in subsection 17(d). It is, however, a very broad and important delegation of discretion and authority and the conference committee anticipates that the Secretary will use this authority to insure that the purposes of this Act and the land claims settlement are achieved, that the larger public interest in the public lands of Alaska is protected, and that the immediate and unrestricted operation of all the public land laws 90 days from date of enactment—absent affirmative action by the Secretary under his existing authority—does not result in a land rush, in massive filings under the Mineral Leasing Act, and in competing and conflicting entries and mineral locations.

The Secretary utilized this authority to withdraw virtually all of the public land in Alaska including those lands withdrawn under Section 17(d)(2).

#### REVIEWS BY FEDERAL AGENCIES

In January, 1972, less than one month after passage of the Settlement Act, the Fish and Wildlife Service and the National Park Service concentrated on the identification of "areas of interest" in Alaska. Much of the knowledge needed to identify such areas came from studies that had been conducted by these agencies over past years. Additional areas were added for consideration as a result of contacts with scientists and others acquainted with the natural and historic resources of Alaska.

During February, 1972, these two agencies screened the "areas of interest" to identify those specific areas that warranted withdrawal for definitive on-the-ground study for possible addition to the National Wildlife Refuge and National Park Systems. These areas were reviewed with Departmental officials in order to find the lands that should be withdrawn by the Secretary of the Interior in March,

1972, under the 17(d)(1) and 17(d)(2) provisions. The March withdrawal, when made, also protected certain scenic and wild river possibilities for study for possible addition to that System. The Secretary also withdrew lands for Native village and regional deficiency within which the Natives were to select the remaining land that would be coming to them.

In May, 1972, the National Park Service, the Bureau of Outdoor Recreation, and the Forest Service established special offices in Anchorage, Alaska, to conduct detailed studies of the withdrawn lands. The Fish and Wildlife Service utilized its existing organization in Alaska to conduct its studies, but did assign additional staff to the detailed study effort.

As a result of the 1972 studies, the agencies confirmed or modified the areas they thought warranted further consideration. Some areas were dropped from further consideration since they did not qualify for addition to the individual systems; in other cases it was apparent that changes were needed in the withdrawal boundaries for the 17(d)(1) and 17(d)(2) lands. The results of these studies were made public.

In August, 1972, the temporary Joint Federal-State Land Use Planning Commission, authorized for establishment by Section 17(a), met with the Secretary of the Interior to give him their recommendations for the forthcoming final 17(d)(2) withdrawals. In addition, the State and Department of the Interior, in order to settle a court suit that the State had filed against the Secretary because of implications of the March withdrawal, reached accord concerning future classification and use of some of the 17(d)(1) and 17(d)(2) lands withdrawn in March. Also, as a result of negotiations with some of the Regional Corporations, changes were needed in some of the Native deficiency withdrawals, changes that would benefit both the Natives and the agencies. On September 17 the Secretary made his final 17(d)(2) withdrawals. The total area withdrawn was 79.3 million acres.

During the remainder of 1972 and early 1973, the review agencies continued their analysis of the 17(d)(2) and related 17(d)(1) lands. Individual proposals for the conservation systems were then presented to the Department Task Force on Alaska in June of 1973. The Task Force had been established earlier by the Secretary of the Interior to advise him on matters relating to implementation of the Alaska Native Claims Settlement Act. It consisted of all the Assistant Secretaries of Interior involved, plus an Assistant Secretary of Agriculture since the Forest Service is an agency of that Department. The Department Task Force was supported by a special working group chaired by the Legislative Counsel of the Department of the Interior.

In March, 1973, the Alaska Planning Group was established in Washington, D.C. This was a multi-agency coordinating unit made up of National Park Service, Fish and Wildlife Service, and Bureau of Outdoor Recreation personnel, with the Bureau of Land Management and the Forest Service participating where those agencies are involved. The Planning Group was established to coordinate many of the activities and the production of materials relating to the implementation of ANCSA involving particular interests of more than one of these agencies, mainly as related to the "Four Systems" areas. The Group was particularly active in the production of the draft and final environ-

mental impact statements prepared for the legislative proposals sent to the Congress in December 1973.

During May and June, 1973, the Federal-State Land Use Planning Commission held over 30 hearings in Alaska and four hearings in the lower 48 state to obtain public comment concerning use potentials for the 17(d)(2) lands without consideration as to the managing agency. The testimony from these hearings, as well as specific recommendations submitted by the Commission regarding the 17(d)(2) withdrawals, were considered by the Departmental Task Force in developing its final recommendations to the Secretary on which lands should go into what System. Discussions were also held with the Secretary of Agriculture prior to Secretary of the Interior making his final decisions on areas which were submitted to the Congress on December 18, 1973.

During the period 1974-77 the Departments of the Interior and Agriculture, the Federal-State Land Use Planning Commission for Alaska and others continued study and evaluation of the Alaska lands and resources and the proposed national interest lands areas. In 1977 the Federal-State Land Use Planning Commission made detailed recommendations for new parklands, wildlife refuges, wild and scenic rivers and other conservation areas in Alaska. In September 1977, the Secretary of the Interior presented updated recommendations to the Congress for national interest lands in Alaska.

#### EXECUTIVE ACTIONS

As December 18, 1978 approached without enactment of an Alaska Lands bill (see "Legislative History") the Carter Administration took several major administrative actions designed to protect the lands under consideration for four systems designations by the Congress.

First, in November 1978, Secretary Andrus withdrew some 110 million acres of Federal land in Alaska from appropriation under the public land laws pursuant to his "emergency" withdrawal authority under Sec. 204(e) of the Federal Lands Policy and Management Act. These are 3 year temporary withdrawals. Then on December 1, 1978, the President designated 17 national monuments totaling some 56 million acres. The President took these actions pursuant to his authority under the Antiquities Act of 1906.

The State of Alaska and a number of private parties have brought suit in Federal District Court challenging the authority of the Secretary of the Interior and the President to take these actions.

#### IV. LEGISLATIVE HISTORY

The Committee had 11 bills relating to the Alaska National Interest Lands pending before it during the 95th Congress. S. 499, containing the 1973 proposals of Interior Secretary Rogers C. B. Morton and S. 500, the Alaska Coalition proposal, were introduced by Senators Jackson and Hansen (by request), on January 28, 1977.

On May 12, 1977, Senator Metcalf introduced S. 1500 as a substitute for S. 500. Senator Durkin introduced an amendment to S. 1500 (No. 2176) on May 16, 1978. Senator Stevens' proposal, S. 1787 was introduced June 30, 1977. S. 2465, the Carter Administration proposal was introduced by request on January 31, 1978. Senator Gravel introduced his bill, S. 2944, on April 15, 1973.

H.R. 39, as passed by the House, was referred to the Committee on June 8, 1978.

In addition to comprehensive Alaska lands legislation, S. 1546, introduced by Senator Abourezk creating a National Preserve on Admiralty Island, S. 3016 proposed by Senators Gravel and Stevens and S. 3303, proposed by the Administration containing numerous provisions to improve the implementation of the Alaska Native Claims Settlement Act, were referred to the Committee on Energy and Natural Resources.

The Full Committee held 7 days of hearings in Washington on the Alaska National Interest Lands bills during the 95th Congress. During the 94th Congress 2 days of hearings were held on S. 1687, the Administration "d-2" proposal. In addition the Committee staff conducted workshops in 7 Alaska villages during September 1977 and participated in 7 days of workshops in February, 1978.

Committee markup of these proposals in the 95th Congress commenced on June 22, 1978. After 46 markup sessions, the Committee ordered H.R. 39 favorably reported with an amendment in the nature of a substitute on October 5, 1978.

The Committee on Energy and Natural Resources continued to consider Alaska Lands legislation in the 96th Congress. On January 15, 1979, Senator Jackson introduced S. 9 which was virtually identical to the bill reported by the Committee in October, 1978.

Senator Durkin introduced the Alaska Coalition Proopsal, S. 222, with 19 cosponsors, on January 25, 1979.

H.R. 39, once again the number of the House bill, passed by the House and was referred to the Committee on May 24, 1979.

The Committee met on July 10, 1979, to consider a request by Senator Gravel to conduct field hearings in the State of Alaska. Given the extensive legislative history and public debate on this issue, the Committee agreed to proceed to markup rather than to hold any further hearings.

Full Committee markup on Alaska Lands began on October 9, 1979. S. 9 was used as the text for purposes of amendment. On October 30, 1979, after 12 markup sessions, the Committee ordered H.R. 39 favorably reported with an amendment in the nature of a substitute.

## V. COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 30, 1979, by majority vote of a quorum present, recommends that the Senate pass H.R. 39 amended as described herein.

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Committee during consideration of H.R. 39.

During the Committee's consideration of the Alaska National Interest Lands Act, many voice votes and formal roll call votes were taken on amendments to the bill. These votes were taken in open public session and, because they were previously announced by the Committee in accord with the provisions of section 133(b), it is not necessary that they be tabulated in the committee report.

H.R. 39 was ordered favorably reported to the Senate on a roll call vote of 17-1. The vote was as follows:

<i>Yeas</i>	<i>Nays</i>
Jackson	Tsongas
Church*	
Johnston	
Bumpers	
Ford	
Durkin	
Metzenbaum*	
Matsunaga*	
Melcher	
Bradley	
Hatfield*	
McClure*	
Weicker*	
Domenici	
Stevens	
Bellmon	
Wallop	

\*Indicates voted by proxy.

## VI. COMMITTEE AMENDMENTS

As noted in the "Legislative History" section of this Report, the Committee agreed to use the text of S. 9 for the purpose of amendment. At the conclusion of the Committee's last business meeting, the language of S. 9, as amended, was adopted as an amendment in the nature of a substitute for the House-passed measure—H.R. 39.

Since S. 9 as introduced is virtually identical to the Committee reported bill last year (See S. Report 95-1300) and relatively few significant amendments were adopted during markup, much of this year's report is based on last year's Committee action.

### TITLE I—PURPOSES, DEFINITIONS, AND MAPS

This title sets forth general Congressional policy regarding the Alaska National Interest Lands legislation. It also defines a number of terms used throughout the bill. The Committee agreed to add a provision to the reported bill regarding future Alaska Lands legislation. Section 101(d) states the Committee's view that by enactment of this bill the Congress seeks to resolve certain long-standing issues concerning the protection and allocation of Federal lands in Alaska.

By enactment of this bill, the Congress seeks to resolve issues concerning the protection and allocation of Federal lands in Alaska which are of long standing, and which will have far-reaching future consequences for both the Nation and the State. The provisions contained in this bill are the result of thorough congressional analysis and the weighing of many competing factors regarding particular tracts of land, and the management system appropriate to each tract. The Congress believes that the results it has reached, as represented by this bill, are both a fair and equitable resolution of competing claims for protection and development of these lands, and reconcile, in the best manner possible, all the diverse and often conflicting elements which constitute the national interest in these lands. Accordingly, it is the belief of Congress that the years of debate and uncertainty regarding the future status of Alaska's Federal public lands, and their protection, development, and distribution have been resolved by this legislation, and that future Congresses, if requested to re-examine the issues dealt with here, or to alter in any major way the comprehensive resolution reached here, are encouraged to examine in detail the legislation now enacted, and the facts, testimony, and analyses which support that legislation. In our opinion such an analysis will lead to the conclusion that the delicate balance between competing interests which is struck in the present bill should not be upset in any significant way.

## TITLE II—NATIONAL PARK SYSTEM

## OVERVIEW

Our Nation's great system of national parks represents a special and unique ethic in land preservation, one that has its roots in the American frontier. Born with the creation of the world's first National Park, Yellowstone, in 1872, the National Park System contains the treasured symbols of our heritage. They are no less wondrous to Americans today than Yellowstone was to Americans over a century ago. Embracing more than 31 million acres of land in 310 areas (excluding the Alaska National Monuments established on December 1, 1978) in 49 States and in Puerto Rico, Guam, and the Virgin Islands, our National Park System is now visited by more than 260 million people annually.

As Yellowstone did in the last century, the proposed parks in the Alaska National Interest Lands Conservation Act offer Congress and the public an opportunity to protect what part of our last frontier—Alaska—by endowing a major legacy of parks for future generations of Americans. The proposed parks were selected and their boundaries drawn after extensive surveys and comparative analyses of all the unreserved Federal lands in Alaska. They have been aptly called Alaska's "crown jewels".

These parks offer a full range of nature and history in Alaska, mighty landforms and entire ecosystems of naturally occurring geologic and geomorphic processes, intricate waterforms and spectacular shorelines, majestic peaks and gentle valleys, diverse plant communities and equally diverse fish and wildlife.

Some illustrate regional diversity; others evidence the on-going processes still shaping the landscapes; still others represent ecosystems of vegetation and successional stages of plant growth. Certain units have been selected because they provide undisturbed natural laboratories—among them the Noatak, Charley, and Bremner River watersheds. These can serve as benchmarks by which one can compare the effects of human activity on similar landscapes elsewhere.

Four of the units in large part—Gates of the Arctic, Mount McKinley, Katmai, and Glacier Bay National Parks—are intended to be large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause. Several—including the Bering Land Bridge National Preserve, Cape Krusenstern National Monument and the Kobuk Valley National Park—show the evidences of geologic development of the terrain and trace the development of human ways of life from ancient to recent times.

The overall objective of title II is to establish as complete as possible a system of parks in Alaska, representing the most outstanding available characterizations of natural and historical themes. These National Park System units will also provide an opportunity for people to enjoy a wide array of recreational experiences unique in our Nation—ranging from the solitude and challenge of remote wilderness to the

simple pleasures of hiking an accessible trail, or rafting down a crystal clear river, or learning about a quirk of nature or history from a park ranger. Although seemingly remote now, the Alaskan parks are more readily accessible than was Yellowstone at the time of its establishment; thus as population pressures increase and technological advances make all the world more accessible, it becomes ever more important that actions be taken now to protect these splendid lands and waters.

The new and expanded national park units in Alaska, like all national parks, are to be places for people. They are the heritage of our past and the treasures of our present. Most of all, like Yellowstone, the Grand Canyon, and the others before them, they will be our generation's legacy for the future.

The Committee reaffirmed the goals it established last year concerning this title and found a need for major additions to the National Park System in Alaska. With one exception the Committee recommends the establishment of the same areas with only one minor change in the exterior management boundaries. The one significant change adopted this year is the Committee recommendation that the Misty Fjords not be added to the National Park System. Rather the Committee agreed that the area should remain a part of the National Forest System to be managed as a National Monument within the Tongass National Forest. The Committee also recommends some changes in classification within units, compared with last year. Specifically Cape Krusenstern and Kobuk were changed from Preserves to a Monument and Park respectively.

A minor boundary change was adopted for the Gates of the Arctic this year which conforms the boundary to the agreement entered into between the Arctic Slope regional Corporation and the Department of the Interior on June 29, 1979.

Sections 201 and 202 provide for the establishment or expansion of 13 units of the National Park System. In each case, the bill provides an approximate acreage figure and an appropriate map reference. In the designation of boundaries the map's boundary line, not the acreage stated for each unit, is controlling except that all coastal units do not extend seaward beyond the mean high tide line. Only a small part of Alaska has been surveyed. The acreage is only approximate and descriptive of an estimate of the public lands within the units at this time. Final conveyances to Native corporations, surveys, and any lands acquired may result in different acreage calculations. The Park Service should periodically publish in the Federal Register the most recent calculation of the Federal acreage and the amount of inholdings within each unit.

Section 201 and 202 also set forth the purposes of each designated unit and additions to existing units. Enumeration of purposes is not exclusive, but is set forth as a guide to management. For example, although the protection of an endangered species such as the peregrine falcon may not be stated as a purpose for a particular park or wildlife refuge system area, the Committee expects the Secretary to adopt such administrative controls on public use and other uses as are necessary to protect the area around nesting sites of this species during the periods when they breed and rear their young.

The Committee's action, compared to H.R. 39, is summarized in the following table.

Area	H.R. 39	Committee amendment
Sec. 201—New units of the National Park System:		
(1) Aniakchak:		
Monument.....	350,000	138,000
Preserve.....	160,000	376,000
Total.....	510,000	514,000
(2) Bering Land Bridge: Preserve.....	2,600,000	2,457,000
(3) Cape Krusenstern: Monument.....	560,000	560,000
(4) Gates of the Arctic:		
Park.....	8,220,000	4,801,000
Preserve.....		2,117,000
National recreation area.....		1,034,000
Total.....	8,220,000	7,952,000
(5) Kenai Fjords: Park.....	570,000	570,000
(6) Kobuk Valley: Park.....	1,710,000	1,710,000
(7) Lake Clark:		
Park.....	2,500,000	2,440,000
Preserve.....	1,150,000	1,210,000
Total.....	3,650,000	3,650,000
(8) Noatak:		
Preserve.....	6,460,000	5,414,000
National recreation area.....		386,000
Total.....	6,460,000	5,800,000
(9) Wrangell-St. Elias:		
Park.....	7,950,000	7,990,000
Preserve.....	4,240,000	3,093,000
National recreation area.....		1,235,000
Total.....	12,190,000	12,318,000
(10) Yukon—Charley Rivers: preserve.....	1,720,000	1,720,000
Sec. 202—Additions to existing units of the National Park System:		
(1) Mount McKinley (renamed Denali):		
Park.....	3,410,000	2,587,000
Preserve.....	480,000	1,169,000
Total.....	3,890,000	3,756,000
(2) Glacier Bay:		
Park.....	590,000	523,000
Preserve.....		57,000
Total.....	590,000	580,000
(3) Katmai:		
Park.....	1,160,000	936,000
Preserve.....	210,000	409,000
Total.....	1,370,000	1,345,000
Total:		
Parks/monuments.....	27,020,000	22,272,000
Preserves.....	17,020,000	17,873,000
National recreation areas.....		2,655,000
Total.....	44,040,000	42,937,000

*Section 201(1): Aniakchak National Monument and Aniakchak National Preserve*

The Aniakchak National Monument and Aniakchak National Preserve are located on the Alaska Peninsula approximately 350 air miles south of Anchorage. The Aniakchak National Monument consists of 138,000 acres of public lands above mean high tide. The management unit, monument and preserve, contains 514,000 acres of public lands,

and is established to protect and provide for public use and enjoyment of one of the world's great dry volcanic calderas, its environs, and the Aniakchak River.

Aniakchak's 30 square mile caldera, a registered national natural landmark, contains examples of volcanic activity, including lava flows, cinder cones, a lava plug, warm springs, explosion pits, and layers of volcanic and sedimentary rocks exposed by volcanic action. Within the caldera is Surprise Lake; the Aniakchak River flows from the lake and cuts a spectacular gorge through the caldera's 2,000-foot wall as it tumbles 27 miles to the Pacific Ocean. Surrounding the caldera are ash fields, tundra-covered lowlands and portions of the Aleutian Mountain Range. A coastline is also present in the preserve as are a few small islands.

Brown bear and moose are found throughout the area with concentrations along the streams and bays on the eastern coast. The cliffs and offshore islands harbor oceanic birds, sea lions, sea otters, and seals. The gentle mountains to the east northeast provide backcountry hiking opportunities.

The monument is composed entirely of Federal lands. The Preserve is a combination of Federal land, Native subsurface inholdings likely to be developed should exploration confirm the existence of hydrocarbons, and Native village surface selections. The Committee expects that Federal land management will be in close cooperation with other landowners in mutually beneficial management of the resources of the Preserve.

The Aniakchak Monument and Preserve is to be managed to assure retention of natural conditions and to provide for the optimum level of recreational use compatible with resource preservation as well as to provide opportunities for research into natural and cultural phenomena.

Under reasonable regulation, sport hunting and subsistence uses shall be allowed to continue within the Preserve, but not in the monument. The Preserve is to be managed similarly to the monument, except that hunting, commercial trapping, and the development of Native oil and gas rights may be allowed.

Nothing in this act is intended to modify the intent of Public Law 94-204, which provides for the Koniag Native Corporations the right to own oil and gas subsurface rights on certain lands within the Preserve. Section 912 of this Act corrects some technical errors in the description of the lands from which Koniag may receive ownership of any oil and gas only.

Compared with H.R. 39, the Committee amendment makes one change in the external boundary of the management unit, on the west side. The Committee deleted one-half township of lands that the State of Alaska has expressed an interest in selecting.

The Committee also made changes in the internal line, between monument and preserve, expanding the acreage that would be in preserve status. Included within the preserve are additional lands that are important for subsistence and sport hunting. The Committee took this action to be consistent with its recommendation that parks and monuments in southern Alaska be closed to all types of hunting, including subsistence.

The Committee recommended national monument status for the core of the area rather than national park status as included in H.R. 39. While the size of the area on a nationwide basis qualifies the Aniakchak for park status the Committee noted that, in the context of Alaska the area is small and that the primary purpose of the core area is the scientific importance of the volcanic features associated with the volcano. Thus, the Committee adopted monument status for the unit. There will be no difference in the management of the area whether it is a park or a monument.

*Section 201(2) : Bering Land Bridge National Preserve*

The Bering Land Bridge National Preserve is located on the Seward Peninsula in northwestern Alaska, between Nome and Kotzebue. The area encompasses approximately 2,457,000 acres of public land above mean high tide. The official boundary map indicates an offshore boundary in the vicinity of Cape Espenberg. The intent of this line is to include all offshore islands within the preserve but not, at this time, any off-shore waters or submerged lands.

The Bering Land Bridge National Preserve is part of a relic backbone of a much larger area which was the Bering Land Bridge connecting Asia and North America. During several of the Pleistocene's great ice ages Alaska was linked to Asia by a 1,000 mile-wide land bridge. Over this connection came the first people into the New World, probably between 28,000 and 25,000 years ago. From western Alaska, these early hunters spread into North, Central, and South America to become the ancestors of all American Indian groups. Along with man, plants and animals also migrated between Asia and North America. The area contains innumerable paleontological deposits relating to Land Bridge times, including remains of mammoths, horses, bison, beaver dams, ancient forests and tundra landscapes. Extensive pollen profiles have provided excellent information about the vegetation and climate during the times the Land Bridge was present. Recognizing the importance of the cultural resources of the preserve, the National Park Service should develop a continuing program of paleontological, archeological, and biological research, publication, and interpretation to further the Nation's understanding of the Bering Land Bridge and its cultural and biological significance to the Nation and the New World.

Two nationally significant volcanic processes are also represented. Lava flows in an arctic environment cover large areas in the southern portion of the area. To the north, steam explosions have left unusual deep crater lakes and buried beneath the ash is a prehistoric ecosystem, nearly totally preserved. These maar craters are very unusual in the Arctic and are of special interest here since they formed in pairs, an occurrence not known elsewhere in the world.

Wildlife values of the preserve are internationally significant: of the 112 migratory bird species found in the area, 87 nest here and about half of the Pacific Flyway population of snow geese stops in this area. Migrations occur to six continents. The migratory bird life is also a clear remnant of the Bering Land Bridge times. A number of Old World species nest in the preserve, one of the few places in the New World where they may be seen.

Of the marine mammals which occur in nearby water, four—the Bowhead, Humpback, Grey and Pacific White Whales—are on the endangered species list. Other mammals include grizzly bear, wolf, polar bear, moose, and a variety of furbearers.

Native uses of the lands in and around the proposal are primarily of two types, subsistence use and reindeer herding. Both uses shall continue under the Committee amendment.

Recent socioeconomic studies of reindeer herding sponsored by the National Park Service have demonstrated the importance of traditional reindeer herding on the Seward Peninsula of northwest Alaska. Villages here depend upon the reindeer herd for a steady source of inexpensive meat. While the Committee recognizes that reindeer herding is critical to the continued viability of the people of the Seward Peninsula, it is not considered a subsistence use for the purposes of this Act. In order to prevent undue hardship for these villages, it is the intent of the Committee that traditional reindeer herding activities, including dehorning, be permitted to continue within the Bering Land Bridge National Preserve, consistent with good resource management and the purposes for which the preserve was created. The Committee recognizes that expansion of reindeer herding may take place but the Committee does not expect that such expansion will necessitate any major expansion of processing facilities on Preserve lands.

The Committee adopted an amendment to the bill this year which clarifies that the National Park Service has the authority to regulate reindeer herding within the preserve to insure the protection of the environment and the resources of the area. While it is the clear intent of the Committee that reindeer herding be allowed to continue within the preserve, it must be done in such a manner so that the purposes of the area are not degraded and that there is no permanent or substantial harm to the area.

It is the intent of the Committee that this Act not be interpreted as permitting reindeer herding to be instituted on conservation system unit lands elsewhere in the State where it does not now occur, unless otherwise specified in this Act, or unless the Secretary finds that such herding would not interfere with the purposes of a conservation system unit.

An existing transportation route utilized by the people living on the Seward Peninsula exists within the preserve. It is the intent of the Committee that past levels and types of winter access be permitted to continue under National Park Service management along the winter trail between the Kougarok River and the Innachuk River. This trail has, in the past, been used during the winter for hauling supplies from Nome to the Deering area by tractor and sled, as well as for snow machine travel by local residents. The winter trail extends from the Nome to Taylor road to the confluence of Hannum Creek and the Innachuk River and is generally shown as a "tractor trail" on the Bendeleben 1:250,000 scale U.S.G.S. map published in 1950.

It is not the intent of this Committee that this winter trail be upgraded or improved beyond its current condition through this action unless as part of the unit management plan. Rather the Committee intends only to guarantee that the existing use pattern would be allowed to continue. Since the route has been traditionally used as a

winter trail only, the Committee expects that the route would not be used during times or by such means that terrain damage might occur owing to unfrozen ground or insufficient snow cover.

Serpentine Hot Springs has been used throughout history for bathing and recreation purposes by the local residents of the Seward Peninsula, and remains popular today. The springs area is also geologically significant, containing values which should be preserved. The Committee intends that the springs continue to be available for public enjoyment and recreation, while at the same time, the National Park Service takes such steps as are necessary to insure that critical resources are protected. In order to accomplish these two functions, the Committee expects the National Park Service to develop a specific development concept plan for the Serpentine Hot Springs area, in addition to the overall management plan for the entire preserve. The plan should address such concerns as the need for continued and expanded access to the area, including airplane, automobile and snow machines, such structures as may be needed to further the management and visitor use of the area, and such actions as may be necessary to protect significant natural and cultural values of the site.

Development within the preserve should be managed to adequately protect the resources of the preserve while making them available to the public for its enjoyment and understanding. The area is to be managed as a national park, except that hunting and trapping shall be allowed. The Committee recognizes that certain portions of the preserve are important sport hunting areas for the people of Nome. Subsistence hunting is an important use throughout much of the preserve, and would be allowed to continue. Under the terms of this Act subsistence hunting shall have priority over sport hunting when healthy populations are insufficient to support both. It is further expected that the National Park Service should consider locating interpretative facilities for the preserve at, or near, Nome, Alaska.

The Committee intends that there be continued cooperative involvement of local area residents in the planning, management and development of the preserve. Furthermore, the Committee intends the National Park Service to actively pursue means of hiring local residents for jobs relating to preserve management and means of providing facilities which also serve community needs.

The Committee agrees with the House on National Park Service management of the myriad of significant features and resources that compose the Bering Land Bridge National Preserve. Although significant waterfowl populations supported an alternative for management by the Fish and Wildlife Service, the Committee recognizes that such waterfowl populations are only one of many nationally significant resources within the preserve. Other places exist in Alaska with high waterfowl values but the preserve is a unique remnant of the Bering Land Bridge over which the ancestors of all American Indians entered the Western Hemisphere. Vast paleontological deposits exist within the Preserve which relate to the land bridge theme. Additionally, nationally significant botanical resources; volcanic formations, and archeological, historical, and contemporary cultural resources exist within the preserve, as well as the opportunity to include an arctic tundra continuum, from mountain to sea, within the National Park System.

Since there are important migratory bird values within the area, the Committee expects the Park Service to work closely with the U.S. Fish and Wildlife Service and the State in providing protection for the birdlife and their habitat.

The Committee adopted the same recommendation for the area as last year. Compared with H.R. 39, the Committee amendment makes two minor boundary adjustments on the eastern edge of the area, deleting a portion of the Kugruk River watershed and a portion of the Koyuk River watershed. Both deletions were made in order to allow the State of Alaska to select in those areas.

*Section 201 (3) : Cape Krusenstern National Monument.*

Cape Krusenstern National Monument is situated north of the Arctic Circle approximately 40 miles from the city of Kotzebue in northwestern Alaska. The area is a level coastal plain dotted with sizable lagoons and backed by gently rolling limestone hills. On the east, the plain meets an ancient sea cliff now mantled with tundra and a veneer of blue-gray limestone rubble. The Chukchi Sea bounds the Cape on the west. The Cape Krusenstern National Monument contains approximately 560,000 acres of public lands. Additional acreage within the area which is currently selected by local native corporations will become part of the preserve should the lands not be conveyed to the natives or at some point in the future are acquired by the National Park Service. The monument will protect an internationally significant series of archeological sites which illustrate, in a horizontal stratigraphy, every major period of Eskimo cultural history in Alaska.

During the past 6,000 years, since the oceans attained their present level, a constant wave-driven flow of shoreline gravel has supported the construction of the Cape, which is a series of 114 beach ridges. Each of these ancient shorelines, in its day, was the dwelling place, hunting site, and burial ground for Eskimo people. The cultural remains and artifacts contained by this rolling beachscape represents the complete chronological order of all major phases of Eskimo culture, and comprise one of the most important archeological sites in arctic Alaska. This beach ridge succession extends more than 3 miles inland from the sea and represents more than 4,500 years of human history, from the early Denbigh Flint people (the first to be recognized as Eskimo) to today's Eskimo who still retain a dependency on the Cape's offshore marine and estuarine resources. Unglaciaded during Pleistocene times, the Cape's low-lying plain also offers as important geological display in its remnants of "esker" formations, a glacier gravel deposition of late Illinoian times, 225,000 years ago—the only example known in Alaska.

The Committee included the entire watersheds of the Omikviorok River, and Rabbit Creek within the monument. Through the inclusion of these watersheds and their related portions of the arctic coastline, it is the Committee's intent that the entire beach gravel "cell" that has and continues to form Cape Krusenstern be included within the monument and protected in perpetuity. It is the intent of the Committee that this portion of the arctic coastline be managed in a way which does not interfere with the natural beach building process for Cape Krusenstern and its related adjacent beaches.

The Committee further recognizes that at certain times of the year, Cape Krusenstern is actively utilized for subsistence purposes by the local people. It is the intent of the Committee that future uses and development of the area not adversely impact the local people in their traditional pursuit of subsistence resources. Research programs should be initiated which investigate the archeological and cultural values of the Preserve, but they should also be conducted so as not to adversely impact local people and their culture. The involvement of the local Eskimo people in the management, use, and interpretation of the area is planned and expected by the Committee. Traditional subsistence uses will be continued throughout the monument and the resources on which the subsistence uses depend will be maintained.

The Committee adopted an amendment changing the classification for the area compared to last years recommendation. Cape Krusenstern was classified as a national monument rather than a preserve. The Committee notes that there is little sport hunting in the area at this time while this is one of the most important and concentrated subsistence use areas in the State. Allowing sport hunting within the area could create a conflict with subsistence uses. The subsistence activities that take place here now are a logical extension of the tradition that has evolved here for thousands of years. Because Cape Krusenstern is primarily a cultural area the Committee feels that it is appropriate to allow subsistence uses to continue within the monument.

The Committee adopted the same boundaries for the area as last year, making a change this year in classification only. This boundary is essentially the same as included within H.R. 39. The House bill designates the area as a national park. While Cape Krusenstern's size on a nationwide basis qualifies the area for park status, the Committee noted that the area's size in context of Alaska is small and that this is primarily a cultural area. Thus, the Committee adopted monument status for the unit. There will be no difference in management of the area whether it is classified as a park or monument.

*Section 201(4): Gates of the Arctic National Park, Gates of the Arctic National Preserve, Gates of the Arctic National Recreation Area*

The Gates of the Arctic National Park, Preserve and NRA are located in Alaska's central Brooks Range. The park system unit is a vast, wild region of superlative natural beauty and exceptional scientific value, the last such essentially untouched mountain area of its scale in the United States.

In the 1930's the region was first extolled in the writings of Robert Marshall, an explorer-forester and one of the founders of the American Wilderness System. Marshall pointed out that "in Alaska alone can the emotional values of the frontier be preserved." The name Gates of the Arctic is itself derived from Marshall's name for a pair of peaks which flank the broad valley of the North Fork of the Koyukuk River.

The park is characterized by a maze of deep glaciated valleys and gaunt and rugged mountains, culminating in Mount Igikpak, highest peak in the central Brooks Range. Many of the summits and waterways remain nameless, but sources of several major rivers are in the

area: the North Fork of the Koyukuk, the John, the Killik, the Kobuk, the Alatna, and the Noatak. Two special resources, Walker Lake and Arrigetch Peaks, are on the National Register of Natural Landmarks, and 11 other features have been recommended for national landmark status.

Although the boreal forest reaches up the southern drainages, with stands of spruce and birch, most of the park is tundra clad. The park contains habitat for and migration routes of the western arctic caribou herd which has recently suffered a severe population decline, and is prime habitat for the barren-ground grizzly bear, Dall sheep, and wolf, all of which require extensive ranges and would be perpetuated within the park complex. The park complex is also important for raptors, as peregrine falcons and gyrfalcons nest throughout the central Brooks Range. Scores of lakes within the area support grayling, lake trout, arctic char and northern pike.

The Committee recognized that the wilderness values of the Gates of the Arctic are paramount and provide a special value to the National Park System. The Administration recommended that the area be classified as the park system's first "wilderness park", but the Committee did not adopt this classification. But the Committee does agree that the two park areas and preserve should be managed with a minimum of development. One proposal which would limit use of the complex to 4,000 people per day, was disagreed to by the Committee, as sufficient information is not available to support that limit on use. The National Park Service should conduct thorough studies, with public input, to determine the extent that visitation and development can occur within the area, within the limits of the wilderness resource.

The Committee recommends the establishment of a two unit Gates of the Arctic National Park (Igipak and Doonerak units) of 4,801,000 acres, a two unit Gates of the Arctic National Recreation Area (Kobuk and Koyukuk units) of 1,034,000 acres, and a Gates of the Arctic National Preserve of 2,117,000 acres to be administered as a complex by the National Park Service.

In developing its recommendation, the Committee felt that there should be some portions of the Central Brooks Range left open to sport hunting. Thus the Committee recommends that the John River Valley be classified as a national preserve, between the Park units. The Preserve portion of the complex is to be managed the same as the Park, except that sport hunting and trapping shall be allowed. The Committee considered and rejected the idea that the John River Valley should be classified as a recreation area, thus facilitating the development of a transportation corridor through the Valley. The Committee notes that the State of Alaska agreed to a court order in 1974 which closed the "Hickel Highway" through the John River Valley to further use. The suit was brought by the people of Anaktuvuk Pass who sued to protect the natural subsistence values of the John Valley. The John River is a critical portion of the National Park complex and its natural and wilderness character should be managed in such a manner so as to protect these values and complement the park.

Also recommended by the Committee is the establishment of a two unit National Recreation Area, the upper Kobuk River Area (Kobuk

unit) and a portion of the North Fork of the Koyukuk River (Koyukuk unit). This designation by the Committee was made to reflect the variety of interests in these lands including natural and recreational values, hunting, subsistence, access, mineral potential and State versus Federal proprietary interests. Recreational use and conservation of scenic, scientific, historic, wildlife and other values are the paramount purposes for which the unit is established, but utilization and disposal of minerals or other natural resources are permitted consistent with Section 1312 of the Committee amendment.

The Kobuk unit of the recreation area is adjacent to a nationally significant mineralized zone, within which several new mines may be developed within the next few years. The Committee provided for a transportation corridor through the Kobuk unit to connect the mineral district with an existing haul road along the trans-Alaska oil pipeline. Should the need arise for a transportation corridor through this area, the Committee intends that the Secretary will grant a right-of-way through the Kobuk unit for that purpose. In granting the right-of-way the Secretary, planning jointly with the Secretary of Transportation, is to locate the environmentally preferable location for the route, one that would have minimum impact upon the natural resources of the recreation area, while still providing an economically sound route for access purposes. The Committee realizes that the transportation corridor will have to cross the Kobuk River. In selecting the route, the Secretaries are expected to work very closely with the State of Alaska in developing a transportation plan for the region which would include the right-of-way through the recreation area.

Boundaries between the park units and the preserve were delineated to largely contain the subsistence use zone of the Anaktuvuk Pass people in the preserve. The Gates of the Arctic Park complex is the only National Park System unit in Alaska to have a Native village completely within its boundaries. The Village of Anaktukuk Pass is within the preserve, and the people of the village have traditionally used the preserve and some portions of the park for subsistence purposes for as long as the village has existed.

Since the people of the village are dependent upon caribou for their survival, they often have to follow the movements of the caribou. Thus, the Committee agrees with the House that subsistence use of some areas of the park may be essential periodically or continuously for the continued survival of the local people. The Committee also feels, however, that the subsistence patterns of the park are well known and can be identified. The Committee noted that the following drainages within the park have apparently been used for subsistence hunting: Etivluk River, Outwash Creek, Kurupa River, Oolamnagavik River, Killik River (and all its tributaries), Okpikruat River, Alapah Creek, Kayak Creek, Erratic Creek, Nanushuk River, Kuhsuman Creek, Anaktukuk River, Ernie Creek and the Itkillik River. It is not the intent of the Committee that these drainages be considered the only places where subsistence can occur. But it is the Committee's intent to restrict subsistence hunting in the park to traditional use areas. A park subsistence resource commission established by this Act will help further determine or modify these areas.

The Secretary should, in coordination with the commission, conduct a thorough study of the subsistence patterns of the people of Anak-

tukuk Pass. Should the results of the study prove that other valleys have been traditionally used by the people of Anaktuvuk Pass and are needed in the future for subsistence purposes then the Secretary shall, at the recommendation of the commission, adjust the subsistence zone within the park.

It is the intent of the Committee that the Secretary, in managing the area, take into consideration the sporadic movement of caribou from year to year, and be in a position to react quickly if needed to provide subsistence hunting zones for the local people, should the caribou move to different locations. Hunting would also be allowed within the preserve and recreation areas.

The Committee agreed to the deletion of approximately 700,000 acres of lands selected by the State of Alaska from the boundaries of the park complex. However, the Committee recognizes that there are important park values within these State lands which are in the national interest to protect. The Committee also notes that the State of Alaska has expressed its willingness to discuss the possibility of land exchanges that would bring some or all of the lands in question back into Federal control. It is the intent of the Committee that should any of the lands now selected by the State in this area and contiguous to the park complex return to Federal control, they would automatically become part of the Gates of Arctic Park complex.

Thus the Committee gave the Secretary the authority to acquire State lands identified on the official boundary maps as "potential additions" by either donation or exchange. Any of the State lands which are acquired are to be automatically added to the park system unit. Further authorization from the Congress would not be necessary if these lands are contiguous to the park complex, but the Secretary would advise the appropriate Committees of the Congress any time that such lands are added. The Secretary does not have to acquire all of the lands now selected by the State in this area and contiguous to in the potential addition are to be added to the Gates of the Arctic as soon as they are acquired.

The Committee also made boundary modifications in the external management line. The lands in the southwest corner of the proposal in the upper Ambler watershed, which the House included within the part, have been deleted in order that the State of Alaska may select there. The Committee also made one addition to the park in the eastern park unit to add the Kuyuktuvuk Creek, Trembly Creek and Big Jim Creek watersheds. These valleys all have high recreation and wilderness values which should be protected as part of the park. Inclusion of these lands within the park will have no impact on either the Alaskan pipeline or the proposed natural gas line.

With one exception the Committee adopted the same recommendation and boundary for the management unit as last year. The Committee did make one minor boundary adjustment to the northern boundary of the area. This small change was a conforming amendment consistent with the agreement between the Department of the Interior and the Arctic Slope Regional Corporation signed on June 29, 1979. This agreement is ratified in the language of Section 1431 of the Committee amendment. The boundary change deleted small parcels of Native owned lands from the area and added small parcels of Federal lands.

The northern boundary now conforms with the agreement and the House bill. Consistent with the Arctic Slope agreement the Committee provided the Secretary the authority to acquire certain adjacent Native owned lands. If acquired they are to be added to the park automatically without further action by the Congress. The Committee expects the Secretary to notify the Committee before such acquisition is made.

The Committee also recommends a series of minor boundary adjustments to provide for a better management unit. These consisted of identifying point to point boundaries where there is topography to support such boundaries and township and section line boundaries where there was an absence of topography and watershed.

*Section 210(5) : Kenai Fjords National Park*

Kenai Fjords National Park is established to insure the preservation, interpretation, and study of a spectacularly beautiful interrelated icefield and fjord/rainforest system and its associated population of seabirds and marine mammals. The park is located immediately south of Seward, Alaska, which is only a 2½ hour drive from Anchorage, the largest city in Alaska and a tourist focal point.

One of the four major icecaps in the United States today, the Harding Icefield is a reservoir of ice for glaciers that continue to carve deep glacial valleys through the Kenai Mountains. Three major glaciers and several minor ones flow from the icefield into the present fjords, where these tidewater glaciers frequently carve huge blocks of ice into the sea. On adjacent headlands, a moss covered spruce rainforest clings tenaciously to steep rocky slopes amidst the cool, moist climate which created and sustains the icefield above. At this interface of land and water, where the Kenai Mountains are drowning in the sea, marine mammals and seabirds abound. Stellar sea lion and harbor seal haul out of ledges and ice flows respectively and warm in the sun of mid-summer days; killer whale, porpoise, and sea otter swim just offshore. Puffins, gulls and other seabirds inhabit rocks and cliffs by the tens of thousands, while eagles nest in trees overlooking the edible riches of the tidal fringe. The abundant life of the intertidal zone supports many of the larger animals mentioned above. Shoreward from the park's eight major bays, black bear, wolverine, river otter, and mountain goats are found. The scenic quality of the fjords is outstanding and its potential for marine-oriented recreation such as sight seeing, sport fishing and boating is excellent.

The Kenai Fjords National Park consists of 567,000 acres of public lands, above the mean high tide. The official boundary map indicates an offshore boundary. The intent of this line is to include Nuka and Ragged Islands but not any offshore waters or submerged lands within the area, unless future agreements with the State or situations allow for this. Native and State lands are also included within the area, which will automatically be added should they be acquired in the future.

The Kenai Fjords National Park will be managed as a natural area of the National Park system. Small clusters of offshore islands (the tops of largely submerged mountains extending out from the fjords), will be managed by the Fish and Wildlife Service.

The Committee decided to include all of the Chiswell Islands in the coastal refuge, as they are all closely related to one another. In the Pye Islands, the Committee included Outer Island and other unnamed islands and rocks in the refuge, leaving Ragged Island in the park. Ragged Island is related to the mainland portion of the park and contains lower wildlife populations than the remainder of the island groups.

The Committee also included Nuka Island which is State owned within the park. It offers a location that may be jointly used by both the State and the National Park Service in a cooperative manner for the management of Kachemak Bay State park and the Kenai Fjords National Park. The Park Service should explore the possibilities of developing cooperative management and visitor facilities with the State here, or in another more appropriate locale. Cooperative agreements concerning the State and National Park here are encouraged.

The Kenai Fjords are a biological island, physically isolated from the remainder of the Kenai Peninsula by the Harding Icefield, the Kenai Mountains, and the ocean. Thus, the Kenai Fjords National Park represents a small distinct ecosystem, best managed by the Park Service.

The coastal refuge does include most of the nesting colonies and marine hauling grounds of the region, with some bird and mammal concentrations inside the park. The Committee expects the Park Service and the Fish and Wildlife Service to cooperate in these two units in developing and implementing a plan which provides for the protection of wildlife values, as well as allowing recreation in the fjords and around the islands.

The Committee included language which authorized the National Park Service to construct facilities to provide access by visitors up to the Harding Icefield. In recent years, a road up the Resurrection Valley to the vicinity of Exit Glacier has been constructed. The National Park Service, in its recommendation for the area, indicated that this location was ideal for the construction of a visitor center, campgrounds, and some means, such as a tramway, up the Kenai Mountains, in the vicinity of the Exit Glacier, to provide visitors access to the icefield. The Committee agrees. The Committee expects the Park Service to explore this further and initiate a development concept plan for the Resurrection Valley-Seward vicinity as soon as possible. As the park and the valley are road accessible today, the Kenai Fjords should be considered for development of visitor facilities as early as possible, upon the completion of all necessary planning and appropriate environmental statements. In order to facilitate early completion of a visitor complex in this area, the Committee included specific authorization for facilities and motorized use of the icefield in the legislation. The National Park Service could consider activities such as those that occur on the Columbia Ice Field in Canada.

#### *Section 201(6) Kobuk Valley National Park*

The Kobuk Valley National Park is located above the Arctic Circle in the central Kobuk River valley of northwestern Alaska, 100 miles east of Kotzebue. The park is located in a basin, encircled on the north by the crest of the Baird Mountains and on the south by the Waring Mountains—the boundaries forming a natural hydrographic system.

The Kobuk Valley National Park encompasses approximately 1,710,000 acres of public lands.

The management area has nationally significant geological, biological, and cultural features. The Kobuk River, with its myriad meander sloughs and oxbow lakes, winds its way west through the heart of the park. The Great Kobuk Sand Dunes, covering 35 square miles, are the active relics of a prehistoric dune area which once covered over 300 square miles. The park is representative of both the western interior and Brooks Range physiographic provinces and includes the northwest limit of the boreal forest. An unusually wide variety of habitat types and vegetational communities, from arctic wetlands, open tundra and arctic woodland to sand dunes and barren jagged mountain tops, are present. Although 35 miles above the Arctic Circle, the well drained valley floor contains sage brush plant communities which are relics of the late Pleistocene times when the Bering Land Bridge connected Asia with North America. One species, *Oxytropis kobukensis*, a legume, occurs nowhere else on earth. The northern portion of the winter range of the western arctic caribou herd and several of its most important and consistently used migration routes lie within the area. Moose, black and grizzly bear, and wolves are indigenous.

Onion Portage, which has a record of at least 10,500 years of human occupation and is one of the two most significant archeological sites in arctic Alaska, lies within the park's eastern boundary. Midway in the Kobuk's River's meander through the proposal, over 100 ancient housepits along a river bend known as "Ahteut" comprises the largest neo-Eskimo archeological site in arctic Alaska, dating to 1250 A.D. Numerous other archeological sites lie within the park along the river valleys, as well as in the mountain passes used by caribou migration.

The park is comprised entirely of public lands except for an area, approximately one township in size along the eastern boundary, which is Native-selected.

The Kobuk Valley National Park is to be managed for the perpetuation of its natural, historical, wilderness, and subsistence values. The Committee recognizes that most of the management unit is used for subsistence hunting by the local people, and that continuation of subsistence hunting is essential to their traditional lifestyle. Traditional subsistence uses, including hunting and gathering activities, will be continued within the park. Involvement of the Kobuk Valley Eskimos in the management, use and interpretation of the areas is planned and expected by the Committee.

As the northwest extension of the boreal forest, the Kobuk Valley can accommodate a limited degree of appropriate visitor development and use perhaps better than any other conservation system unit in the arctic. The amount of use will be limited by the fragile nature of arctic ecosystems. Thus, the Committee expects that this area will be managed in a manner that encourages visitor use within the limits of the natural and cultural resources. Furthermore, any visitor related facilities should cause the least possible impact and adverse effect on wildlife and scenic landscapes of the area. Most visitor services could be provided outside of the management area in nearby villages in cooperation with the local residents. However, the Committee expects that the

Kobuk Sand Dunes will be made available for visitor use and enjoyment. It is the intent of the Committee that, notwithstanding any provision of the Wilderness Act to the contrary, the National Park Service be allowed to provide and develop visitor facilities and accommodations within the national park that would directly relate to visitor use and enjoyment of the Kobuk Sand Dunes. This provision would apply even though this portion of the park is also classified as wilderness. As this is a special exception to the Wilderness Act, detailed plans outlining any development are to be filed with the appropriate Committees of the House and Senate 60 days before any construction begins within the wilderness. In developing a plan for the sand dunes, the National Park Service should study the possibilities of constructing mobile or impermanent facilities, such as floating structures on the Kobuk River, which would minimize environmental impacts.

The Committee included the entire watershed of the Salmon River within the park. The Salmon may have some of the best recreational opportunities of any Arctic river. It is the intent of the Committee that the National Park Service make the Salmon River available for visitor use and enjoyment by permitting, to the extent compatible with the purposes for which the park is established, aircraft to continue to land at sites in the upper Salmon River Watershed.

The Committee expects the National Park Service to designate an aircraft landing site in the headwaters for access by fixed wing aircraft for visitors who may desire to float the river. Should no natural landing site be available the Committee intends that the National Park Service construct such a backcountry airstrip as necessary to accommodate fixed wing "bush" type aircraft. The landing site should provide ready access to the river, yet not impair the character of the wild river.

The Committee agrees with the House that the entire Kobuk Valley unit should be managed by the National Park Service as a national park. The Committee adopted the same external boundaries for the area as last year. The Committee did recommend a change in classification for Kobuk Valley, however, to park status rather than making a portion of the area a preserve. The diversity and quality of the resources within the area merit full national park status. The Kobuk Valley park is approximately the size of Yellowstone and includes the rich diversity of resources that exemplifies national parks. The biological, archeological, cultural, and geological resources of the park combine to create a great national treasure.

The boundaries of the park as recommended by the committee are almost identical to that included in the House bill.

*Section 201(7): Lake Clark National Park, Lake Clark National Preserve*

Lake Clark National Park and Lake Clark National Preserve are established to protect and interpret a region of highly diverse resources, containing outstanding examples of Alaska's finest natural and recreational values, available within an hour's air flight time of Anchorage, the State's major population center.

The 3,653,000 acre area straddles both the Alaska and Aleutian Mountain Ranges. On the south end is Lake Clark, 50 miles in length, on the north is rugged Merrill Pass, and to the west is a series of

glacier-created lakes, frequently referred to as the Switzerland of Alaska, the region is large, intricate, and mostly unexplored, and contains a wide spectrum of outdoor recreational opportunities. National Park Service studies of the Lake Clark region began in the early 1950's, and several bills have been introduced to create a national park in this area.

Lake Clark National Park contains about 2,439,000 acres of public lands and the Preserve encompasses approximately 1,214,000 acres of public lands.

Mountains, lakes, rivers, and woodlands support a diverse range of fish and wildlife populations, and offer varied recreation and educational opportunities. Scores of waterfalls cascade down mountain slopes. Numerous valleys weave through a jumble of mountain peaks, often meeting other drainages in low passes, resulting in a maze of natural hiking and climbing routes. These routes permit access to a spectacular mountain environment where two major mountain ranges intersect in a medley of rugged spires, glaciers, waterfalls, and volcanoes. Two active volcanoes, Mount Redoubt and Mount Iliamna have been added to the National Registry of Natural Landmarks, and Lake Clark Pass has been recommended for natural landmark status for its glacial phenomena. The still-smoking volcanoes are excellent examples of the geologic forces that continue to shape much of Alaska's skyline. Immediately west of the Chigmit Mountains is a string of beautiful turquoise-colored lakes nestled against the mountain flanks.

Vegetation and wildlife are as diverse as the topography. Brown and black bear, trout, moose, salmon and Dall sheep can be found within the area. The Mulchatna caribou herd feeds and calves on the tundra plains and hills in the western portion of the park/preserve. Plant communities range from the Cook Inlet coastal lowlands of spruce, marshes, and swamps to the alpine meadows and lichen growth of the mountainous areas and include the southernmost known inholding of the arctic tundra biome. The foothills region west of the lake country supports a complex of many small lakes, ponds, and marshes that along with the tundra supplies a varied habitat for caribou moose, waterfowl, and fish. Marine life such as harbor seals, Beluga whales, and otters can be observed feeding near the river mouths along the Cook Inlet coast. The area includes a headwaters portion of the Iliamna-Kvichak watershed—an extremely important part of the world famous Bristol Bay red-sockeye salmon fishery.

Portions of the unit have been selected by the Nondalton village corporation and the Cook Inlet regional corporation. The Cook Inlet land exchange, endorsed by the 94th Congress in Public Law 94-204, as amended, set the land ownership pattern in the Cook Inlet region and will not be altered by this legislation. Pursuant to the land exchange regional deficiency selections in the southern portion of the area will remain in Federal ownership for the purposes of including them within the Lake Clark National Park/Preserve. The Committee also included the Cook Inlet village selection lands along the Cook Inlet coast, which are also part of the Cook Inlet exchange. That agreement stipulated that the Natives supported the inclusion of their lands within the park. The Cook Inlet exchange is not affected or in any way modified by the action of the Committee in establishing this area.

The Committee agreed with the House that the Tazimina Lakes and the lower end the Lake Clark should be included within the unit. The Committee noted that these lands are, in fact, within the boundaries of the Bristol Bay Regional Corporation and were not part of the Cook Inlet exchange. Some scattered native ownership remains within this portion of the area. This addition to the Administration's proposed boundary will provide protection for important recreation resources, critical salmon spawning grounds and the lower end of Lake Clark which is integral to the park. The Committee made a minor boundary adjustment which served to exclude the village of Nondalton from the preserve. By excluding Six Mile Lake, the Committee adopted a natural boundary that included the important natural features that relate to the park, while leaving out the village site itself and its associated developments. The village of Nondalton, is located on the periphery of the Lake Clark Preserve, and its inclusion is not essential for the protection of natural and cultural values. The Committee also adopted an amendment which excludes those lands conveyed to the Village of Nondalton from the preserve. This amendment does not change the boundary of the preserve but provides that the lands which the village receives pursuant to ANSCA which are not part of the village proper shall not be treated as inholdings.

The Committee agreed to the exclusion of existing state selected lands. These occur generally in three locations. The Chilikadrotna-Mulchatna watersheds are on the western edge of the proposal. The Committee recognizes that these two rivers are nationally significant and their environment would add a desirable contrasting lowland section to the preserve. The Chilikadrotna may be second only to the Charley River in quality in Alaska. The Committee expects and encourages the Secretary to seek land exchanges with the state which would bring these lands into the National Park System. The Committee has recognized these state lands as a "potential addition" and they are so indicated on the official boundary maps. If at any time in the future the Secretary acquires any contiguous lands within the potential addition they shall automatically become a part of the national preserve.

The Stony River watershed is located in the northwest corner of the preserve and is mostly selected by the state of Alaska. The Committee felt that since most of the lands within the watershed are state selected, the watershed should be deleted from the park system unit. The Committee did not authorize the Secretary to add these lands to the preserve should they be acquired. Rather the Committee recommends that the following Federal lands which are within the park/preserve be traded to the state of Alaska for an equivalent acreage in the Chilikadrotna-Mulchatna area:

*Seward Meridian*

T. 16 N R. 21-23 W—(Those portions outside the Chilligan River watershed);

T. 15 N R. 23 W—(That portion in the Stony River Watershed and outside the Necons River watershed);

T. 14 N R. 24 W—(That portion in the Stony River watershed and outside the Necons River watershed);

T. 13 N R. 25—Section 1-11, 15-22, 27-30 (Those portions in the Stony River watershed and outside the Necons River watershed);

T. 13 N R. 26 W—All;

T. 12 N R. 26 W—Sections 4-8, 18-19, 30-31;

T. 11 N R. 27 W—Sections 1-12, 14-21, 29-30;

T. 11 N R. 28 W—Section 1-30, S.M.

The accomplishment of an exchange in this area would leave the State of Alaska with most of the Stony River watershed and a complete management unit under the control of the State. This trade would also add to the National Preserve some critical lands to the west in the vicinity of the Bonanza Hills and the Chilikadrotna-Mulchatna watersheds.

The third area of State selection lands that the Committee deleted was in the northeast portion of the area in the Chakachamina Lake area. Under the provisions of the 1972 Federal-State agreement, the State of Alaska was granted priority selection rights in this area. The Committee is aware, however, that these lands have high potential for exchange. The lands in question possess important park and recreation values, including the features associated with Chakachamina Lake and Mt. Spur Volcano. The Committee recommends that this area, like the Chilikadrotna-Mulchatna be automatically added to the Park System, in this case as a park, should the lands be acquired by the Federal Government. Any of the lands within this potential addition that are not transferred to State of Alaska ownership, or are acquired at a later date are to be added automatically to the park. The lands to which this provision applies to are delineated on the official boundary map as "potential additions." The Secretary is also encouraged to enter into cooperative management agreements with the State for this area to insure the protection of national significant natural values. Another smaller area of potential for exchange of lands is at the eastern entrance to Lake Clark Pass.

The Lake Clark National Park and Preserve is to be managed as a natural area of the National Park System. Existing subsistence uses shall continue within the preserve, but not in the park. The preserve is to be managed the same as the national park except that hunting, trapping, and subsistence uses may be permitted.

*Section 201(8) : Noatak National Preserve and Noatak National Recreation Area*

The establishment of the Noatak National Preserve and Noatak National Recreation Area in the National Park System is intended to protect the scientific values of a unique wilderness environment in western Arctic Alaska. The Preserve/NRA complex comprises a complete hydrographic system which includes all headwaters and tributaries of the Noatak, except for that portion of the watershed within the Gates of the Arctic National Park, to its downstream boundary with the Native selected lands for the village of Noatak. The national preserve contains approximately 5,413,000 acres of public lands and the national recreation area contains approximately 386,000 acres of public lands. The combined acreage for the management unit in the National Park System is 5,799,000 acres of public lands.

The Preserve/NRA is located in northwest Alaska above the Arctic Circle, but south of the Arctic Divide. The nearest city is Kotzebue,

about 60 air miles south and southwest of the area. It is bounded on the east by the Gates of the Arctic National Park, on the southwest by the Native selected lands in the lower Noatak valley, and on the south by the Kobuk Valley National Park and the Baird Mountains National Conservation Area. The National Petroleum Reserve is contiguous with the Noatak on the north.

The Noatak is the largest mountain-ringed river basin in North America still virtually unaffected by human activities. The management unit, composed of the preserve and the national recreation area, has nationally significant biological, geological, and cultural features. Its chief resources include a botanical diversity equal to or surpassing the flora of the entire north slope of the Brooks Range. It also contains prime examples of geological history, which are exposed in the various canyons along the river. About mid-way, the Noatak winds through a gentle "S" curved canyon known as the "Grand Canyon of the Noatak," an outstanding recreational feature which is biologically and geologically significant. Where bluffs rise above the river, as in the Grand Canyon, peregrine falcon and gyrfalcons nest. The area also includes critical caribou migration routes for Alaska's western arctic caribou herd, as well as habitat and wildlife representing a wide array of arctic species, including wolf, wolverine, barren-ground grizzly, and a variety of raptors.

The area embraces nearly 300 miles of the Noatak River, Alaska's 11th largest river in watershed area and 15th in flow volume, as well as 8 major tributary rivers, 25 other named tributaries and 13 large lakes. Topographic features include a broad central basin as well as extensive mountain regions to the north, in the De Long Mountains and adjacent ranges, and to the south in the Baird Mountains. The Kelly River is the second most important tributary to the Noatak, contributing a significant portion of the Noatak's waterflow.

Though mostly tundra-covered, the basin contains the northwesternmost extension of the boreal forest in North America and the area's array of flora may well be the most diverse in the entire northern latitudes of the earth. A transition zone and migration route for plants and animals between subarctic and arctic environments, the basin is probably without peer in North America in its variety of terrain and habitats. This situation creates habitats used by a rich diversity of birdlife, including Asian species. The basin is crossed twice a year by two-thirds of the Arctic Caribou Herd, and is prime habitat for the barren-ground grizzly bear. The river supports the northernmost chum salmon run in Alaska and is important also for arctic char.

Underscoring the importance of the Noatak Valley—both nationally and internationally—the area has been designated a "Biosphere Reserve," as part of UNESCO's Man and the Biosphere program. This worldwide system, under the auspices of the United Nations, represents the finest examples of the earth's unaltered ecosystems. The Noatak may prove to be one of the most important scientific areas in North America, and it is this value that is paramount in the establishment of the area.

Officials of the Smithsonian Institution have referred to the Noatak as "one of the most biologically significant land-water units still left in a pristine state." The Center for the Northern Studies, in its inves-

tigations of the Noatak found virtually every type of arctic habitat known to exist within the Noatak drainage, and concluded that the basin may have the finest array of flora anywhere in the Arctic. "The size of the Noatak basin is such that it is a true wilderness rather than an enclave of wild country surrounded by civilization on all sides. In terms of the scope and complexities of the environment, there is certainly no situation left in the 'lower 48' that is remotely comparable." The committee feels that the Noatak valley and the surrounding countryside afford one of the last opportunities in the United States, or for that matter the entire world, to set aside for the future wilderness of such size, variability and complexity that it functions as a complete ecosystem. If this opportunity is not seized upon, it will never occur again.

The fisheries of the Noatak River comprise more than half of the commercial salmon fishery of Kotzebue Sound, as well as an important part of Native subsistence harvest of arctic char, whitefish, and chum salmon. The Noatak makes a major contribution of freshwater to the Kotzebue Sound estuary.

Approximately 265 miles of the Noatak River (to its downstream confluence with the Kelly River) qualifies for designation as a Wild River, in the National Wild and Scenic Rivers System. This Committee recognizes the area's distinctive qualities for low density wilderness recreation in arctic environs, and therefore concurs in this designation.

The Noatak Valley also holds an outstanding archeological resource. Over 135 archeological sites have been discovered representing 11 different cultural assemblages which include three early traditions of men in the arctic: American Paleo-Arctic; Northern Archaic, and Arctic Small Tool Tradition. Human occupation in the Noatak Valley can be traced back at least 10,000 years to early "Paleo-Indian" people of the region. The most extensive chert quarry found in northwest Alaska, which supplied the raw materials for early lithic cultures, lies in the headwaters of the Kelly River.

In a world dominated by human systems, preservation of this outstanding natural area will provide an essential base against which to judge environmental dynamics of the future. An advisory board of distinguished scientists should be established by the Secretary to encourage and guide a comprehensive, interdisciplinary scientific research program within the area. The board should include representatives of all major disciplines of arctic research and should meet a sufficient number of times each year to actively guide, review, and develop research programs in the Noatak. The Committee expects the National Park Service to budget sufficient funds for the board to operate.

Uses permitted in the preserve will include existing subsistence uses, baseline scientific research in the ecological sciences, archeological investigations, environmental education, and compatible recreational uses, such as canoeing, hiking, camping, hunting and fishing of types and intensities that will not interfere with the scientific education purposes of the preserve or the subsistence uses of the local people.

The Noatak National Preserve is also intended to aid the United Nations' Man and the Biosphere program, which has as its primary

focus "the interrelationship of man to the ecosystems and the extent to which his activities and his perception of himself are affected by this interrelationship."

The Committee expects that the National Park Service will manage public use in the preserve to the appropriate degree, in keeping with the scientific research values and preservation of the natural integrity of the area. The Committee also expects the Park Service will work closely with Native village inhabitants of the region to assure that Native cultural values are enhanced by establishment of the Noatak National Preserve.

The Committee recommends that the watershed of the Kelly River, comprising an area of approximately 386,000 acres, be designated as a National Recreation Area (NRA), and be managed by the National Park Service as an integral part of the Noatak unit. It is the intent of this committee, however, that management of the recreation area result in the least possible adverse impact to the primary resources of the Kelly River Valley, the Noatak watershed, as well as the adjacent preserve, including but not limited to caribou and their migration routes, subsistence activities of local people, wildlife and fisheries, scenic landscapes, and archeological and cultural resources. Access to the Kelly River and associated impacts shall also be minimized in keeping with undisturbed wilderness environment of the adjacent Noatak Preserve, as designated by this Committee. The Committee notes that the Kelly River has potential for fisheries enhancement which may be allowed under appropriate regulation. The national preserve is to be managed in a manner similar to that of a national park, except that sport hunting and commercial trapping shall be allowed; recreational uses are to be compatible in nature and the scientific values of the area shall predominate over others. The national recreation area is closed to all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The Committee recommends several changes from the House passed bill. The Committee agrees with the preserve designation for most of the area. The important scientific values of the area are multidisciplinary, extending beyond fish and wildlife values, and National Park Service management is appropriate. The Committee designated the Kelly River area as a national recreation area partially in order to provide a buffer between the preserve and the "Red Dog" mineralized area immediately westward. The "Red Dog" has a high potential for mineral development in the near future. The recreation area is closed to all mining and the purposes of establishing the recreation area are the same as the preserve. The resources of the Kelly watershed are to receive the same level of protection as in the preserve.

The Committee deleted acreage in the southwest corner of the House passed area in the vicinity of Kikmiksot Mountain for the purposes of establishing a transportation corridor to the North Slope. In expanding the boundary of Cape Krusenstern National Monument, the House passed bill deleted the corridor. The committee, in reviewing the various alternatives, felt that environmental damages would be far less severe in the Noatak deletion than would occur if the transportation route was built through the Cape Krusenstern addition. The Committee made further deletions in the vicinity of the "Red Dog"

mineral deposit to allow selections by the NANA Corporation and the State of Alaska to encourage development of the minerals found there. The entire watershed of the Kelly remains within the National Park System unit. Under the Committee recommendation those portions of the Noatak watershed that flow south, onto Native and private lands are deleted. A combination of the lands deleted from the Noatak forming a north-south corridor and the lands which the State will receive between the Noatak and the coast provide an access route within the region, for the "Red Dog" mineral area, and the western portion of the North Slope.

*Section 201(9): Wrangell-St. Elias National Park, Wrangell-St. Elias National Preserve, and Wrangell-St. Elias National Recreation Area*

The Wrangell-St. Elias National Park, Preserve and Recreation Area in southcentral Alaska stretches north 170 miles from the Gulf of Alaska to encompass a superlative 12-million-acre region of mountains and forelands bounded by the Copper River on the west and the Kluane National Park and Territorial Game Sanctuary of Canada to the east. Together, these American and Canadian units encompass the greatest expanse of valleys, deep canyons, and towering mountains in all of North America and include ten of the highest peaks of the continent.

The Committee has noted that this area has been studied for some 40 years and was proposed for national park status by then-Governor (later Senator) Ernest Gruening of Alaska, who reported to the Secretary of the Interior that "The area is superlative in its scenic beauty and attractiveness and measures up fully and beyond the requirements for its establishment \* \* \* as a National Park. It is my personal view that from the standpoint of scenic beauty, it is the finest region in Alaska."

The essence of the Wrangell-St. Elias National Park and Preserve is best captured in the tremendous variation in physiography. Contained within the boundaries are much of the Wrangell, St. Elias, and Chugach Mountain Ranges, including Mount St. Elias (18,008 feet) and three other peaks over 16,000 feet—Mount Bona, Mount Blackburn, and Mount Sanford.

Dominating the high mountains are great ice and snow fields intersected by enormous glaciers. Some of the largest (Malaspina), longest (Nabesna), and most active (Hubbard and Yahtse) glaciers in the world are found here. (To illustrate the scale of some of these features, the Malaspina Glacier alone is larger than the State of Rhode Island.) Supplied by glacial meltwaters, large braided river systems drain the region. The Chitina and Cooper Rivers are among the Nation's large river systems. While many of the most spectacular features are designated as wilderness, ample non-wilderness areas are included in the units from which the outstanding wilderness features can be viewed by tourists using mechanized access.

The diverse landforms in the proposal, from seacoast to high mountains, provide habitats for an excellent representation of the fauna of interior Alaska. Dall sheep, brown and black bear, moose, mountain goat, caribou, bison and wolf are all found here. Of special interest

is the large coastal fringe along the Malaspina Glacier, where sea lion, otter, harbor seal, and several species of whales inhabit waters adjacent to the park. The valleys and lowlands of the unit are also particularly important, supporting a diverse spectrum of biologic communities which are evolving in direct response to changing natural conditions and the advance and retreat of the glaciers.

There are several historic placer gold mining sites located along the river valleys within the proposal. The focal points of mining history in the region are the Kennecott copper mine, abandoned for four decades, and the nearby town of McCarthy, both located in the preserve.

Wrangell-St. Elias National Park contains about 7,990,000 acres of public lands. The Preserve encompasses about 3,093,000 acres of public lands, while the Recreation Area contains about 1,235,000 acres of public lands. The State of Alaska holds title to about 50,000 acres in the Chitina Valley. There are also a number of scattered backcountry cabins and camps. In most cases existing levels of residential use are low. It is expected that the National Park Service shall generally permit such existing uses to continue under appropriate regulation, including but not limited to, year-round residence at remote cabins, controlled gathering of firewood, and use of snowmachines for access in the winter.

It is expected that the Secretary will cooperate with local residents, private landowners, and the State in the development of plans and the implementation of regulations to assure that development of and access to private lands within the unit is compatible with the purposes of this section and the quality of the experience of park and preserve visitors. One example for such cooperation is the scenic highway study provided for in Section 1311.

Subsistence uses will continue in areas of the preserve, and recreation area where they now occur, but not in the park. Sport hunting, under reasonable regulation, shall be permitted in the preserve and recreation area.

The Wrangell-St. Elias National Park abuts both the Canadian Kluane National Park and Territorial Game Sanctuary. Both national parks will share a common physiography, resources, visitor use and safety demands, and management problems. Close cooperation between the National Park Service and Parks Canada, in particular Kluane National Park, is thus essential.

Furthermore, the Wrangell-St. Elias region is relatively close to the population centers of Alaska and the periphery of the region is accessible via the interconnected, paved state highway system. As a result, the Wrangell-St. Elias units can and should support a large share of increased visitation to Alaskan parks. There is opportunity to develop visitor facilities at scenic locations on or near the existing improved highway system, primarily on private lands.

The Committee agrees with the House concerning the external boundary for the park system management unit. However, the Committee did make several minor changes in the internal boundaries of the unit. The northernmost portion of the area, the Chisana, is recommended for recreation area status, rather than as a preserve as adopted by the House or recommended by the Administration. The Committee

feels that in addition to the natural features and recreational values, there is potential for the development of minerals within the recreation area, which includes and surrounds the two zones the Administration recommends be open to existing and new mineral development. Under the Committee recommendation, the Secretary would have the authority to allow mineral development under a lease and permit system within the recreation area. Management of the recreation area would be in accord with the provisions of section 1312. The Committee recommends that the boundary between the park and preserve be modified from the House Act. The effect is to provide for an increased level of sheep hunting in the unit through a wider application of the preserve classification. Under the Committee recommendation approximately 80 percent of the sheep in the Wrangell Mountains are available for hunting, according to the National Park Service. (The Alaska Department of Fish and Game estimates that 63 percent of the sheep would be available for hunting). The Committee adopted an amendment this year which changes the classification in the Malispina Glacier Forelands from park to preserve to allow moose and bear hunting. The Committee also changed the classification in the Barnard Glacier and Jacksina Creek areas from park to preserve to permit sport hunting.

*Section 201(10): Yukon-Charley Rivers National Preserve*

The Yukon-Charley National Preserve combines two nationally significant resources: the upper Yukon River with its historic, biotic, and geologic resources, and the Charley River drainage, an entire watershed essentially undisturbed by modern man, containing one of Alaska's best whitewater rivers and a wealth of scientific values. The area of 1,713,000 acres of public land includes diverse wildlife, a fine cross-section of interior Alaska flora, outstanding paleontological resources, scenic diversity, and high potential for varied recreational uses. The nearby town of Eagle, a historic district on the National Register of Historic Places, complements and is symbolic of the rich cultural heritage within the area.

The history of the upper Yukon River area is rich and still visible. Along the banks of the Yukon, the remains of many old buildings attest to the river's historic use as an artery of trade, travel, and communication. The endangered peregrine falcon, which nests in extraordinary concentrations within the area, heads the list of biotic resources protected. In addition there are Dall sheep, moose, bear, wolf, and other large mammals; nearly 200 species of birds including 20 different raptors; salmon, grayling, and numerous other fish.

Geologic features of the area include a nearly unbroken visible cross section of rock strata dating from pre-Cambrian times. The oldest exposures have yielded fossils estimated to be 700 million years old, including some of the earliest forms of animal life. Of particular importance to the science of paleontology is the triangle formed by the Kandik River, the Canadian border, and the Tintina Fault, which parallels the south side of the Yukon River.

The entire Charley River basin is significant because of its undisturbed nature and its cross section of interior Alaska flora and fauna and has been recommended for preservation for its scientific values by the Institute of Northern Forestry.

Boating and camping along the Charley River and the lower reaches of its principal tributaries, as well as primitive hiking in bluff and highland areas, will provide high quality experiences for visitors. Because the basin area was largely unglaciated in the Pleistocene era, a rich botanical history is preserved, including relics of previous climatic periods. Recent archeological finds in the upper Charley basin, with artifacts dating back possibly thousands of years, signify the presence of ancient hunters ancestral to the modern Athabascan people.

The Committee agrees with the House that the National Park Service is the appropriate management agency for the area, and that the preserve classification is the most suitable management classification. Outstanding natural, historic, paleontological, archeological, and biological features of the area, especially when combined with what may be the best wild river in the State of Alaska, the Charley, strongly indicate that the inclusion of this area in the National Park System is clearly in the national interest. The Yukon-Charley Rivers National Preserve would be designated for a variety of appropriate uses. The area should be managed the same manner as a national park, except that hunting and trapping shall be allowed. Subsistence uses by local residents are allowed throughout the area. Protection and use of recreational, historical, and natural values will dominate other resource use considerations. Scientific research will be encouraged. Sport hunting shall be permitted under sound management principles. A segment of the Charley River canyon may be closed to hunting to maintain presence of Dall sheep close to the river for observation.

As one of the finest whitewater streams, the Committee recommends that the Charley River be available for public use and enjoyment, while preserving the wilderness character of the terrain. Therefore, it is the intent of the Committee that the National Park Service permit, to the extent compatible with the purposes for which the preserve was established, aircraft to continue to land at sites in the upper Charley River watershed. The Committee recommends that an airstrip be constructed in the headwaters of the river in order to provide access for people desiring to float the river. The Park Service should conduct a thorough study of the basin in order to locate the environmentally best location for a landing site by fixed wing "bush" aircraft.

There are numerous backcountry cabins along the Yukon River; many are historic while many others recently built are used today by the local people. Many of the cabins legally located under the Federal homesteading laws will be private inholdings within the preserve. Others are in trespass on Federal lands, the people settling in the area after the public land orders were issued which closed this region to entry under the public land laws of the United States. The provisions of Section 1303 of this Act will apply to these cabins. The Park Service should conduct a thorough review of all cabins and residents within the preserve and develop a specific management plan which addresses this issue, the people involved, and their cabins. No new homesites or trespassers are to be allowed. For existing residents using the lands in a manner consistent with the purposes for which the Yukon-Charley Rivers National Preserve is established, the policy adopted by the Committee provides for dealing with these inholdings, trespassers and mining claims in a more flexible manner than under

existing policies. Nothing in this Act is intended to grant any legal interests or rights to those trespassers on the Federal lands. But the Committee intends that there not be any unnecessary hardships placed upon the local people and that policies for this area be flexible ones that address the specific needs of this situation. For lands in which a fee interest is held, Federal condemnation authority is to be used only as a last resort after approval by Congress of the necessary appropriations. The agency should conduct public hearings on the management plan and submit copies of the plan, and the hearings to the appropriate Committees of the Congress. The plan should include a list of all homesteads, mining claims, and trespassers and outline how the agency proposes to deal with this situation and the people involved.

Minor changes in the boundaries established by the House bill were made to correct the delineation of watershed boundaries. The major boundary change was a result of the Committee adopting the boundary resulting from the Doyon—Department of the Interior—State of Alaska land exchange. The Committee in sections 1416 through 1422 of this Act approved the exchange of lands and therefore adjusted the western boundary of the preserve accordingly. The major effect of the exchange as it relates to Yukon-Charley is to eliminate some 200,000 acres of private holdings within the preserve, formerly Native selections held by the Doyon regional corporation.

The Committee notes that the portion of the Yukon included in the preserve is one of the most important peregrine falcon nesting grounds in North America. As the peregrine is an endangered species, the Park Service is to develop a special resource management plan that serves to protect the peregrine and its nesting grounds.

*Section 202(1) : Glacier Bay National Park and National Preserve*

Glacier Bay National Monument was established in 1925 to protect a dramatic landscape of coastal mountains undergoing uniquely rapid and dynamic glacial fluctuations. While the fastest retreat of glacial ice in history continues to occur in the area, other glaciers within the boundaries are today reclaiming territory from the pioneering plants and animals which had begun inhabiting postglacial areas. The addition to Glacier Bay adds an area integral to the monument's dynamic intermingling of the awesome power of storm and ice and life's quiet tenacity. Designation of this entire area of about 2,792,000 acres as Glacier Bay National Park recognizes the diversity of its physical and biological systems and the outstanding opportunities for interpretation and recreation that they provide. The entire existing monument, including waters and submerged lands, is included within the park.

Closely guarded on one side by the formidable coast ranges and on the other by the Gulf of Alaska, the 120-mile stretch of beach between Lituya and Yakutat Bays in a rich biological island, access to which from the interior is limited to one major pass—the Alsek River valley. The Alsek addition would protect a significant portion of this biological island which is closely related ecologically to lands already within the boundaries. Continued access to this prime habitat by such large mammals as moose, bear, and wolves will be assured by the inclusion of the vital segment of the Alsek River corridor within the park.

Also included within the addition are the northwest flanks of Mount Fairweather, the scenic cornerstone of the present monument. The Deception Hills contain ecologically significant and extremely old plant communities which are important to scientific investigations of southeast Alaska.

The Alsek River and its tributary the Tatshenshini has high potential for white water recreation and is a major international natural resource. Rising high in the St. Elias Mountains in Canada, the Alsek tumbles to the sea through tight canyons offering a supreme test to the white water enthusiast while the Tatshenshini offers an easier route. Recreational use of the river has been increasing in recent years as it has become better known.

The new National park consists of all of the lands and waters within the present national monument and an addition of 523,000 acres of public lands, above mean high tide. Also established is a national preserve of 57,000 acres of public lands above mean high tide. The committee added the lands that the House deleted from the Administration's proposed boundary, but classified them as a preserve. The preserve is to be managed in the same manner as the park, except that hunting and trapping may be allowed. Also within the preserve, the existing commercial fishing operations are allowed to continue their operations at Dry Bay. Several commercial fishermen operate out of the Dry Bay area; in addition, there is an airstrip and fishery related facilities within the preserve which shall continue to be used and maintained. The Committee felt that the lands are important additions to the National Park System, and the addition provides for a natural boundary between the park system unit and the national forest. Dry Bay is the terminus for float trips down the Alsek that originate in Canada, and the Park Service has considered using that location for management and visitor related facilities. The Committee used the preserve classification so that the sport hunting which occurs within the area could be continued. The committee also changed the boundary between park and preserve from the House boundary to follow stream courses which would allow a natural demarcation between lands open and closed to sport hunting. Recreation and interpretation activities compatible with ecological values of the Park System addition will be encouraged. Subsistence uses will be allowed within the preserve, but not in the park. The Secretary is encouraged to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River, and provide for cooperative visitor use of the river and its environs.

*Section 202(2) : Katmai National Park and Katmai National Preserve*

Katmai National Monument, containing about 2,790,000 acres on the Alaska Peninsula, was established in 1918 by Presidential proclamation to preserve a scenic region containing an area devastated in 1912 by volcanic eruptions and ash deposition. Later expansions included a variety of natural and biologically significant resources, including the Naknek Lake system and brown bear habitat, in the monument.

The park/preserve complex combines presently existing national monument lands with certain additions and designates the area as

Katmai National Park and Preserve. The existing monument including waters and submerged lands is designated a part of the park.

Resources within the proposed additions include the headwaters of the Alagnak River and Nonvianuk Lake. Land between McNeil River State Bear Refuge and the present park boundary, also a part of the unit, will give the park a protected ecosystem sufficiently large to include a largely unhunted population of the giant Alaskan brown bear. The northern part of the park and the preserve will also offer many backcountry recreation opportunities amidst highly scenic and varied types of terrain from rolling tundra, wooded valleys, and alpine lakes to rugged snow and glacier-clad peaks. Pristine watersheds necessary for support of the red salmon fishery and water quality protection within the existing monument are included within the addition.

Katmai National Park and Preserve includes the following approximate acreages: 2,790,000 acres of existing national monument; 936,000 acres of public lands to be added to the present monument (redesignated National Park); and about 409,000 acres of public lands in national preserve status.

Katmai National Park/Preserve will continue to be managed as a natural area with the primary objective of insuring maximum retention of lands and lifeforms in a near natural state. Hunting, trapping, and commercial fishing will not be allowed in the park, but appropriately regulated sport fishing will be allowed. The preserve is to be managed in the same manner as the park, except that hunting, trapping and fishing shall continue, under regulation. Existing subsistence uses will continue in the preserve but will not be allowed in the park.

The primary overnight use facility at the park/preserve will be at the west end of Naknek Lake. Secondary facilities may be located elsewhere. Aircraft tours can be continued for aerial viewing of significant vistas. Canoe and small boat travel will be encouraged, and hiking will be increasingly popular use of the Park/Preserve.

The Committee generally agrees with the House passed bill concerning this area. One change was made in the boundary between the Park and preserve. Kulik Lake, Nonvianuk Lake and Battle Lake were included in the preserve, rather than the park as recommended by the House. The Committee recommended the preserve classification here in order to allow more sport hunting to occur in the region. The Committee, in making this recommendation, did not imply that the 3 lakes or surrounding habitats are any less important to the unit. Rather the Committee recognizes that these lakes are valuable features and their natural recreation and watershed values should be protected.

Minor exterior boundary adjustments were made from the House passed boundaries to aid field location or to simplify land surveys.

The Committee recognizes the critical importance that the McNeil River State Game Sanctuary plays to the protection of brown bear in the vicinity of Kamishak Bay and the population of bear that seasonally inhabits the national park. Because of the existence of the Sanctuary, the Committee did not include the State lands at McNeil within the park. However, the Committee notes that some of the State lands in the McNeil River area are not in the sanctuary, leaving a narrow strip of State land open to bear hunting between the sanctuary and the park.

*Section 202(3): Denali National Park, and National Preserve*

Mount McKinley National Park, containing about 1,940,000 acres, was established by an Act of Congress of February 26, 1917, for the purposes of public recreation and the preservation of animals, birds, fish, natural curiosities, and scenic beauty. The park has recently been designated a Biosphere Reserve as part of UNESCO's "Man and the Biosphere" program.

The bill adds about 2,587,000 acres of public lands to the existing Mount McKinley National Park, thus establishing a National Park totally about 4,527,000 of public lands, and establishes a National Preserve of about 1,169,000 acres of public lands. Both the Park and Preserve are renamed Denali, adopting the ancient Athapascan name for the mountain. However, the Committee took no action to change the name of the mountain.

By these actions the Committee in no way intended to indicate its approval or disapproval of the proposal to change the name of the mountain to Denali which has been pending before the Board of Geographic Names. The Committee believes that this Board is the entity which should make such a decision and strongly encourages the Board to continue its examination of this proposal and to reach a decision based on the merits of the case at the earliest possible time.

The north addition will add to the park sufficient habitat to sustain its large mammal populations of moose, wolf, and caribou. The southern addition will include southern lower slopes of Mount McKinley itself and its associated mountain and glacial features. The Alaska Railroad right-of-way already is located within the existing park, and Committee action clarifies the intent of Congress in establishing the area in 1917 that the right-of-way will be subject to the same restrictions relative to hunting, fishing or other public uses as the remainder of the park.

The prime resource for which the north addition is established is the critical range necessary to support populations of moose, wolf, and caribou as part of an integral ecosystem. Public enjoyment of these outstanding wildlife values would thus continue to be assured.

The south addition includes that part of the Mount McKinley massif not presently within the park and its associated spectacular glacial gorges and valleys. Also included would be the intricately dissected, awesomely beautiful Cathedral Spires. Lowland areas in the southern addition provide ecologic diversity and opportunity for recreation and access.

The Committee provided for a study of the Tokositna Glacier area to determine the feasibility of a cooperative development at the site. The study is to be conducted in cooperation with the State of Alaska and examine the various alternatives for construction at the site. The Committee granted the Secretary the authority to delete up to 46,000 acres from the park for transfer to the State of Alaska for inclusion in the State park if the study determines that such a deletion is desirable. The lands may be conveyed to the State only if they are to be added to the State park. The lands shall revert to the United States if the State does not retain them in the State park and manage the lands in a manner that protects the natural features of the area.

Denali National Park will be managed as a natural area of the national park system. Existing subsistence uses will continue within the

preserve but not in the park, and hunting and trapping shall continue, under regulation, in Denali National Preserve. North of the Alaska Range, the major development will remain at the present entrance to the park, which will serve as a staging area, information center, and transportation system terminus. Small campgrounds are located along the park road and a hostel and interpretation center can possibly be developed in the historic Kantishna area in the park. Transportation within the existing park and the proposed northern addition will continue to be via public transportation for the most part.

The Committee agreed to the deletion of the major blocks of State lands that are within the House recommended boundaries. These occur primarily in three areas. In the northeast portion of the area, near the existing headquarters, there are some 3 townships of state lands which are critical for sheep, caribou, and wolf habitat and should eventually become a part of the park. In the west are watersheds near the Cathedral Spires with wildlife habitat and ecological values which relate to the park. On the south, the Chelatna Lake country has some of the best access to the south side of the park and has high potential for recreational uses. The Committee recognizes that these areas are important to the park and recommends that the Secretary seek land exchanges with the State of Alaska that would serve to bring these areas into the Park. These three primary areas are identified on the official boundary map as "potential additions." Should the Federal government acquire any or all of these lands at any time in the future, they are automatically to be added to the Park/Preserve, as appropriate. The Committee excluded about 3 townships of land near the Chulitna River for conveyance to the State.

The Committee recommended that the Kantishna hills and the Dunkle Mine area be studied because of their mineral resources by the Alaska Land Use Council in cooperation with the Secretary, to further evaluate the nationally significant resources of the two areas, including fish and wildlife, public recreation opportunities, wilderness potential, historic resources, and mineral potential. These lands are to remain within the park. However, the Council and the Secretary should report to the appropriate committees of the Congress with the results of the study and any recommendations that they may have for the future management of the area. During the study, valid mining claims may continue to be operated and any claim acquisition should be on a willing buyer/willing seller basis.

The Secretary is prohibited from using his condemnation authority in this area during the study period unless he determines that activities will result or threaten to result in significant resource damage.

The Committee is aware that field investigations this summer by the National Park Service revealed that there are approximately 80 acres of land which contain mining claims within the boundaries of the Denali National Park additions, in the vicinity of Dutch Hills. These claims are all located on the very edge of the boundary and are part of watershed that flow outside of the park. As such, the Committee feels that it would be appropriate for the National Park Service to examine the desirability of the Secretary's using his authorities under the minor boundary adjustment section of Title I

to exclude these lands from the park. This exclusion would also remove a trail that has been used in the past by miners who have worked these claims. The Committee notes that this is considered a unique situation.

The Committee recommends the establishment of a two-unit preserve within the overall management unit, in the northeast and southeast. The Committee recommends the establishment of the preserve (Cathedral Spires and Minchumina units) in order to provide for sport hunting, subsistence uses and continued trapping within the area. The preserves shall be managed in the same manner as the park, except that hunting, trapping and other subsistence activities shall be allowed. Subsistence uses shall be permitted within the preserve portion of the management unit, but not in the park.

#### *Section 203: Administration*

The consumptive use of wildlife resources for subsistence, recreational, and other purposes is a recognized and permitted use of such resources within National Park Preserves. Section 203 clarifies that such use of wildlife resources within areas designated by Sections 201 and 202 as National Park Preserves shall continue subject to reasonable regulation, including the provisions of title VIII.

Since the establishment of the National Park System in 1916, the consumptive use of wildlife resources within National Parks and National Monuments has been prohibited. Such units have traditionally been viewed as wildlife sanctuaries for the nonconsumptive enjoyment of the American public. However, when establishing new units of the National Park System the Congress has had a long-standing traditional practice of reviewing those values and activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents of the area. Consequently, in appropriate instances certain grazing and inholder activities have been phased out of such units gradually, rather than terminated immediately at the time of establishment of the unit.

In other instances, because of their unique significance to the Nation the Congress has authorized the continuation of certain uses within new parks and monuments which would be prohibited under traditional National Park Service management policies. For example, in Hawaii Volcanoes National Park and the Big Cypress National Preserve certain types of subsistence activities are authorized to continue as a result of congressional recognition of their cultural significance. In both units subsistence activities within the park and preserve were specifically linked by the Congress to culturally distinct groups of people: Native Hawaiians at the Volcanoes Park, and the Miccosukee and Seminole Indian tribes of Florida in Big Cypress. The Congress also adopted a similar approach with respect to the continuation of local commercial fishing within the Virgin Islands National Park.

With respect to the situation of local residents in and near certain new national parks and monuments established by this Act, the Committee believes that the establishment of these units should protect the opportunity for local rural residents to continue to engage in a subsistence way of life. The Committee notes that the Alaska Native people have been living a subsistence way of life for thousands of

years, and that the Alaska Native way of life in rural Alaska may be the last major remnant of the subsistence culture alive today in North America. In addition, there is also a significant non-Native population residing in rural Alaska which in recent times has developed a subsistence lifestyle that also is a cultural value.

In addition to the cultural importance of the subsistence lifestyle, the Committee also is aware that curtailment of subsistence uses would impose major hardships upon many residents of rural Alaska. It is a combination of these factors which has led the Committee to conclude that there is a need to continue the opportunity for subsistence uses of renewable resources, including wildlife, within certain National Parks and Monuments by local rural residents who have, or are a member of a family which has, an established or historical pattern of subsistence uses within such units. The Committee believes that local rural residents who maintain their primary, permanent residence within or near such units should have the opportunity to decide for themselves the course, pace, and extent, if any, of their own lifestyle and community evolution.

It should be noted that in most new units of the National Park System the taking of wildlife by local rural residents for subsistence uses has not necessitated the use of aircraft as a means of access, but this concept is not absolute. For example, some years the caribou herds do not use the mountain passes near the village of Anaktuvuk Pass during their annual migration. Since this village has no alternative sources of food, the use of aircraft is essential for the continued survival of the Anaktuvuk Pass people. Similarly, residents of Yakutat have customarily used aircraft for access to the Malaspina Forelands in the Wrangell-St. Elias area for subsistence purposes, since traveling by boat, the only other possible means of transportation, can be extremely dangerous due to the violent storms that frequent the Gulf of Alaska. Although there may be similar situations in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, the Committee believes that these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within National Parks and National Monuments. It is not the intent of this Committee to invite additional aircraft use.

In keeping with the philosophy and management policies described above, the Committee recognizes that local rural residents within or near the Gates of the Arctic National Park, Cape Krusenstern National Monument, and the Kobuk Valley National Park have depended for generations upon the subsistence use of wildlife within those units as the foundation of their lifestyle. The Committee intends, and section 203 authorizes, subsistence hunting within those three units by local rural residents to continue subject to reasonable regulation, including the provisions of title VIII. It should be emphasized that this modification of National Park Service policy is based upon the commitment of the Committee and the National Park Service to the protection and continuation of the lifestyle of local rural residents who have, or who are a member of a family which has, an established or historical pattern of subsistence hunting within the park or monument, during those periods of time during which such persons maintain their primary, permanent residence in or near the park or monument.

Consistent with the policy set forth in section 802(1), the Committee intends that communities which contain concentrations of local rural residents with established or historical patterns of subsistence use of wildlife within those units be identified and designated as "resident zones". Persons whose primary, permanent place of residence is within a zone should be permitted to harvest wildlife within the park or monument for subsistence uses without obtaining a National Park Service permit. Of course, such activities would continue to be regulated by the State of Alaska and the National Park Service pursuant to the provisions of title VIII and other State and Federal laws.

The Committee believes that designation of resident zones rather than National Park Service regulation of subsistence hunting by individual permit has a number of advantages. The National Park Service is spared the expense and administrative complications attendant in the implementation of a comprehensive permit system. The traditional movement of local rural residents between rural villages and Alaska's larger population centers can continue, consistent with unit values, without the interference of a complicated administrative structure. And most importantly, rural communities and cultures will not be burdened by implementation of a complex, and in many instances culturally disruptive, regulatory system, unless necessary in specific instances to protect and administer unit values.

In the latter regard, the Committee notes that the resident zone approach to subsistence hunting is consistent with the protection of park and monument values only so long as such zones remain composed primarily of concentrations of residents with an established or historical pattern of subsistence uses of wildlife within the units. The direction of the evolution of many rural communities within resident zones is as yet undetermined. As a result, the composition of residents within a particular community may alter substantially in the future. If so, the Committee expects, and section 203 and title VIII so authorize, the National Park Service to protect unit values by determining eligibility of residents of communities within previously designated resident zones for subsistence hunting purposes through implementation of an individual permit system.

The Committee also recognizes that there may come a time when wildlife available for subsistence uses may be insufficient to satisfy the subsistence needs of local rural residents who choose to continue the subsistence way of life. For example, pressures on a wildlife population may become sufficiently intense that in order to insure the perpetuation of a viable self-sustaining population within the park system unit there may be a need to restrict the subsistence take of such population by residents of communities properly within designated resident zones and by residents who engage in subsistence uses by permit. In such situations the Committee intends that local rural residents of communities or areas which are the most dependent upon the resource and which have the least access to alternative resources should be given a priority use of the population for subsistence purposes pursuant to the provisions of section 804. Priority among local rural residents within such communities or areas also should be established pursuant to the criteria set forth in section 804. The Committee expects the National Park Service to make such critical allocation

decisions in close consultation with the State of Alaska and affected communities and local rural residents.

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreational Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained. The National Park Service recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the National Park Service to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units.

Several of the new park units established by this legislation, most notably the Gates of the Arctic, Wrangell-St. Elias, the Denali additions, and Lake Clark, encompass some of the most magnificent, remote and untouched mountain terrain in North America. Within these units, whole mountain ranges intersect in a spectacular jumble of unclimbed, uncharted peaks, with rugged spires, great glaciers and snow fields and deep, glacier-carved gorges. These features offer unparalleled opportunities for the whole range of climbing and mountaineering activities, from short day hikes and overnight trips to long treks and major expeditions in truly rugged and remote terrain. The Committee expects that future management of these areas for such purposes will allow such recreational uses with minimal formal regulatory requirements, and with recognition of the desire of such users for solitude, self-reliance and freedom of movement. These uses, and management practices, must be accomplished in a manner consistent with the purposes for which the areas are established and within the limits of sound management principles, including providing for visitor and resource protection.

#### *Section 204: Native selections*

Section 204 provides that valid Native selections or nominations of lands within the boundaries of the Wrangell-St. Elias National Park and Preserve are recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and title IX of this bill. The Committee has determined that the fairest and most equitable means of resolving the dual withdrawal status of lands withdrawn both for Native selection under section 11 and for possible inclusion in one of the conservation systems pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act is to recognize and honor valid Native selections in the dual-withdrawn

areas within the boundaries of the conservation system units. It should be noted that the Committee intends the phrase "nomination of land" to be synonymous with the phrase "initial identification of lands" as used in Section 17(d)(2)(E) of the Alaska Native Claims Settlement Act.

The Committee adopted an amendment to this section this year deleting reference to the Arctic Slope Regional Corporation dual withdrawals in the Gates of the Arctic. The Secretary of the Interior and the Arctic Slope Regional Corporation entered into an agreement on June 29, 1979 which resolves all conflicts concerning these lands. The Committee approves this agreement in Title XIV of this Act. Since the disposition of these lands has been successfully resolved by all parties it is no longer necessary for the Congress to resolve the issue in accordance with Section 17(d)(2)(e) of ANCSA.

#### *Section 205: Commercial Fishing*

Section 205 provides that commercial fishing within certain units of the National Park System shall be allowed to continue. In all three units the actual fishing takes place offshore in the ocean, outside of the units. The fishermen are dependent upon the park units for land based support facilities for their fishing activities. It is the intent of the Committee that the Secretary allow these existing land based facilities to continue, including campsites, cabins, motorized vehicles, and aircraft landing on existing strips. The Secretary shall be permitted however, to issue reasonable regulations to insure that such activities do not result in any permanent or substantial harm to the environment. Commercial fishing permits shall continue to operate under State law. The intent of this section is to allow existing levels of use to continue, subject to reasonable regulation. It is not to authorize or permit any significant expansion or new use to occur.

The Committee adopted an amendment to the section this year that includes Cape Krusenstern National Monument in the list of where this activity is permitted. The Dry Bay area of Glacier Bay National Preserve and the Malispina Glacier forelands are of the Wrangell-St. Elias National Park and Preserve were previously included. At Cape Krusenstern it is not the intent of the section to allow commercial fishing that take place on allotments to expand onto Federal lands as that would constitute a significant expansion. The Secretary is expected to manage this section of Cape Krusenstern National Monument in such a manner that archeological sites and artifacts are protected.

### **TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM**

H.R. 39 as passed by the House designates some 79.5 million acres in Alaska for inclusion in the National Wildlife Refuge System as new units or additions to or redesignations of existing units. The Committee amendment so designates approximately 43 million acres. The Committee did not agree to refuge designation for the following areas included in the House version: (1) Nowitna; (2) Copper River Delta; and (3) Teshekpuk-Utukok Refuge.

Under the Committee amendment, the Nowitna area is designated a BLM National Conservation Area (sec. 401) and the Copper River Delta is to continue to be managed by the Forest Service (sec. 502)

with wildlife protection as a primary purpose. The Teshekpuk-Utukok Refuge is a redesignation of the 23 million acre NPR-A. The House-passed bill also mandates oil and gas leasing in this area. Leasing is not authorized by the Committee amendments.

#### OVERVIEW

The conservation of wildlife by Federal withdrawal of their habitats under protective management began in Alaska in 1869 when the Congress established the Pribilof Reservation for the protection of the northern fur seal. A second landmark withdrawal occurred in 1892 when a Presidential Proclamation established the Afognak Island Reservation in Alaska:

. . . in order that the salmon fisheries in the waters of the Island, and salmon and other fish and sea animals, and other animals and birds, and the timber, undergrowth, grass, moss and other growth, in, on, and about said Island may be protected and preserved unimpaired . . . that the public good would be protected . . .

By this action the Nation first recognized the value of maintaining an entire ecological unit with all its wilderness attributes for the benefit of all the people.

In 1909, several small island groups off the coast of Alaska were set aside for the protection of nesting marine birds. These were some of the earliest units of what was to become the National Wildlife Refuge System.

In recognition of the superlative, nationally and internationally significant wildlife resources of Alaska, additional national wildlife refuge units were established until today there are 19 refuges in the State ranging from the small Hazy Island National Wildlife Refuge (set aside largely for marine bird nesting) to the nearly 8.9 million-acre Arctic National Wildlife Range (encompassing a striking representation of Arctic life zones and wildlife) and 2 national wildlife monuments. In total, approximately 34 million acres of wildlife habitats and their outstanding wildlife populations form the Alaskan component of the National Wildlife Refuge and Monument Systems today.

Alaska possesses this Nation's sole populations of such recognized wilderness species as polar bear, muskox, and Dall sheep, and such little known but equally fascinating animals as lemmings, Arctic foxes, several species of seals, whales and the walrus, emperor geese, bristle-thighed curlews, red-legged kittiwakes, Arctic char, sheefish and many others. Except for a few animals in Idaho, the U.S. populations of caribou are unique to Alaska and most of the Nation's grizzly bears and wolves are in Alaska. The Porcupine caribou herd of 120,000 members still makes up one of the greatest assemblages of hoofed animals in the world as it masses each summer on the coastal plain of the Arctic National Wildlife Range.

Alaska has been called a nursery to the world, providing nesting and feeding areas for some 400 million migratory birds which disperse each fall to at least six continents; calving and denning sites for international populations of caribou and polar bear; and the spawning

grounds for salmon, other fish and shellfish populations which feed the world.

The National Wildlife Refuges designated in this Act represent proposals that have been carefully studied and described to manage, maintain and protect those magnificent national and international wildlife resources for all people. They represent a significant addition to the nationwide system of wildlife refuges by adding a critical nesting component to the migration and wintering areas of migratory birds protected by refuge status across the lower 48 States. They also include within the Federal wildlife system the nonmigratory birds, numerous mammals and fish that form key elements of the public's wealth in its wildlife heritage. And, they add to the Refuge System not only representation of the striking life zones of the Arctic and subarctic but the opportunity to manage these areas on a planned ecosystem-wide basis with all of their pristine ecological processes intact.

The actions of this Committee in designating these new Alaskan National Wildlife Refuges carries on a major principle in land conservation—that certain public lands could and should be dedicated and managed as key ecological components of wildlife habitats for wildlife utilization purposes for the ultimate public benefit. It is fitting that, in a state as vast as Alaska, these units will assure to the greatest extent possible the protection of the ecological units and processes that support entire habitats for Alaska's diverse fish and wildlife resources.

Sections 301, 302 and 303 set forth the purposes for each designated or redesignated unit and additions to existing units. Enumeration of purposes is not exclusive, but is set forth as a guide for management. In recognition of the current lack of an organic statement for the National Wildlife Refuge System, the Committee has adopted a statement of purposes in Section 303, complemented by a definition of conservation in Section 301, to describe Congress' intent regarding the management of new units and those expanded or redesignated by this act.

For each unit the key wildlife species are listed. However, the committee feels that while it is important to focus attention on the major species of each refuge, it is equally important that the Fish and Wildlife Service manage these units to conserve the entire spectrum of plant and animal life found on the refuge. Alaska is unique in this country in that it is the last place where man has not adversely affected the balance of nature. The Committee intends that these refuges should be managed to maintain the diversity of wildlife and plant species which can be found nowhere else in the United States. For example, the Arctic National Wildlife Range should be managed to conserve the diversity of fish and wildlife populations of the refuge and not merely the Porcupine caribou herd.

Other considerations of this legislation include: (1) the concept of ensuring necessary water quality and quantity within the refuges by which the Committee means that the proposed refuges should be managed to the maximum extent practicable, to ensure the water quality and quantity of the streams in Alaska and that activities which directly affect water quality and quantity should be conducted in a manner consistent with the conservation of the fish and wildlife populations

found on each refuge; (2) the identification of special non-wildlife values in each refuge for protection, maintenance or enhancement as appropriate consistent with the primary fish, wildlife, and habitat values of the unit, in developing conservation plans and in procuring and designating funding for the refuge; and (3) the value of managing wildlife habitats and populations on an ecosystem basis. To the extent practical, the boundaries of units have been drawn on watersheds. This may or may not encompass the range of major or key species. Where it has not been possible to include the range of species, such as caribou, in a single unit, the Committee expects the managing agencies to plan cooperatively with each other, the State and private landowners to achieve the best, practical program for managing the habitats of these species in a cooperative and coordinated manner.

The Committee notes that wildlife refuges throughout the United States provide locations for outdoor recreation for the American people including boating, hiking, canoeing, hunting, fishing, and wildlife observation and study. The Committee intends that the refuges established by this bill be managed to continue these activities under the existing authorities of the Fish and Wildlife Service, the Wildlife Refuge Administration Act, and other existing legislation. While the primary purpose of America's wildlife refuges remains the conservation of the wildlife located within the areas, the wildlife refuge system, particularly the large areas of Alaska, provide tremendous recreational opportunities for the American people.

In regard to the special values stated for each refuge, the Committee intends this language to serve as an identification of areas of interest within the refuge, but not necessarily as special direction to manage a specific area or areas of the refuge more stringently because of the identification of special value. With vast areas being established, the Committee wishes to spotlight some specific reasons for establishing the refuge. Management of the entire refuge should be accomplished under the existing authority of the Wildlife Refuge System and the provisions of this Act.

In Section 302, the bill also provides an approximate acreage figure and a map reference. In the designation of boundaries, the map's boundary line, not the acreage stated for each unit, is controlling. The acreage is only approximate.

Section 304(b) includes language describing the test that activities on the refuge must be compatible with the purposes of the refuge. In this regard, the Committee agreed to include language making it clear that, when compatible with the refuge designation, hunting, fishing and trapping may be allowed subject to applicable State and Federal law. The Committee in Title X recommends new legislation to insure that lease applications on wildlife refuges are expeditiously considered and acted upon by the Fish and Wildlife Service. The language of this section does not impact the decision making process of Title X as to pending lease application on refuges. The section does provide authority for the Secretary to require measures to insure that uses on the refuges are carried out in a compatible manner.

In Section 306, the Committee adopted an amendment similar to one in the House passed bill to permit in the wildlife refuges the exer-

cise of valid commercial fishing rights or privileges obtained pursuant to State or Federal law as applicable. The Committee intended that this activity be afforded an appropriate land base consistent with the exercise of the right or privilege granted. The amendment does retain the Secretary's authority not to allow such activity or to associated land uses when he finds, after a hearing in the affected area, that that activity or use is inconsistent with the purposes of the refuge and significantly expands commercial activities within that unit beyond the level of use during 1979.

*Section 302(a)(1): Alaska Maritime National Wildlife Refuge*

The Alaska Maritime National Wildlife Refuge encompasses the Federally-owned islands or parts thereof off the coast of Alaska, as well as certain designated capes and headlands, that are important to the Chukchi Sea to the existing Forrester Island National Wildlife seabirds and marine mammals. It stretches from Cape Lisburne in Refuge in southeastern Alaska. The Alaska Maritime Refuge includes ten other existing wildlife refuges and numerous named and unnamed islands, islets, rocks, reefs, spits and spires as well as some submerged lands in Federal ownership. Specific exceptions to this inclusion of all federally-owned islands in the Refuge are islands within the boundaries of the existing Katmai and Glacier Bay National Monuments, the Bering Land Bridge National Preserve and Nuka and Ragged Island within the Kenai Fjords National Park, and islands included within the boundaries of the Tongass National Forest and the Chugach National Forest.

The Committee intended to consolidate all such habitat vital to marine wildlife species into a single management unit since management of these species is quite different from that required on a traditional mainland refuge. Another major objective of the refuge is to have the Fish and Wildlife Service undertake a comprehensive program of scientific research in order to achieve a greater understanding of marine birds and marine mammals, their role in maintaining the marine ecosystems and man's impact on them.

To facilitate management of this widely dispersed refuge, the Secretary is authorized to retain the names of the existing refuges as identifiable subunits of the Maritime Refuge, however he shall aggregate these subunits into the specifically designated units outlined in the legislation. To facilitate management of these units in a manner which also coordinates management programs of this refuge with adjacent conservation units, headquarters for the units may be appropriate as follows; Kotzebue, for the Chukchi Sea Unit; St. Paul, for the Bering Sea Unit, Adak, for the Aleutian Island Unit; Chignik, for the Alaska Peninsula Unit; and Seward for the Gulf of Alaska Unit.

The Committee adopted an amendment requiring that the Cape Lisburne portion of the Alaska Maritime Refuge be administered as an identifiable subunit of the refuge and named as the "Ann Stevens-Cape Lisburne" unit. This amendment was offered at the request of residents in northern Alaska in memory of Mrs. Ann Stevens who died tragically in an airplane accident in Alaska in 1978.

The Committee included the existing Pribilof National Wildlife Refuge in the Maritime Refuge. The existing Pribilof Refuge com-

prises Walrus and Otter Island and the Sea Lion Rocks. These islands have been selected by the Native Village Corporations which now desire to trade their rights there for cash or public lands elsewhere. They are also willing to exchange or sell their selection rights to the bird cliffs of St. Paul and St. George Islands as outlined in Section 1417. The cliffs, which nearly surround these two islands in the Bering Sea, are among the most spectacular and most ornithologically valuable in the world.

Over 100 million marine birds, including sea birds, sea ducks and some shore birds use the coastal islands and waters in the Bering Sea and North Pacific off Alaska. Nesting colonies of sea birds are most numerous in the Gulf of Alaska and along the Alaska Peninsula; fewer are found in the Chukchi and Bering Seas. To date nearly one thousand locations have been described, exclusive of the Aleutian Islands. Several colonies contain over one million birds. Nesting seabirds are an attraction to several species of raptorial birds also nesting in these colonies, including eagles, hawks, gyrfalcons and both the endangered and nonendangered races of the peregrine falcon. In addition to seabird nesting, units of the wildlife refuge also afford major wintering and migration habitats for waterfowl and other migratory bird species.

All the units are important to one or more species of mammals—including sea lions, harbor and hair seals, walrus, sea otters and polar bears. Sixteen species of whales also use waters lying immediately off the shores of some areas.

The value of Alaska's marine wildlife resources tends to be underestimated, and an important purpose of the Alaska Maritime National Wildlife Refuge is to foster scientific research concerning their magnitude, location, and nature and management. Already, it is well-established that huge concentrations of seabirds are found in conjunction with major fisheries on Alaska's 550,000-square-mile continental shelf.

Alaska's seabirds serve as key indicators of the health of the marine ecosystems. In addition, as the distribution of rich fisheries and concentrations of marine birds and mammals largely coincide, it is apparent that seabirds play a vital role in pelagic food webs and accompanying transfer of nutrients and energy. Tremendous magnitudes of nutrients and energy are recycled by seabirds and marine mammals. It has been estimated that these birds in Bristol Bay alone consume 0.6 to 1.2 million tons of food and return from 120,000 to 240,000 tons of feces to the subarctic Pacific Region every year. Marine bird and mammal numbers are awesome and their demise by oil, toxic wastes, introduced predators, or other factors would undoubtedly greatly upset local fertility of the seas and the fishery resources vital to human needs and the Alaskan economy—an important reason for the Committee's interest to protect parts of the habitat needs of these marine species.

Although the public lands added to the Maritime Refuge are bounded by the mean high tideline, the Committee recognizes the reliance of these marine wildlife species on tidal and nearby shore habitats (marine birds do 90 percent of their feeding within 6 miles of the nesting island) and recommends that the Department strive to cooperate with other Federal and State agencies and private parties in these zones to protect and maintain the entire life cycle requirements of these valuable wildlife species.

Designation of this and other refuges for the protection of marine mammals does not in any way modify the provisions of the Marine Mammal Protection Act.

*Section 301(a)(2): Alaska Peninsula National Wildlife Refuge*

The Alaska Peninsula National Wildlife Refuge contains about 3.162 million acres, consisting of the public lands on the Alaska Peninsula between the Becharof and Izembek National Wildlife Refuges. This refuge incorporates the lands made available under Section 1427, except that the offshore islands defined as part of the Peninsula in that section are included in the Alaska Maritime National Wildlife Refuge.

This refuge encompasses the same area described by the House but more accurately reflects the total acreage involved as this total includes the lands made available under Section 1427, the lands withdrawn for study for possible addition to the National Wildlife Refuge System under Section 22(e) of ANCSA and the lands surplus to Native Corporate entitlement in the area. Of a total of 4.448 million acres within the boundary, 3.162 million are federal lands included in the refuge, 0.910 million are Native entitlement and the remaining 0.376 million include valid and contested prior selections by the State of Alaska. Pending final adjudication of 0.320 million acres of contested State selections, these lands were not included in the refuge at this time. If ultimately found to be federal lands, this acreage will become part of the refuge.

Overall, the Alaska Peninsula is regarded as one of the most significant fish and wildlife areas in the entire State. In addition, the Peninsula contains a variety of spectacular scenery including active volcanoes, glaciers, rocky coastlines and steep mountains. These features combine to form unique biological continua of major scientific interest and wildlife value.

The major wildlife species on the Peninsula include brown bears, caribou, moose, salmon, grayling, trout, marine birds, waterfowl and shorebirds. Bald eagles, peregrine falcons, wolves, wolverines and marine mammals are also found along the length of the Peninsula and its adjacent bays, lagoons and coastal waters.

The entire Peninsula has an extremely high density of brown bears. Most of the area is very valuable denning and feeding habitat for these bears. Several river valleys and Pacific coast watersheds provide excellent moose habitat.

Caribou populations, which are currently estimated at about 15,000, have increased from a low of approximately 2,500 animals in the 1940's. The Alaska Peninsula caribou herd actually contains three separate herds with the largest herd located between King Salmon and Port Moller. A portion of one calving area, near Trader Mountain is a significant segment of this caribou use area within the refuge.

At least 30,000 sea otters, 50,000 sea lions and abundant harbor seals inhabit the south side of the Alaska Peninsula. Included in the refuge and identified, in part, among the special value habitats of the refuge, are important hauling grounds, rookeries and concentration areas.

Bald eagles nest in good numbers along the south side of the Peninsula, feeding throughout the refuge and adjacent Bristol Bay lowlands. Other birds of prey, notably the Peale's peregrine falcon and the gyrfalcon nest along the south side of the refuge.

Seven of the major lagoons and river deltas on the northern range of the Peninsula have spectacular spring and fall waterfowl concentrations. The world-famous eelgrass beds of the Izembek Lagoon within the Izembek National Wildlife Refuge attract the largest concentration of migratory birds. At times the entire world population of several species such as black brant and emperor geese can be found in these areas. Due to State land selections along the northern shore of the Peninsula much of this migratory bird habitat is not included as part of the refuge.

Commercial and subsistence fishing in this region is the economic mainstay for the people of the south Peninsula. All five species of Pacific salmon, especially pink and chums, spawn in the refuge. The Chignik River system is the largest and most productive watershed in the area, but salmon also run in many other streams and rivers throughout the refuge.

Outstanding wildlife habitats in highly scenic features and representation of the unique biological continua are included in the special values identified for this refuge. Aside from their superlative scenic values the major volcanic systems correlate strongly to major brown bear denning areas. Such areas as the Pavlof Volcanos, Mt. Veniaminof and the Chiganigak Volcano complexes exhibit this unique wildlife feature among their other wildlife and ecological values. Other areas such as the Kupreanof Peninsula, Castle Cape Fjords, Cape Kumlium have major habitat values for raptorial and marine birds and mammals. Many of these areas also provide critical watershed protection supporting these wildlife species, the major salmon and other fisheries of the Peninsula and associated estuarine and marine ecosystems. Numerous other special values habitats of the refuge were considered in development of legislative language but were not adopted at that time. The Committee expects that that portion of Bristol Bay Study relating to this refuge will determine what other special values should be identified for this refuge.

In recognition of the fact that portions of the Alaska Peninsula Refuge do contribute to the overall fish and wildlife resource values of the Bristol Bay area, the Committee has retained this unit in the Bristol Bay Cooperative Study (see Title XII of this section) in order that coordinated planning may be accomplished for the resources and their habitats throughout this region. The area was designated as a refuge in recognition of its tremendous fish and wildlife resource values. With the adoption of the Koniag exchange in Section 1427 of this Act and the further clarification of other selections along the Peninsula, it was apparent that an extensive and viable management unit of highly productive fish and wildlife habitat would remain in federal ownership and should be managed as a refuge.

#### *Section 301(a)(3): Arctic National Wildlife Range*

The Committee amendment would add 5.7 million acres to the existing Arctic National Wildlife Range, situated along the Canadian border and the Beaufort Sea in northeastern Alaska, which has been described as the "crown jewel" of the National Wildlife Refuge System. Since its establishment in 1960 it has been recognized that the Arctic Range did not encompass the entire ecological unit necessary to protect the habitats of notable wildlife populations of this portion of the

Arctic. The Committee's proposal to add the extensions to the Range represents part of a 50-year effort to protect a larger portion of this incomparable stretch of the American Arctic.

The Committee did reduce the size of the additions proposed by the House of Representatives. In the Southwest, 328,000 acres in the Your Creek drainage were deleted in deference to State selection interest for recreational and mineral potential; and 864,000 acres in the Middle Fork of the Chandalar River were established as a BLM National Conservation Area to be managed for multiple use and sustained yield with emphasis, however, on certain wildlife values. About 2,600,000 acres of the House's southern extension of the existing range were established as part of the Porcupine National Forest to be managed by the U.S. Forest Service with wildlife protection as its management priority.

The Committee intends that the area skirting the existing Range which was withdrawn for a possible gas pipeline route be included within the range expansion and that the utility corridor withdrawal be thereafter revoked. State selections overlapping the southern portion of this withdrawal were approved by the Committee for conveyance to the State under Section 906(d) of this Act.

The Committee also departed from the House proposal by authorizing seismic exploration of the coastal plain of the Arctic Range in order to determine the location and probable extent of oil and gas reserves believed by some to underlie the coastal plain of the existing Range. Corollary studies for wilderness and the impact of oil and gas exploration and development on fish and wildlife resources of the area are also authorized. The nationally and internationally recognized wildlife and wildland values of the study area are to be protected to the maximum extent consistent with the accomplishment of the oil and gas survey.

The proposed refuge is composed of three major geographic features: tundra, mountains, and tiaga forest. Glaciated valleys and towering snowclad peaks dominate the central portion of the area, serving as a "backbone" to the refuge. Rugged crags, deep-cleft valleys, steep, knifelike ridges and talus slopes spread both north and south from such dominant peaks as Mt. Chamberlain (1,020 feet) and Mt. Michelson (8,855 feet). The typical drab gray rocks in the mountains when examined more closely are often interspersed with brightly colored ridges painted with red, orange and yellow lichens.

The undulated, treeless tundra stretches from the slopes of the Brooks Range north to the Arctic Ocean. Varying from 15 miles wide in the eastern section to 50 miles in the western portion, this coastal plain stretches the 130 miles from the Canadian border to the Canning River. This great swath of tundra exhibits some of Alaska's finest example of frost polygons, sedge meadows, hummocks, ponds, and lakes characteristic of lands underlain by continuous permafrost (permanently frozen soil immediately below the active surface layer, sometimes extending to depths of about 2000 feet).

Southward from the Brooks Range, the land gradually recedes to forested foothills and valleys warmed by summer winds from the Yukon Basin and the continuous 24 hours of sun during the Arctic summer. Several large, scenic rivers drain these south slopes as they follow serpentine-like courses through lakes, sloughs, meadows and

muskegs to their confluence with the Porcupine River south of the present Arctic National Wildlife Range. These wilderness habitats, with their associated wildlife represent a continuum of major Arctic life zones. Within them have been identified five associations of unique or unusual biological and geographical features possessing potential for National Landmark or Ecological Preserve status.

The varied habitats of the refuge provide a home for 142 species of birds, 44 species of mammals, and 16 species of fish. The major wildlife in the region includes polar bears, musk-oxen, Dall sheep, moose, grizzly bears, wolverines, wolves, the Porcupine caribou herd, the endangered peregrine falcon, over 1½ million seabirds and shorebirds, and over 2 million waterfowl. Many of these wildlife are international travelers—the caribou going to wintering areas in Canada and the migratory birds to all of the North American Flyways, with some species scattering to at least 5 other continents. Numerous other resources and special values characterize the Arctic National Wildlife Range and have been the subject of books and articles by many able authors, from the poetic treatment of Robert Service to the scientific precision of Olaus Murie.

Ignoring international boundaries, the 120,000 or more caribou of the Porcupine herd range throughout the Arctic National Wildlife Range and the north half of Yukon Territory in Canada. The last of several formerly great caribou herds in Alaska, the Porcupine herd represents about 20 percent of the total North American population of barren-ground caribou, and 50 percent of the caribou population in the United States. The coastal plain and foothills of the existing Arctic National Wildlife Range comprise the entire calving grounds of the Porcupine herd. Protection of the solitude, food and water supplies, and other features combine here to provide the vital needs of this herd. Some migration routes and wintering habitats have been included in the Chandalar National Conservation Area, the Porcupine National Forest units and a State interest area. The Porcupine herd also ranges into Canada. Maintenance of this large population is essential to the subsistence food supply of both United States and Canadian citizens.

Habitat preservation, critical to the survival of many other arctic wildlife species, is a primary purpose of the area. Trumpeter swans, muskox, grizzly and polar bears, wolves and wolverine are among the large mammal species requiring a wilderness condition in order to survive. Recent research has concluded that more inland movement of polar bears occurs in the coastal area of the Arctic National Wildlife Range than any other coastal area of Alaska. Such movement is associated with feeding and denning activities and thus, is an important aspect of the bear's annual cycle.

Dall sheep are important elements of the fauna of the Brooks range. Recent surveys show that the existing Arctic National Wildlife Range provides habitat for about 6,000 sheep, but several bands of this population require and use adjacent lands that would be added to the range by the proposed additions.

Fur animals are found in lower elevations of both the existing Arctic Range and the proposed additions. These resources comprise important, integral components of this ecosystem and provide local food and fur harvests.

Bird life is spectacular and the wildlife range provides natural habitat utilized by a wide variety of birds. Arriving from several continents, migratory birds converge on selected habitats of the area in spring. Waterbirds focus on the rich coastal lagoons and tundra wetlands while the riverine gravel bars and deltas host a throng of shorebirds. The western and southern additions support upland habitats for such groups as ptarmigan, raptors, passerines, and plovers. Cliffs and bluffs, transferred to the Porcupine Conservation Area, provide nest sites for the endangered peregrine falcon. Whistling swans from wintering areas on Chesapeake Bay nest on the tundra lowlands of the wildlife range.

Coming from wintering areas in the Aleutian Islands National Wildlife Refuge and coastal Siberia, oldsquaw ducks migrate along coastal lagoons of the range heading for Canadian breeding grounds. Most spectacular of all are the coastal migrations of king eiders. Leaving the Aleutian Island National Wildlife Refuge and the Bering Sea in spring, one million king eiders bound for nesting areas in the Canadian Arctic pass in waves along the coasts. Springtime also witnesses the arrival of many international flights of birds to the proposed refuge. Yellow wagtail, dotterel, bluethroat and wheatear come from Asia. Arctic terns return from South America and golden plovers from Argentina and wandering tattlers from Ecuador. The buff-breasted sandpiper travels from wintering grounds in India and Africa to perform its graceful courtship dance on the windswept tundra of the Arctic's coastal plain.

Reversing direction in fall, black brant which nest and move along estuaries of the refuge fly the coastline of Alaska to Izembek National Wildlife Range before departing for wintering areas in coastal California and Mexico's Baja California. Another fall spectacle takes place when hundreds of thousands of snow geese from Canadian and Russian breeding areas descend upon the tundra to rest and gather energy from frost-ripened berries to carry them through an essentially non-stop, 1,500-2,000 miles flight to wintering areas in California. This staging by birds moving from Wrangel Island in the USSR to U.S. wintering grounds takes on special significance when viewed in relationship to the recently concluded convention between Russia and the U.S. regarding migratory birds such as these that move between the two nations.

Several major runs of Arctic char occur in the rivers draining the watersheds of the northern Brooks Range within the existing and proposed refuge area. These fish and others, such as the grayling, are especially important to local subsistence use and provide excellent sport opportunities for refuge visitors.

The water itself is yet another scarce resource in the tundra desert where less than six inches of moisture fall each year. Increased use of limited supplies of winter water supplies can easily cause loss of fish populations, as well as losses of numerous other Arctic organisms that rely on these waters for overwintering. Losses such as those that occurred in water bodies used as water supplies at and near the Prudhoe oil and gas development can be immediately devastating not only to all fauna in certain lakes and rivers, but can initiate a series of effects within the ecosystem that will require years of intensive efforts to correct.

The value of this area for future scientific studies and baseline data analyses is of major importance. An area, left in its natural state such as the proposed Arctic Refuge, can serve as a "control"—an area to which we can compare developed areas elsewhere. In this way we can learn the extent of the effects of our activities on Arctic ecosystems.

Additionally, the caribou herds outside the Range have undergone or are believed to be undergoing substantial population changes. The total caribou population in Alaska has dropped from 600,000 in 1971 to only 216,000 in 1977. The Western Arctic herd, once the greatest herd in North America, declined nearly 75 percent within a few years. The Central Arctic herd appears to be splintering and its movement patterns changing. The Porcupine herd is the only major Alaskan caribou population which appears to be remaining stable in numbers.

*Section 301(a)(4): Becharof National Wildlife Refuge*

The proposed Becharof National Wildlife Refuge is located on the upper Alaska Peninsula. The refuge is bounded on the north by the expanded Katmai National Park and Preserve and on the south by the Alaska Peninsula National Wildlife Refuge. The proposed refuge, encompassing 1.2 million acres, contains what may constitute some of the best brown bear habitat remaining in Alaska.

The refuge boundary corresponds to that of the House-passed bill.

In delineating the refuge boundaries, the Committee noted the inclusion of a possible access route across the Alaska Peninsula. Because of no well defined need for the route at this time and other alternative Peninsula crossings to deep water potential port sites, issuance of any right-of-way is to be governed by the provisions of Title XI.

The giant free-roaming Alaska Peninsula brown bear utilizes the resources of the entire area. These magnificent animals enter mountain dens sometimes in November for their winter hibernation. During the spring they feed on invertebrates or grasses and sedges of intertidal and coastal marshes followed by summer feeding along salmon spawning streams within the proposed refuge.

The southeastern portion of Becharof Lake is one of the more unique wildlife areas in Alaska. Although the area is relatively small, a noted National Park Service biologist has indicated that it contains one of the densest brown bear populations in Alaska. On the Upper Peninsula over 232 dens have been located including at least 14 on islands of Becharof Lake. All islands in the lake are within the refuge but the lake and the submerged lands are not.

This is extremely unusual as bears usually den above 1,500 feet, while in this area they are located only a few feet above the water level. It is estimated that approximately 300 to 400 bears use this one small portion of the proposed refuge. This small area provides critical denning habitat for approximately 10 percent of the 3,000 to 4,000 brown bears which range over the Alaska Peninsula between Katmai National Monument and Port Moller. The Becharof National Wildlife Refuge would protect a core area for this significant bear population.

Only the existing Kodiak National Wildlife Refuge and Admiralty Island can compare to the Alaska Peninsula in its density of brown bear denning areas.

Much of the best habitat on Kodiak Island has been selected by Native Corporations under the Alaska Native Claims Settlement Act. The Becharof area offers the best opportunity to protect what may be a declining brown bear habitat.

Although the Becharof area is most noted for its brown bear habitat, the area also contains other significant wildlife populations. The bears of the Becharof region are attracted primarily by the abundant salmon spawning streams draining the area. The smaller streams draining to the west provide chinook, pink, sockeye, coho and chum salmon for the Bristol Bay fishery and Becharof Lake is an important salmon spawning area. Arctic grayling, Dolly Varden, and rainbow trout are also found in this area.

The proposed refuge provides habitat for a portion of the 15,000-member Alaska Peninsula caribou herd, and world-record-class moose have been taken in this area. Most of the estimated 9,000 moose on the Peninsula move down from the uplands of the Peninsula Range, following creek valleys, to winter in suitable lowlands habitats in State-selected areas from Katmai Monument to north of the proposed Aniakchak Caldera National Monument.

At least 6 species of marine mammals, 29 species of land mammals and over 137 species of birds have been observed in the Becharof area. Bald eagles which are found here are dependent on intertidal zones for feeding and on the tall trees of the rocky pinnacles for nesting.

#### *Section 301(a)(5) : Clarence Rhode National Wildlife Refuge*

The proposed Clarence Rhode National Wildlife Refuge adds approximately 11.1 million acres of public lands to the lands already within the existing Clarence Rhode National Wildlife Range and the Hazen Bay and Nunivak National Wildlife Refuges. This refuge unit is located in western Alaska where the State's two largest rivers the Yukon and the Kuskokwim, enter the Bering Sea creating a vast lowland plain. It is bounded on the north by Norton Sound and on the south by Kuskokwim Bay.

The Committee adopted a boundary for this Refuge which approximates that of the House passed bill on the north and the Administration's proposed boundary on the southeast. This action deleted the Kisaralik and Kanektok River drainages, proposed for inclusion by the House, from the Refuge and included these areas in the Bristol Bay Cooperative Study Area.

In the drawing the southern boundary of the refuge across what is largely a plain without notable landmarks, the Committee chose for the time being, to follow township lines. As a result of the Special Study a more recognizable hydrographic boundary may be determined for the refuge at which time such modification is authorized. In its deliberations the Committee recognized the value of the Yukon and Kuskokwim Rivers as transportation routes and for their commercial fisheries, and the State's interest in regulation of both. The Committee wishes to clarify that designation of the Refuge will not impede or modify the State's management authorities over transportation and regulation of fisheries resources in these two rivers.

The Committee was also apprised of the potential future desire by people of the Yukon-Kuskokwim Delta for reindeer grazing within

the Refuge. The Committee notes that such requests for grazing within specific areas for subsistence purposes should be carefully considered and authorized if found to be compatible with the purposes for which the Refuge was established.

Upon the recommendation of Senator Stevens the Committee adopted the name of Clarence Rhode, former Alaska Region Director of the Fish and Wildlife Service, for this entire unit.

The Yukon-Kuskokwim Delta is one of the most important nesting areas on the North American Continent. In fact, few other areas of similar size are as critical to so many species.

This area is a vast sponge of wetlands: uncounted numbers of ponds and lakes, varying from a fraction of an acre to thousands of acres, dominate the Delta region. Much of the coastal section is regularly flooded by high tides, storms and ice jams because of the overall flat, low relief of most of the region. The low tundra is broken only by small mountain chains and a few scattered volcanic peaks. Most of the region is treeless. The only forested areas are cottonwood and willows along the lower reaches of the Yukon and Kuskokwim Rivers and black spruce, white spruce, aspen, birch and tamarack in the upper portions of these rivers and in the Andreafsky River drainage. The coastal wet tundra is dominated by grasses and sedges. Diversity of flora increases in moist and dry tundra where mosses and lichens occur with various grasses and sedges. Permafrost is generally only a few inches below the soil surface in the wet tundra which covers most of the Yukon Delta region.

The coastal habitat is the most critical area of the Yukon Delta and it has the highest density of waterbird use in the proposed refuge. Away from the coast the quality of the habitat is related largely to the number of lakes and ponds, with the highest production of birds occurring in those areas containing many small lakes. The larger lakes are essential to molting waterfowl in summer and are often important staging areas for migrants. Other important staging areas are located on the coastal tideflat, sandbars and islands of the Yukon River.

A total of 170 species of birds has been recorded in the area. Of these, 136 species nest, and 13 species are residents. At least 100 million shorebirds and other waterbirds nest in the region.

The Delta supports an estimated breeding population of 40,000 whistling swans, which produce about 80 percent of the swans of the Pacific flyway and part of those migrating to the Atlantic flyway. Sightings have been made of the rare trumpeter swan but population figures are not available.

The estimated fall population of 3 million ducks includes species such as scaup, oldsquaw, pintail, scoters, eiders, green-winged teal, wigeon, mallard, and goldeneye. Scaup, oldsquaw and pintail comprise more than 70 percent of the total population of ducks in the Delta. About 50 percent of the greater scaup migrate southeast across Canada to the Great Lakes region and eventually to the Atlantic Coast.

The total breeding population of geese in the Yukon Delta is about 575,000, with an estimated fall population of 700,000. The delta produces most of the white-fronted and cackling Canada geese using the Pacific flyway, about 50 percent of the continental population of black brant, and over 80 percent of the world's emperor geese.

Other important species of shore and water birds in the Yukon Delta include lesser sandhill cranes; Arctic, red-throated and common loons; and red-necked and horned grebes. Most of the world's population of the bristle-thighed curlew nest in the Andreafsky watershed, which contains nearly 90 percent of their total nesting grounds. Sandpipers, plovers and phalaropes are among the most abundant species on the Delta and raptors (short-eared and snowy owls, rough-legged and marsh hawks, gyrfalcons and eagles) can be found in the mountainous areas. The endangered peregrine falcon also migrates through the area.

Species of mammals found within the proposed refuge include moose, muskox (on Nunivak and Nelson Islands), black bear, grizzly bear, and several species of furbearers and small mammals including wolf, fox, lynx, wolverine, mink, otter, weasel, beaver, muskrat, arctic ground squirrel, snowshoe hare and lemming. A small population of caribou is often found in the mountainous areas along the Andreafsky River during the winter.

Harbor seals can be found along the northern coast of the proposed refuge. The beluga whale uses the inlet areas for feeding and can occasionally be seen several miles up the Yukon River following the salmon runs. The river systems support major runs of chinook, chum, coho, sockeye and pink salmon. Resident species of fish includes northern pike, blackfish, stickleback, sheefish, burbot and whitefish. The Andreafsky River teems with grayling and Arctic char.

The only metallic mineral province identified within the entire Yukon Delta area lies southeast of the Kuskokwim River and the oil and gas basins with any significant potential lie offshore on the Outer Continental Shelf. No oil and gas or hard-rock mineral development is occurring at the present time.

The proposed Clarence Rhode National Wildlife Refuge will encompass major Native land holdings, much of which includes prime fish and wildlife habitats. The committee recognizes the need for the close coordination of land management programs within this area and encourages the Fish and Wildlife Service to continue the development and implementation of cooperative agreements with Native corporations. To facilitate the preparation of a refuge conservation plan, which could incorporate the extensive Native lands, and to facilitate the development of cooperative agreements consistent with the plan when so many Native villages and corporations are involved, the Service is encouraged to work through the Association of Village Council Presidents. The Service is also encouraged to provide land management training opportunities to Native people.

#### *Section 301 (a) (6) : Innoko National Wildlife Refuge*

The proposed Innoko National Wildlife Refuge contains approximately 3.85 million acres of public land located east of Norton Sound in west-central Alaska. The proposed refuge consists of two units. The Innoko unit is located along the Yukon River bordered by the Kuskokwim Mountains on the east and Kaiyuh Mountains on the west and north. The Innoko and Iditarod Rivers flow through the unit which has excellent habitat for waterfowl, moose, black bears and furbearers. The Kaiyuh unit encompasses most of the basin and extensive floodplains of the Kaiyuh River.

The western boundary of the refuge was determined to be the east bank of the Yukon River, except that the islands in the river are included within the Refuge. State Interest lands on the east side of the Yukon River in the vicinity of Bullfrog Island were deleted from the Refuge boundary as established in the House-passed version to permit conveyance to the State under the provisions of title IX of this Act.

Eighty percent of this area is water or wetlands and the vegetation is primarily low brush muskeg, which provides superb waterfowl and furbearer habitat. The Innoko refuge proposed occupies a unique transitional area between the tundra of western Alaska and the boreal forest of Interior valleys.

Over 140 species of birds have been identified within the proposed Innoko units. The refuge contains an estimated breeding population of 179,400 ducks, including pintail, scaup, wigeon, mallard, green-winged teal, goldeneye and others. This breeding population produces an estimated fall population of approximately 380,000 ducks migrating primarily to Washington, Oregon and California. Some pintails continue into Mexico. Scaup migrate through all four Flyways with some reaching the Atlantic Coast.

The proposed Innoko units also produce an estimated fall population of 65,000 Canada and white-fronted geese. Most of the white-fronted geese migrate through the Central Flyway to Mexico and the Canada geese migrate to the Pacific Coast. Other species of birds found in the refuge include whistling swans, sandhill cranes, bald eagles, ospreys, peregrine falcons, common snipe and other shorebirds.

The Innoko, Kaiyuh and Yukon Rivers serve as primary winter concentration areas for moose. The refuge has one of the highest black bear densities in interior Alaska. Lesser populations of grizzly bears can be found in the upland habitats. Portions of the Beaver Mountain caribou herd use the area as a winter range and furbearers are abundant, particularly beavers which reach their greatest densities in the State in this unit. Innoko beaver have accounted for about 40 percent of Alaska's harvest in recent years.

Chum, chinook and coho salmon use rivers and streams for migration and spawning, and resident species of fish include arctic grayling, northern pike, whitefish, long-nosed sucker, sheefish, and burbot.

The Innoko Refuge contains no known potential for hard-rock minerals or oil and gas production.

Considerable number of ducks and geese nest along the Yukon River floodplain. They produce a fall flight of about 200,000 ducks and 25,000 white-fronted and Canada geese.

Additionally, the area provides nesting habitat for 100 pairs of whistling swans. The Yukon River and its associated sandbars are major staging areas for geese and other waterfowl during their fall migration. The better soils, lower elevation and willow and timber growth in this area support large populations of wintering moose from the adjacent Nulato Hills and Kaiyuh Mountains. The moose use the river islands to escape deep snow and wolves. Moose are the large mammals of greatest importance to the subsistence dependent residents of nearby villages.

Beaver, otters, lynx, foxes, and muskrat are common. Wolverines, wolves and black bears can also be found throughout the area.

It should also be noted that considerable emphasis was placed on the protection of this area for subsistence use. The adjacent villages depend on this area for their harvest of moose and fish for subsistence and indicated to the Committee their desire to have these lands protected by refuge designation.

*Section 301(a) (7) : Kanuti National Wildlife Refuge*

The proposed Kanuti National Wildlife Refuge consists of approximately 1.42 million acres of public lands in central Alaska along the Arctic Circle about 140 miles northwest of Fairbanks. This low-lying lake country with its heavy stands of willow provides excellent habitat for fish and wildlife species common to interior Alaska.

The Committee substitute makes two minor deletions from and one minor addition to the House-passed proposal.

The Kanuti Basin straddles the Arctic Circle, lakes and marshes are interspersed with stands of willow and black spruce through the broad, rolling plain of the Kanuti Valley.

The estimated density of breeding waterfowl in the area is 50 to 74 per square mile in the outlying areas. The fall flight of waterfowl from the area, which migrates primarily to the Central Flyway, is estimated at about 75,000. The breeding population of ducks in the area is estimated to be 34,000 and includes scaup, pintail, pigeon and scoter. The area is particularly noted for its high-density nesting habitat for white-fronted geese which winter along the Gulf of Mexico. The spring populations of geese are estimated at 46,000 birds.

The heavy stands of willows within the proposed Kanuti unit support high numbers of moose. Furbearer are especially abundant and the area is used regularly by portions of the Arctic caribou herd as winter range. Black bears, grizzly bears, wolves, and wolverines are all found in the Kanuti area.

Species of fish found in the river systems include chum, coho, and chinook salmon, northern pike, whitefish, grayling and sheefish.

Although the southern portion of the proposed unit lies within an identified mineral belt, no development is presently occurring and it should be noted that a major portion of the mineral province lies outside of the proposed boundary. The potential for oil and gas development is rated very low.

Sithylemenkat Lake, in the southern portion of the proposal, is an unusually deep and warm lake which may have been formed by the impact of a meteorite.

*Section 301(a) (8) : Kenai National Wildlife Refuge*

The existing Kenai National Moose Range is located on the Kenai Peninsula across the Turnagain Arm of Cook Inlet from the City of Anchorage. Established in 1941 by Executive Order of President Franklin D. Roosevelt, the area contains approximately 1.730 million acres. The committee amendments would add two areas of about 240,000 acres to the existing Range and redesignate it as the Kenai National Wildlife Refuge.

The committee modified the House-passed boundary to exclude those lands previously withdrawn for a possible Bradley Lake power project as well as some additional lands in deference to State and

Native land selections. Through this action, the Committee believes it has ensured that the designation of refuge lands will have no adverse impact on the possible future development of Bradley Lake as a source for hydroelectric power.

The Kenai Refuge is a diverse area of mountain ranges, glaciers, forests, lowland lakes, wetlands, and rivers which support a diversity of fish and wildlife including the giant Kenai moose for which the area was originally established.

The Kenai lowlands are characterized by low ridges and muskeg dotted with more than 1,200 lakes and draining 160 miles of major streams and lesser waterways. Such areas, which are spawning grounds and nurseries support one-third of the multimillion-dollar commercial salmon fishery of Cook Inlet. This vast lake system also has one of the largest loon populations in North America. In addition, it supports 6 percent of the world's trumpeter swan and, during migration, serves as a major concentration area for birds moving to southern wintering grounds. One of the most important areas is the Chickaloon Flats, half of which was outside the original refuge and is now included by this Act.

The wetlands further support a variety of mammals, including minks, muskrats, weasels, otters, beavers and Kenai moose which number approximately 5,000 to 6,000 animals.

The Kenai Mountains along the eastern third of the refuge lend scenic, watershed and habitat values to the ecosystem. The glaciers of the Harding Icefield and in the proposed southern additions provide the water supply for the refuge. Cook Inlet and Kachemak Bay, Dall sheep, mountain goats and a variety of smaller mammals and birds inhabit higher elevations, and caribou, bears (black and grizzly), lynx, wolves and coyotes occur in lower transitional zones.

The variety of habitats and their fish and wildlife populations combined with the refuge's proximity to Anchorage, lend ample opportunity for quality environmental awareness and wildlife-oriented recreation programs. The existing refuge is presently used by many southcentral Alaska residents, who hike and canoe in summer, and ski in winter within the proposal.

The Chickaloon Flats unit is a popular waterfowl hunting area. This northern addition, consisting of some 80,000 acres, reflects recognition of a biological rather than a longitudinal boundary on the Chickaloon Flats between the existing area and the adjacent Chugach National Forest.

#### *Section 301(a)(9) : Kodiak National Wildlife Refuge*

The Committee modified the boundaries of the existing Kodiak National Wildlife Refuge to include all public lands on Afognak and adjacent Ban Island not conveyed to Native Corporations under ANCSA or Section 1427 of this Act or to the State under the Statehood Act.

This action reflects the provisions of settlement of Koniag Village and Regional Corporation entitlements under ANCSA and transfers the small remaining tracts of Afognak public lands from the Chugach National Forest to the Kodiak National Wildlife Refuge. Such action will vest management authority for Federal lands in the Kodiak Island group and protection of the fish and wildlife resources in one agency.

Provisions of the Koniag settlement also call for a cooperative effort by the Corporations and the Fish and Wildlife Service to identify, in a timely fashion, areas of Afognak Island that represent important habits for the Kodiak brown bear—a subspecies of national significance whose perpetuation is of concern to all people. It is assumed, also, that the Fish and Wildlife Service will provide technical assistance to the Native Corporations for the management of brown bears on their lands.

Other public lands within the Kodiak Borough, including submerged lands and islands previously part of the Chugach National Forest are of value primarily to marine birds, mammals and other aquatic fish and wildlife resources and have, therefore, been added to the Alaska Maritime National Wildlife Refuge.

Afognak Island is the home of elk, Sitka deer, 300–600 brown bears and major concentrations of sea otters. On close examination the committee found that all but about 50,000 acres of Afognak will be conveyed to the State or the Native corporations. In the interest of efficient management the committee decided to include the remaining isolated pieces of public land in the refuge so there would be only one Federal management agency involved in the area. All Federal lands and waters that were described in Presidential Proclamation No. 39, dated December 24, 1892, as being within the Afognak Forest and Fish Culture Reserve and which are not otherwise conveyed under the Alaska Statehood Act or the Alaska Native Claims Settlement Act will be within the Kodiak National Wildlife Refuge or the Alaska Maritime National Wildlife Refuge.

The Red Peaks area is of particular scenic and ecological significance as is Ban Island which supports key brown bear denning areas.

The Committee adopted an amendment by which provisions of this Act and the National Wildlife Refuge System Administration Act would not necessarily preclude development of a hydroelectric project at Terror Lake in the Kodiak Island Unit. This amendment did not, however, alter the need for studies and considerations, now ongoing, to determine the environmental impacts, feasibilities and alternatives of the proposed project or the implementation of other aspects of law.

The Committee notes that this project may have potential for providing the city of Kodiak an economic, long-term supply of electrical power. The project would avoid further expansion of diesel generating facilities and would save a substantial amount of such fuel over the life of the project. It is the feeling of the committee that through ongoing study and negotiations with the various Federal and State agencies involved mitigation and modifications may be agreed on which may avoid any significant adverse effects which the project might have on the wildlife values for which the unit was established, if such project is ultimately approved.

#### *Section 301(a) (10) : Koyukuk National Wildlife Refuge*

The proposed Koyukuk National Wildlife Refuge consists of approximately 3.50 million acres of public land located about 250 miles west of Fairbanks and immediately east of the Seward Peninsula.

The Committee's proposal represents a net reduction of 150,000 acres from that of the House of Representatives. The boundary adopted deletes 170,000 acres of public, Native or anticipated public lands within

Native Selection areas near Hughes but adds lands of watershed value in the northwest. Other minor adjustments were made.

This extension floodplain is a forested basin surrounded by high hills and characterized by many lakes. The lake-dotted basin of the Koyukuk River at the heart of the proposal provides superb wetland habitat for waterfowl, moose, black bear and furbearers. The climate in the area during the summer creates ideal conditions for the growth of aquatic plants and invertebrates conducive to the rapid growth of young waterbirds. Upland areas provide significant wintering habitat for the western Arctic caribou herd and year-round populations of grizzly bears and wolves. The proposed Koyukuk unit also includes the Nogahabara Sand Dunes, recognized as a geologically unique site in this Arctic latitude. These 25-square-mile dune fields are the largest active fields in the state and are believed to be inhabited by unusual species of plants or animals.

The area lies within a roughly circular basin and connects with the flood plain of the Koyukuk River just north of its confluence with the Yukon. The extensive flood plain is a forested basin surrounded by high hills and characterized by many lakes. Lowland forests gradually merge with tundra vegetation at elevations of 3,000 feet.

Some of the best waterfowl production areas and furbearer and moose wintering habitats identified in the area are in that portion of the Koyukuk/Dubli River flood plain east of Huslia Village. A high pass between Selawik and Koyukuk basins forms a natural boundary between these two wildlife areas, through which caribou and other animals frequently pass.

The high summer temperatures and long sunlight hours in this solar basin produce a rich vegetation supporting a wide variety of wildlife. Waterfowl production from the unit includes 75,000 Canada and white-fronted geese and 330,000 ducks, largely pintails, wigeon, scaup, and scoters. The northwestern nesting limit of the trumpeter swan is here, and 150 breeding birds inhabit the proposal. Another 100 whistling swans also nest in the area. Sandbars in the Yukon River portion of the proposal are a major staging area for geese in the fall. Wetlands also are important to shorebirds, of which the common snipe is the most abundant nester. Other birds using the area in summer include loons, peregrine falcons, bald eagles, and ospreys.

Moose are abundant and form an important element in the subsistence life-style of villages in the local area and as far away as Bethel. Several hundred are harvested annually. The northern half of the area is part of the winter range of the currently depleted Arctic caribou herd. With the presence of both moose and caribou, wolves are abundant in the area. Black bears are abundant in forested areas; grizzlies are found in open tundra habitats. The area is very productive beaver country and provides excellent habitat for such furbearers as muskrat, mink and marten.

The river systems are important to spawning and migrating chum, coho, and chinook salmon. Resident species of fish include Arctic grayling, long-nosed sucker, whitefish and northern pike.

Potential for oil and gas production or hard-rock minerals within the proposed Koyukuk National Wildlife Refuge appears to be low but it is not well known.

*Section 301(a) (11) : Selawik National Wildlife Refuge*

The Committee modified the proposal of the House of Representatives by deleting the Squirrel River drainage from the refuge and establishing that area as the Baird Mountains National Conservation Area to be managed by the Bureau of Land Management. The Committee also adopted a southern boundary which deleted lands south and west of Selawik Lake from the refuge in deference to State interest in selecting lands for transportation access. The Committee adopted a House-passed provision which would direct that Native-owned lands not be considered to be within the refuge boundary. Lands not conveyed to these corporations would become part of the refuge. The Selawik River was recognized as an important water, habitat and recreational resource of the refuge and the upper reach was retained as part of the proposal. A protective corridor for this wild river has been tentatively identified but will require further study to determine an appropriate boundary which includes the headwaters of the River.

The Committee deleted language in the House bill that would authorize a potential transportation corridor through the Selawik or Koyukuk National Wildlife Refuges. It believed that the access language in title XI of the Senate proposal was adequate to consider such a corridor if future determination deemed such consideration appropriate.

Provision was made, subject to reasonable regulations, for the continuation of reindeer grazing on leases existing on the date of enactment. The purpose of the subsection is to ensure that the reindeer industry in northwest Alaska can continue and expand if the herders and the Secretary cooperate to protect and enhance the range. Reindeer grazing areas are protected as they existed in 1976, because BLM reduced some permits after that year and it is the intent of Congress to protect these areas as they existed for the past several decades. The subsection is intended to protect the amount of range available to the reindeer herders, but leaves to the Secretary the responsibility of determining the number of animals the range can carry, with the understanding that the reindeer herds may be able to expand significantly without destroying the range. Any consideration of expansion, rotation or other management programs will be based on scientific review of the impacts of such grazing on the wildlife resources and their habitats within the Refuge.

Straddling the Arctic Circle, an extensive system of estuaries and brackish lakes lies at the convergence of three river deltas. Nutrients flushed from the Kobuk, Noatak, and Selawik Rivers mix with tidal waters of Kotzebue Sound to produce an amazing biological richness in this subarctic section. To the east lie the Selawik lowlands where thousands of ponds, marshes, and streams interlace with vegetation to provide prime nesting habitat for a multitude of water-related birds.

Located near the avian crossroads of North American and Asia, the Selawik lowlands are a seasonal home for about 109 species of migrating birds from at least six continents which nest in widely varying habitats. Species from Asia include the bluethroat and yellow wagtail; from New Zealand and Australia the bar-tailed godwit; from Antarctica the Arctic tern; from South America the upland and pectoral

sandpipers; and from Africa the wheatear. Whopper swans normally breeding throughout Asia have been recorded nesting in the area.

Sandhill cranes migrating north through the Central and Pacific flyways often stage in the Kotzebue Sound region before crossing to breeding grounds in Siberia, while some cranes stay to nest. Snow geese, occurring on such wintering areas as the Sacramento Valley in California and the plains of southern New Mexico and adjacent areas in Texas south to the Gulf of Mexico, rest in the wildlife range area during their migrations to nesting colonies on Wrangel Island in the USSR.

Waterfowl from all four North American continental flyways seek nesting habitat in the Selawik National Wildlife Range. Greater scaup from the Atlantic Flyway nest on the tundra ponds of the area. Lesser scaup found nesting on the eastern portions of the area travel down the Mississippi Flyway to winter in Louisiana. Tens of thousands of white-fronted geese nesting in the area use the Central Flyway, wintering at several locations in Louisiana and in Texas. The Pacific Flyway is well represented among Selawik nesters. Pintails, wigeon, green-winged teal, mallards, and shovelers come to the region from California, Oregon, and Washington. Over 2,000 whistling swans return from wintering areas such as San Francisco Bay and the Central Valley in California. In the fall, cackling Canada geese nesting in the Kotzebuk Sound region head for California and the Columbia basin by way of Izembek National Wildlife Range and adjacent lagoons on the Alaska Peninsula. A number of migrants, such as king eiders and old squaws using Selawik habitats, winter in other areas of Alaska, such as the Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge.

Twenty-nine species of shorebirds nest in profusion throughout the wetlands and uplands of the Selawik National Wildlife Refuge. The fertile mud flats and salt marshes of the region's river deltas are essential feeding and staging areas for shorebirds. The Eskimo curlew, an endangered and probably extinct species, once nested in Selawik lowlands in great abundance.

Upland birds such as ptarmigan, ravens, jaegers, hawks, eagles, owls and a multitude of passerines are important members of the avian community of the region.

The wildlife refuge has in recent years, provided winter habitat for approximately one-half of the 75,000-member Arctic caribou herd. Other wintering areas are located east and south of the area. This herd, vital for subsistence-dependent people in many northwest Alaskan villages, declined dramatically in recent years. It presently represents about 25 percent of its former numbers.

The NANA Native Regional Corporation maintains a reindeer herd which utilizes a portion of the Wildlife Range on the Baldwin Peninsula. This traditional and compatible use, important to residents as a food supply and as a source of revenue, will be continued.

Rare in the Selawik region as little as 50 years ago, moose have expanded their range significantly westward in recent times, and are common today throughout the area. Wolves have been on the increase over the last 10 years. Grizzly bears are common.

The fish resources of the Kotzebue Sound region support important subsistence and commercial fisheries. Anadromous fishes include chum, pink, and coho salmon, smelt, Arctic char and sheefish. The sheefish is an important and unique Alaskan species whose adjacent wintering areas and spawning streams require maintenance of a high water quality and quantity. Major freshwater species of fish in the region include Arctic grayling, northern pike, white fish species, burbot, northern sucker and black fish.

*Section 301 (a) (12) : Tetlin National Wildlife Refuge*

The proposed Tetlin National Wildlife Refuge consists of approximately 765,000 acres of public lands located along the Canadian border in southcentral Alaska.

The Committee adopted the boundaries proposed by the Administration for this refuge in light of the high migratory bird and other wildlife resource values of the area, an increase of about 60,000 acres over the proposal made by the House.

Special clarification was made that necessary grants of access for the Natural Gas Pipeline, approved by Congress, be given despite any provisions for wilderness review of the refuge.

The committee recognized the desire of the State for an entrance facility at Glacier Hill. It was agreed that within 1 year a mutual exchange would be effected within the Tetlin Refuge to transfer up to two townships of State lands south of the Alcan Highway for Federal lands north of the highway within the refuge. It was agreed by the parties that this negotiation would not confirm or otherwise entitle the State to any lands south of the highway identified in the State's November 14, 1978 selections or that the final pattern of land ownership would isolate refuge lands in T 13 N, R 22 E. If this latter township is not selected by the State, exchanges should be effected to provide continuity of Federal land management ownership along the Gardiner Creek drainage to wetland habitats in that township.

The mountain, foothill, river, lake, marsh and woodland habitats of the Tetlin National Wildlife Refuge support a rich variety of fish and wildlife resources. The area wetlands are located near the northwestern terminus for many migratory birds and thus support a number of species (such as redhead and ring-necked ducks and blue-winged teal) seldom found in other parts of Alaska.

Mountainous areas to the south and west and rolling uplands around the remainder make this area a solar basin in summer, causing early ice melt and creating an area specially attractive to nesting waterfowl. High temperatures produce an abundance of aquatic plants and invertebrates important for duckling development. As a result, the Tetlin area is one of the highest-density nesting area in Alaska, with an average of over 67 nesting waterfowl per square mile. Habitat conditions are far more consistent from year to year than in the prairie pot-hole regions of Canada and the lower U.S., and Tetlin often serves as overflow habitat for birds displaced by drought in these areas. In 1976, for instance, nesting densities of waterfowl increased overall by 50 percent with particularly significant increases in nesting mallards (+61 percent), canvassbacks (+82 percent) and rare-to-Alaska redheads (+7000 percent). Loons, red-necked and horned grebes and eagles, and other raptors common to Interior Alaska also are present, Rock,

willow and whitetailed ptarmagin (possibly the threatened northern race of the latter) are common. Willow ptarmagin winter on the flood plain.

The variety of habitats within Tetlin produces enough small mammal species to support high numbers of furbearers including wolf, fox, lynx, otter, mink, marten and wolverine. Black bear are common in forest areas and wetlands. Grizzly bears roam the more open areas found in the southern part of the proposal. Moose from surrounding upland areas move down to join resident moose of the basin to winter on abundant growths of willow.

Two major rivers, the glacial Chisana and Nabesna, flow through flood plain musket before becoming the Tanana. The Tetlin river meanders through lowlands and lakes, also joining the Tanana. Whitefish and pike are abundant in the waters and lakes of the range. A genetically isolated population of Dolly Varden is also of particular interest.

*Section 301(a) (13) : Togiak National Wildlife Refuge*

The proposed Togiak National Wildlife Refuge is located in southwest Alaska, approximately 400 miles from the City of Anchorage. The Committee proposes to add an additional 3.31 million acres to the existing Cape Newenham National Wildlife Refuge and redesignate the entire area as the Togiak National Wildlife Refuge. The Committee amendment adds approximately 300,000 acres to the House-passed proposal in the northwestern portion of the refuge. House-passed Togiak National Wildlife Refuge abuts the Yukon Delta National Wildlife Refuge to the north; the Committees Togiak and Yukon Delta Refuges are partially separated by Bureau of Land Management-administered land that is to be included within the scope of the Bristol Bay Cooperative study of Title XII.

The mountain, river and estuarine habitats of the Togiak proposal support a wide diversity of significant fish and wildlife resources. Grizzly bears, although not presently abundant, roam throughout the area from the mountains to the coast. Five kinds of salmon spawn in the river in substantial numbers. Seabirds, waterfowl and shorebirds by the millions depend on the area's resources.

Three major river drainages, the Goodnews, Togiak and Kanoktok Rivers provide critical water supplies to Bristol and Kuskokwim Bays and in doing so, support the aquatic needs of many species in many stages of their life cycles. Freshwater contributions to estuarine systems provide conditions for supporting some 10 species of whales (7 of which are endangered), harbor seals, sea lions, salmon and literally millions of waterfowl and shorebirds in migration from Asia, New Zealand, South America, and other parts of North America. The hydrologic features of these watersheds are identified as special values of the refuge.

During summer and fall months, the rivers and streams in the proposed refuge provide spawning habitat for 1.7 million salmon. Nearly all streams support some species of sport fish. Species resident to the area include rainbow trout, lake trout, Arctic grayling, Dolly Varden and Arctic char.

Much of the migratory bird use of the proposal centers on the coastline and adjacent lowlands with 1 to 2 million seabirds nesting on

coastal cliffs and oldsquaws, common scoters, greater scaup and pintails nesting on marshy lowlands.

The interior mountains and craggy cliffs along the seacoast, the latter of which are a special feature of the Togiak area, provide prime habitat for raptors and marine birds. Eight species of raptors, including the goshawk, rough-legged hawk, golden and bald eagles, osprey and gyrfalcon, have been observed nesting. Bald eagles are probably the most numerous and commonly sighted raptors along the coast. The endangered peregrine falcon migrates through the area each spring and fall and probably nests near the seabird colonies.

The Togiak area also supports one of the most diverse mammalian faunas of any area in Alaska. Within the area, over 32 species of land mammals occur, ranging in size from shrews to brown/grizzly bears. A variety of furbearers, including red and Arctic foxes, wolves, wolverines, mink, weasels, otters, lynx, beavers, muskrats, snowshoe and tundra hares, hoary marmots and Arctic ground squirrels, contribute to the totality of Togiak's ecosystems.

Grizzly bears which were once common throughout the region currently number less than 100, and are believed to be constrained by over-hunting.

The habitat also appears suitable for reintroduction of caribou and Dall sheep and for the restoration of moose populations.

The Togiak area is located within a major hard metal province containing known and potential deposits of mercury, antimony, gold, platinum, zinc, copper and silver. This province, however, extends well outside the refuge boundaries. The resource surveys of the area indicate that the most important mineral deposits appear to be in the western portion of the Togiak area. The Committee boundary does not include most of this known mineralized area.

The Committee included the Togiak Refuge within the Bristol Bay Cooperative Study as some of the rivers and streams of the Togiak Refuge drain into the waters of Bristol Bay and because the Committee is convinced that any long-term protection for the entire Bristol Bay area requires a coordinated management system for the entire Bristol Bay watershed.

#### *Section 301(a)(14): Yukon Flats National Wildlife Refuge*

The proposed Yukon Flats National Wildlife Refuge contains approximately 5.6 million acres of public land along the Arctic Circle near Canada.

The Committee substantially modified the Refuge proposal made by the House of Representatives. The Yukon Flats National Wildlife Refuge now comprises approximately the western three-fifths of the Yukon Flats Basin.

Deletions include 986,000 acres placed in a Steese National Conservation Area to be managed by the Bureau of Land Management; 428,000 acres of State land interest north of the Village of Circle; and 4,060,000 acres designated as part of a Porcupine National Forest to be managed by the U.S. Forest Service. In recognition of the very high national interest in the fish and wildlife resources of this Porcupine Forest Unit the Committee established the protection of fish and wildlife populations and their habitat as the primary management priority of this forest.

Straddling the Arctic Circle in the east central part of the State, Yukon Flats is Alaska's largest Interior valley. The Yukon River, fifth largest in North America and 2,300 miles long from its source in Canada to its mouth in the Bering Sea, bisects the broad, level floodplain of Yukon Flats for 290 miles. More than 40,000 shallow lakes and ponds averaging 23 acres each dot the floodplain and more than 25,000 miles of streams traverse the lowland regions. Upland terrain, where lakes are few or absent, is the source of drainage systems important to the perpetuation of the adequate processes and wetland ecology of the Flats. More than 10 major streams, including the Porcupine River with its headwaters in Canada, cross the floodplain before discharging into the Yukon River. Extensive flooding of lowland areas plays a dominant role in the ecology of the river as it is the primary source of water for the many lakes and ponds of the Yukon Flats basin.

Summer temperatures are higher than at any other place of comparable latitude in North America, with temperatures frequently reaching into the 80's. Conversely, the protective mountains which make possible the high summer temperatures create a giant natural frost pocket where winter temperatures approach the coldest of any inhabited area. While the growing season is short, averaging about 80 days, long hours of sunlight produce a rich growth of aquatic vegetation in the lakes and ponds. Soils are underlain with permafrost ranging from less than a foot to several feet, which contributes to pond permanence as percolation is slight and loss of water is primarily due to transpiration and evaporation. This abundance of shallow, fertile, dependable water sources makes the Yukon Flats one of the world's most outstanding waterfowl production and utilization areas.

The Yukon Flats basin contributes an annual flight of 2,100,000 ducks and 16,500 geese to all the Flyways, Canada and Mexico. Significant continental populations include lesser scaup (5.6 percent), pintails (3.2 percent), wigeon (3.9 percent), shoveller (3.2 percent) and canvasback (15 to 25 percent), as well as 11,000 sandhill cranes, 15,000 loons and 100,000 grebe. Approximately 25 percent of this production will come from the Federal lands within the refuge as drawn.

Fish and wildlife inhabiting the Yukon Flats are both varied and seasonally abundant. Mammals found in the area and its surrounding drainages include caribou, moose, wolverine, grizzly and black bear, wolf, beaver, mink and Dall sheep. Most of the Flats provides critical range for moose, an important animal in maintenance of local subsistence lifestyles. Birch and aspen, characteristic of the secondary stage of forests following natural fires, and willow, a pioneer on sandbars and other areas, are preferred moose foods. The numerous ponds and marshes with their abundance of aquatic plants further enhance the area as moose habitat. Two of Alaska's 13 caribou herds use much of the Yukon drainage surrounding the Flats. Both of these herds are of international significance, ranging from the area well into Canada.

One hundred and thirty species of birds have been recorded; most are migratory, but 13 species remain year around. The area is particularly important for waterfowl and other birds commonly associated with aquatic habitats. In the years of drought in the prairie provinces of Canada, birds displaced from their traditional breeding areas con-

tinue north seeking stable water levels. In such years, the Yukon Flats waterfowl contribution is even greater than enumerated above, and it is increasing in significance as long-term wetland losses continue in the southern breeding areas. Migratory birds and fish, particularly waterfowl and salmon, are of national and international interest in view of conservation treaty agreements with other nations, which commit the United States to the preservation of these resources and their habitats. The migratory bird treaties with Great Britain and Mexico are particularly relevant to management of the wildlife refuge. The abundance of lakes, ponds and stream channels of the Yukon Flats provides irreplaceable habitat for birds from all four flyways of the North American continent. Waterfowl use the basin during migration and for nesting and molting purposes. Fall populations exceed 2.5 million birds, which provide numerous recreational opportunities and benefits for thousands of persons as they migrate southward through Canada, to virtually all of the lower 48 states, and Mexico.

Of the 5 species of Pacific salmon utilizing the Yukon River, only coho, chum and chinook ascend as far as the Flats to spawn. Chinook salmon of the Yukon probably travel further upstream to spawn than anywhere else in the world, reaching Nisutlin Lake in Canada, nearly 2,000 miles from the sea. The physical makeup and genetics of these salmon populations is the key to maintenance of this resource. Although salmon do not spawn in significant numbers within the refuge portion of the basin, salmon escapement from the forest portion totals nearly 300,000 fish annually. The waters also abound with northern pike, whitefish and 19 other species of fish.

The singular characteristic of the management program of the Yukon Flats National Wildlife Refuge is to protect outstanding natural wildlife habitats required for perpetuation of the myriad forms of wildlife of local, national and international significance. Preservation of these natural populations and their habitats as components of this ecosystem is required to maintain adequate fish and wildlife populations for continuation of the opportunity for subsistence uses by local inhabitants as well as migratory wildlife populations enjoyed and used by people throughout North America and, in the case of some species, Asia and elsewhere.

The remaining major watershed in the refuge, the Hodzana drainage and its vital hydrologic contribution to the area, is recognized as a special value of the refuge.

The Committee adopted an amendment in which the development of agricultural potential in the refuge pursuant to existing law shall not necessarily be prohibited or mandated by this Act or other existing law. In the event that agricultural development is permitted within the refuge, such development is to be designed and conducted so as to minimize, to the maximum extent possible, any adverse effects on the natural values of the unit.

#### TITLE IV—NATIONAL CONSERVATION AREAS

The Committee amendment establishes four National Conservation Areas in Alaska to be administered by the Bureau of Land Management. The Committee also proposes the designation of one BLM-administered National Recreation Area. These designations are not included in H.R. 39 as passed by the House.

## OVERVIEW

The concept of establishing National Conservation Areas on public lands to be administered under multiple use principles was first formally acknowledged with enactment of the Act of October 21, 1970 (16 U.S.C. 460y et seq.), which authorized establishment of the King Range National Conservation Area in California. This area was recognized as warranting special management consideration by the Bureau of Land Management (BLM) because of the diverse geographic and ecologic conditions found in this coastal region of California and the variety of resource values. Thus, Congress directed that land ownership in the area should be consolidated and the lands should be managed under a program of multiple use and sustained yield and administered for the conservation, development, and management of all its natural resources.

Predating establishment of this first National Conservation Area was a growing awareness that the public lands managed by the Secretary through the BLM possessed an array of resources of national significance and that the lands should, for the most part, be retained in Federal ownership for management under the principles of multiple use and sustained yield. The Classification and Multiple Use Act of 1964 (43 U.S.C. 1411 et seq.) had already provided the BLM with a legislative mandate and authority to review the public lands and establish their suitability for disposal or retention for management under these multiple use principles at least for an interim period.

On October 21, 1976, the Congress enacted the Federal Land Policy and Management Act (FLPMA), which declared that the public lands were generally to be retained in Federal ownership. The Act provided that: (1) the lands and their resources are to be systematically inventoried on a continuing basis, and are to be subject to land use planning revised when appropriate; (2) management is to be on the basis of multiple use and sustained yield in accordance with land use plans, providing for harmonious and coordinated management of the various resources without permanent impairment of the productivity; and (3) when appropriate, the lands may be used for less than all of their resources, including protection of certain public lands in a natural condition. Consistent with these principles, Congress in FLPMA exercised its prerogative by designating certain lands in the California desert as a "conservation area" under BLM administration, thus providing "for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality."

It is within the framework of this historical progression of increasing acknowledgment that the public lands have high value to the nation as a whole for multiple use management that the committee has made substantial additions to the national conservation areas to be administered through the BLM. While these areas merit special recognition and require special management considerations, multiple use principles should be observed generally. These additions have been made in the form of four national conservation areas. Additionally, one national recreation area has been designated for administration by the BLM. Special emphasis would be given to conservation and

recreation management in this area, but compatible resource development would be permitted.

Because national conservation areas that would be established have outstanding multiple use values including scenic, recreational, historic, and cultural, as well as a broad range of natural resource values, it is the purpose of such designations to provide for the immediate and future protection of such lands within the framework of multiple use and sustained yield, and the maintenance of environmental quality. Management will be pursuant to the applicable provisions of the Committee amendment and the FLPMA. Thus, management of these lands will include inventory (Section 201 of the FLPMA), land use planning (Section 202), acquisitions (Section 205), management of use, occupancy, and development (Section 302), studies, cooperative agreements and contributions (Section 307), advisory councils and public participation (Section 309), issuance of rules and regulations (Section 310), provision for rights-of-way (Title V), and all other provisions dealing with management in Federal ownership except certain provisions for disposal. It is intended that these lands will be retained in Federal ownership. No further State or Native selections may be made within the units. Where consistent with land use plans, minerals development may be permitted by the Secretary under the Mineral leasing Act of 1920 (30 U.S.C. 181 et seq.) or the Materials Act of 1947 (30 U.S.C. 601 et seq.). Where consistent with land use plans, the Secretary may classify and open lands to location under the mining laws. However, the Secretary may regulate such mining activity as he deems necessary to provide for the protection of resource and environmental values in the designated conservation and recreation areas. Any patent issued on any such mining claim shall convey title only to the minerals together with the right to use the surface of the lands for mining purposes, and shall continue to be subject to such regulations.

Establishment of the White Mountains National Recreation Area is recommended to encourage a full complement of outdoor recreation opportunities and conservation of scenic, scientific, and natural values without automatically foreclosing opportunity for appropriate development and utilization of other resources. In administering this area, the BLM should be guided by appropriate statutory authority in existing law and Section 1312 of the Committee amendment.

*Section 401(1): Baird Mountains National Conservation Area*

The proposed Baird Mountains National Conservation Area (NCA) encompasses an area of approximately 2.2 million acres of public lands located north and east of the coastal city of Kotzebue. Lying north of the Arctic Circle, the area is generally underlain with permafrost except in a few localized areas in the Squirrel and Kobuk River drainages. Major features of the NCA include the Kobuk River on the south, the Noatak River in the west, and the Baird Mountains to the north. The drainages of the Agashashok and Squirrel Rivers lie entirely within the proposed NCA.

Subsistence use of wildlife and vegetative resources is still prevalent among local residents in this area. A variety of resources, including waterfowl, large terrestrial mammals, fish, and berries and other vegetative resources is utilized. Sea mammals are also an important constit-

uent of the subsistence diet and to some extent are obtained by direct harvest from seasonal campsites along the coast.

Well drained areas along the Kobuk and Noatak Rivers support lowland spruce and balsam poplar forests, while mixed hardwood and spruce forests are found on the uplands of the Squirrel River drainage. Poorly drained lowland areas along the rivers support a moist and wet tundra mosaic. In the higher elevations, alpine or dry tundra is prevalent vegetation type.

The forest resources in the area are located near the limit of the tree line. While not considered a commercial forest area, the area has importance for production of houselogs and firewood for local use. There is a history of previous reindeer grazing use. Incursions by caribou and an influx of wolves associated with the caribou were detrimental to and eventually forced relocation of the surviving reindeer herd. The area is utilized as summer and especially as fall range for the Arctic caribou herd. The land management plan for the area should address the past, present, and possible future needs for reindeer grazing and the impacts, thereof.

Some potential exists for oil and gas production in the lower Noatak and Kobuk River areas. This area lies on the perimeter of a potential oil and gas bearing basin. The Baird Mountains lie within an identified metal province with potential for copper, gold, lead, and zinc deposits. Gold placer deposits have been exploited in the Squirrel River area. Gravel deposits along the river bottoms may be of local importance.

Moose are found generally throughout the area, but are especially concentrated in the lowland areas of the Noatak, Squirrel, and Kobuk Rivers in winter. Dall sheep are found in the Baird Mountains. Grizzly bear are found throughout the area, but are particularly concentrated along the Noatak lowlands in summer and fall and in the Squirrel River and Kobuk River drainages in the fall as well. The Kobuk Valley has long been known as wintering range for the Arctic caribou herd. Wolves tend to concentrate in the area in association with the caribou. Furbearers, such as the arctic and red foxes, the wolverine, ground squirrels, muskrat, beaver, and mink are found in the area. Lynx, associated primarily with its principal prey species, the snowshoe hare, can be found in the shrub growth areas.

The Noatak and Kobuk River systems support runs primarily of chum salmon. The Noatak in particular supports an arctic char run which sustains a substantial sport and subsistence fishery. Other locally important fish species include the sheefish, grayling, northern pike, and several species of whitefish. Protection and conservation of the fish and wildlife and their habitats for the long term public use and enjoyment, including the satisfaction of subsistence needs, are objectives that the Committee felt could be best met through multiple use management. Such management should give special consideration to protection of caribou range and migration routes.

It is also intended that the Squirrel River and other rivers and streams be protected and their water quality maintained pending development of land use and resource management recommendations. Planning and management will give consideration to natural and cultural values of scientific interest in the lower Noatak River Valley.

Mineral entry consistent with maintenance of the quality of the environment may also be permitted in the Secretary's discretion pursuant to the land use plan for the unit.

The lower Noatak River is part of a larger Biosphere Reserve designated by UNESCO in its Man and the Biosphere program. As such, the area has high importance for scientific research. The Committee expects the BLM to work closely with the appropriate agencies and other groups, in developing a research program for the area, which would be coordinated with research efforts throughout the Noatak Valley. The lower Noatak is also part of the Cape Krusenstern National Archeological District and on the National Register of Historic Places. Scores of archeological sites can be found throughout the area. The recognition in the planning and management of the area's scientific and cultural importance is paramount.

*Section 401(2) : Chandalar National Conservation Area*

The proposed Chandalar National Conservation Area (NCA) is located in the Brooks Range from the continental divide at the crest southerly to the forested lowlands of the Chandalar River. Approximately 880,000 acres of public lands currently managed by the BLM are included in the area. As is to be expected in an area with such a range of altitude, climate and vegetative cover vary widely. Mixed upland spruce-hardwood forest is found in the better drained areas of the lowlands. Poorly drained areas of the lowlands and slopes support wet or moist tundra vegetation. On the better drained slopes and peaks the predominant vegetation is dry alpine tundra. Areas of barren ground are evident in the higher and steeper mountain peaks. Most of the area is underlaid with permafrost, which significantly affects drainage patterns and soil moisture conditions.

The Venetie Indian Reservation abuts the proposed conservation area to the southeast. Lands adjoining the area to the north and east are identified as an addition to the Arctic Game Range. To the west, lands have been identified for conveyance to the State.

A variety of wildlife is found in the diverse habitats of the conservation area. Moose generally are found widely distributed throughout the area but not in any highly significant numbers. Because of the terrain, only limited winter range is available along the stream bottoms. Dall sheep are relatively common in the higher elevations. Grizzly bear range throughout the area, while black bear are located in the forested lowland areas. The Porcupine caribou herd utilizes migration routes through the Brooks Range which cross the NCA. These routes are critical to permit proper movement of the herd to different seasonal ranges. The NCA includes a minor portion of the current wintering range. Wolves often are found in association with caribou.

Summer visitors include a number of waterfowl species although waterfowl habitat is limited in the area and generally supports low numbers of nesting birds. A number of shore birds and passerines nest in the area also. Birds of prey include rough legged hawks, golden eagles, gyrfalcons, and several species of owls. Fish species common in the area include lake trout, northern pike, grayling, arctic char, and several species of whitefish.

Subsistence harvest of wildlife in the NCA is thought to be substantial by residents of the nearby villages of Venetie and Arctic Village.

Sports harvest is light and primarily associated with commercial guiding operations.

There appears to be little potential for nonmetallic minerals and for fossil fuels. The geology is, however, more favorable for the deposition of metallic minerals. The Brooks Range, generally, based on geological evidence, has potential for metallic mineral deposits. Just 30 to 90 miles west of the NCA are three major placer gold deposits with associated base metals. Interspersed are a number of lesser finds. There has been little significant mineralization elsewhere. Although there are ample common varieties of minerals for almost any need, including sand and gravel, there has been no extraction.

In proposing the Chandalar NCA, the Committee wished to establish the Congressional intent of retaining the lands in Federal ownership and the intent to preserve the ecosystem. Of particular importance is the need to protect and conserve the outstanding fish and wildlife resources and their habitats for long term public use and enjoyment, and to protect migration routes and range of the Porcupine caribou herd. The Committee intends, however, that mineral development and other resources development be permitted to the extent that it is consistent with maintenance of the quality of the environment and as identified in land use plans required by the FLPMA.

#### *Section 401(3): Nowitna National Conservation Area*

The proposed Nowitna National Conservation Area (NCA) is located along the south bank of the Yukon River upstream from Ruby. It includes the entire watershed of the Nowitna River and its principal tributaries, the Sulukna, Titna, and Big Mud Rivers. The unit comprises 3.5 million acres of public lands administered through the Bureau of Land Management.

The northern boundary of the NCA is the Yukon River. The bed of the Yukon River was transferred to State ownership upon enactment of the Alaska Statehood Act. All public lands south of the north bank of the Yukon River from Straight Island to Darwin Island are included in the Nowitna National Conservation Area.

Resource values in the Nowitna National Conservation Area include excellent habitat for moose in the Nowitna Flats, and waterfowl habitat. These wetlands support a waterfowl population primarily of ducks and geese. In addition, this is one of the few areas in Alaska where trumpeter swan populations are known to be increasing.

The Nowitna River has high recreational and transportation values. In fact, it has been recommended for inclusion in the Wild and Scenic Rivers System. Recreational boating, agate collecting, and sport hunting are increasing on this river. The area is also an important subsistence use area for the nearby residents of Ruby. Vegetation is varied and often influenced by drainage patterns established or fixed by permafrost conditions.

On the better drained slopes of the rolling terrain, mixed stands of white spruce, birch, and aspen may be found. North facing slopes and poorly drained slopes may contain a mixture of black spruce and birch. Only a relatively small portion of the higher elevations in the proposed NCA is covered by alpine tundra vegetation. The white spruce forests of the lower Nowitna and Yukon Rivers have commercial

harvest potential. The State and the Native corporations will own and manage most of the commercial forest lands outside of the NCA. The planning process for the area should consider whether the forest resources of the NCA could support and help sustain any commercial logging operation in the area and with proper planning and management could be compatible with subsistence living and other non-consumptive uses.

A variety of birds and mammals inhabit the area, as typically found throughout the interior of the State. The moose is the most common ungulate and is found widely distributed throughout the area. Significant concentrations occur along the Nowitna and Yukon River valley bottoms during the fall and winter seasons. Occasionally, caribou may be found in the southerly portion of the proposed conservation area, especially on the higher hills during the summer. The Yukon River system supports runs of king, chum, and coho salmon. A small commercial fishery is located on the Yukon River between Ruby and Tanana, which includes the river area fronting on the NCA. Grayling, northern pike, burbot, whitefish, and sheefish offer sport fishing and subsistence opportunities. The Nowitna River is noted for its pike and sheefish fishery and as a rearing area for the Yukon River fishery.

There is no record of significant mining in the Nowitna National Conservation Area, although several small, one- or two-man operations have been conducted there. To the west is the still productive Ruby-Poorman-Ophir area, long known as a gold placer area. To the north across the Yukon River is an area, possibly an extension of the Ruby-Poorman-Ophir zone, containing several base metal outcrops of interest. Although there is little production from this area, there is evidence of base metal as well as gold mineralization in the NCA. Geologically, the area is virtually identical to the lands to the west and north. Major faults, which may control deposition, extend in a northeast, southwest direction through the NCA. Lowlands covered with deep unconsolidated material to the south of the Yukon River prevent meaningful surface geologic investigation. To date, only minor mineralization has been found in the Nowitna Hills but known prospecting has not been of a sophisticated nature.

In proposing the Nowitna NCA, the Committee wished to establish the Congressional intent of retaining the lands in Federal ownership and the intent to preserve the ecosystem of the Nowitna River and surrounding wetlands because of their important role as habitat and staging areas for geese, trumpeter swan, and other waterfowl. This is to be considered a major goal of the land use plan developed for the area.

It is also the Committee's intent that the plan developed for the area explore possibilities of making timber available to support commercial logging operations in cooperation with operations on adjacent Native and State Lands. Furthermore, the Committee expects continued recognition of historic subsistence activities and design management necessary to support continuation of this important use.

The Nowitna River which is a primary value of the proposed area should be managed to protect water quality and the river's scenic and recreation qualities.

*Section 401(4) : Steese National Conservation Area*

Steese National Conservation Area (NCA) is composed of two units adjoining State selected lands along the Steese Highway. Located between Fairbanks and Circle in north central Alaska, the Northern Unit encloses the upper mountainous drainages of Preacher Creek, the principal tributary to Birch Creek. The Southern Unit contains the mountainous headwaters of Birch Creek. The Steese National Conservation Area comprises 1,220,000 acres of public lands. The North Unit comprises 540,000 acres; the South Unit comprises 680,000 acres.

The Lime Peak and Pinnel Mountain areas in the North Unit contain small bands of Dall sheep as does the mountainous divide between the Salcha River and Birch Creek along the south boundary of the South Unit. Caribou are found in scattered bands and the entire NCA occupies historic range of the Fortymile caribou herd. Moose are found throughout the area but are concentrated along the upper Birch Creek area in the South Unit. Significant waterfowl habitat is located to the north in the Yukon Flats National Wildlife Refuge.

Access to the Steese National Conservation Area is generally by unmaintained spur roads from the Steese Highway. This provides outstanding future potential for developing full scale public outdoor recreation uses stressing a natural setting. The headwaters area in the NCA provide pleasing scenery, but is not as spectacular as the White Mountains National Recreation Area immediately to the west. Rolling, flat-topped tundra ridges invite hiking and offer vast vistas to the north across the Yukon Flats and gently rising mountains along the higher watershed divides to the east and west. The Pinnel Mountain Trail which traverses the area provides excellent foot access to the North Unit from the Steese Highway. This trail was constructed by BLM and is an example of the type of outdoor recreation opportunity available in the Steese National Conservation Area.

The Steese National Conservation Area presents an area of transitional land uses. Those portions adjacent to the State lands have significant multiple use potential for environmentally sound mineral development. Further into the NCA, primary uses emphasize outdoor recreation in a natural setting.

Birch Creek is the single most important resource in the Steese National Conservation Area. It is recommended for designation as a Wild River under the Wild and Scenic Rivers Act. Its excellent road accessibility provides immediate high use potential. This use will greatly increase in the future.

The Committee intends that mineral development may be permitted in the area consistent with applicable existing law and Section 402 of the Committee amendment.

*Section 403: White Mountains National Recreation Area*

The White Mountains National Recreation Area (NRA) is located in central Alaska approximately 25 miles north of Fairbanks. Comprising 1 million acres of public lands administered by the Bureau of Land Management, it incorporates the largely undeveloped mountainous watershed of Beaver Creek. The White Mountains contain many exposed outcroppings of white limestone. Cliffs contrasted with alpine

tundra uplands, open forested valleys, and variegated exposures of other bedrock provide spectacular scenic backdrop for the free flowing Beaver Creek. The overall landscape is superior in its scenic quality. Long tundra ridges surmounted with stark rock outcroppings provide excellent opportunities for year around outdoor recreation in a primitive setting. The BLM has constructed hiking and snowmachine trails and maintains a recreational shelter cabin on Beaver Creek at Big Bend. Several historic overland winter mail and gold rush trails to mining camps north of the area cross the western portion of the NRA.

The White Mountains are at the apex of two divergent structural trends. Geology is complex with much folding and faulting accompanied by metamorphism and igneous activity. The upper drainages of Beaver Creek contain well known and long worked deposits of placer gold. These continue to be mined today. An occurrence of radioactive deposits in the vicinity of Cache Mountain caused a recent rush to locate mining claims. Some of the limestone deposits may be of sufficient extent and quality for use as building stone and cement manufacturing. There are no active plans to use these limestone deposits and the general region is believed to contain only moderate potential for other minerals.

Moose are found throughout the area and are concentrated during the winter along Beaver Creek. There are several bands of Dall sheep residing along the higher elevations of the White Mountains. Totalling approximately 850 animals, these sheep provide a readily accessible population for sport hunting close to one of Alaska's major population centers.

The White Mountains area was formerly a major calving and wintering area for the Fortymile caribou herd. Although caribou are now found well to the east in the Salcha and Charley River watersheds, continued use by small scattered bands in the White Mountains suggests future potential for increased numbers. Wolves, black bear, and grizzly bear are found throughout.

Beaver Creek is the central thread binding existing and future land uses together in the White Mountain NRA. This magnificent, free flowing clear water stream supports an excellent grayling sport fishing opportunity. Several local air taxi operators provide air access to fishing areas. The grayling resource is also attracting winter use into the Big Bend area where waters remain open. Northern pike are found in the extreme northern portions of the NRA, but are more common on the sluggish waters and sloughs of the Yukon Flats to the north.

The White Mountains National Recreation Area is readily accessible from the existing Steese and Elliott Highways. Several primitive trails lead from the Elliott Highway providing off road vehicular access under favorable conditions to mining areas in the upper Beaver Creek drainage. These primitive access roads, together with the trails and a remote cabin program, encourage year around recreation. With improved access, the full potential for high quality boating, fishing, hunting, and hiking in a primitive setting can be realized.

Designation of the White Mountains NRA will assure accelerated emphasis by the BLM in meeting high quality outdoor recreation uses for the public in an area readily accessible by road. This largely un-

developed scenic area will serve residents and visitors to the Fairbanks area, thereby helping reduce impacts on other more remote and fragile areas such as the Yukon Flats.

The Committee notes that this is an area which has long been recognized by the State as a prime recreation area. The area is currently on the State's interest lands list because of outstanding recreation potential. While the Committee determined that these lands should remain in Federal ownership, the Committee strongly urges the Secretary to work closely with the State of Alaska, in developing the land management plan for the area.

*Section 404: Rights of Holders of Unperfected Mining Claims*

The Committee amendment includes a provision regarding unperfected mining claims located within the units established by Title IV. This provision establishes a moratorium on validity determinations under the mining laws so long as the holder of the claim complies with the provision of the section including reasonable regulations prescribed by the Secretary to protect specific resources of the unit or a conservation system unit which is affected by the mining operation. The moratorium expires on September 30, 1982.

Information gathered by the holder of an unperfected mining claim during the moratorium shall be used in a subsequent validity determination if the holder submits such data within 180 days following the termination of moratorium period. Any patent issued pursuant to the use of such information shall be only to the minerals. The holder shall be entitled to use the surface of the claim for necessary mining operations subject to reasonable regulations.

The Committee adopted this provision to permit qualified holders further time to perfect their claims. Because the establishment of the conservation areas and the White Mountains National Recreation Area includes a general withdrawal of the areas from the mining laws, validity of such claims would be determined as of the time of such withdrawal. Section 405 provides specific criteria under which holders will be allowed an additional time period to gather information to be utilized in a determination of validity.

The Committee also adopted a provision which grants holders of unperfected mining claims properly located, recorded and maintained prior to November 16, 1978 a 2 year preference to rerecord a claim or to obtain a lease to remove minerals as appropriate when the Secretary opens an area to mining under the provisions of this Act. The establishment of these areas may invalidate some claims and it is the intent of the Committee that the holder of such a claim have the option to develop minerals in the area of his claim once the area is reopened.

## TITLE V—NATIONAL FOREST SYSTEM

The Committee amendment, unlike the House-passed bill, designates a new national forest unit in the interior of Alaska. The Committee recommends the establishment of a 5.6 million acre Porcupine National Forest in northeastern Alaska.

This proposal comprised of extensive lowlands, plateaus, and low hills, lies generally east of Fort Yukon. Habitat for fish and wildlife including abundant wetlands for waterfowl, commercially valuable

timber, hunting, fishing, and water oriented recreation opportunities as well as oil and gas potential comprise a regionally and nationally significant resource base. Fort Yukon (population 600) and Chalkyitsik (70) are the principal communities on or near the proposal, however, people from other villages on the Yukon Flats occasionally use the area. Populations are increasing and low income and unemployment are problems. Subsistence use of resources to supplement incomes is still a necessity. The proper management of wildlife, wood products, recreational development and the development of oil and gas resources can contribute to and assist in stabilizing the area's economy.

There are 3.8 million acres of forested and providing watershed protection, wildlife habitat, recreation values and wood products for local use. Additionally about 300,000 acres of commercial forest lands combined with timber from adjacent Native land could provide the basis for a sustained production of good products and a valuable supplement to the local economy.

The Yukon and Kandik basins are potential oil and gas reserves of national significance with speculative recoverable oil estimated at 1.7 billion barrels. Almost 2 million acres "highly favorable" for minerals occur. Uranium potential occurs on 1.2 million acres. Should discovery and subsequent development occur, the local and national impacts would be very significant.

A wide range of habitat supports most of Alaska's interior fish and game species. Moose, bear, furbearers, salmon, and a variety of sport-fish are of combined importance for recreation and a subsistence purposes. Of prime importance, however, is some 800,000 acres of wetlands, supporting 20-25 percent of the Yukon Flats waterfowl production which is nationally significant. Because of these significant wildlife values, this area was recommended by the House and the Administration for Wildlife Refuge status.

Recognizing the very high fish and wildlife values of the area, the Committee inserted a requirement that this national forest be managed under special regulations to assure that protection of fish and wildlife and their habitat shall be the primary purpose for management. The Committee expects the Forest Service to consider the professional advice of the Fish and Wildlife Service in developing such regulations for this new national forest and for the Copper River additions to the Chugach National Forest and the Copper River—Bering River portions of the existing national forest.

Like the House bill, the Committee amendment also makes several other additions to the existing national forests in Alaska.

#### *Section 505: Misty Fjords National Monument*

The Misty Fjords is an essentially untouched 1.453 million-acre area in the Coast Mountains representing nearly all of the wilderness features found in southeast Alaska. Spectacular fjords with sea cliffs rising thousands of feet, low rocky shorelines, sheer water falls, coastal and interior mountains rising over 6,000 feet, active glaciers, high and lowland rivers and lakes are interlaced with salt water channels, inlets, and bays. Wildlife representative of nearly all ecosystems in southeast Alaska can be found here. The Monument is neatly bound into a management unit by the Portland Canal and the international

boundary to the east, the Unuk River drainage and international boundary to the north and the East Behm Canal to the west.

The Misty Fjords would be established as a national monument containing approximately 1.453 million acres of public lands, and managed by the U.S. Forest Service.

The Unuk River, with headwaters in Canada, has major recreational potential. The watershed is steeply mountainous with numerous glaciers and lakes, and the climate and surroundings vary from marine coastal to interior. Geological features such as colorful mineral springs and lava flows around blue lake add to the significance of the area. South of the Unuk, the Chickamin River system and the Le Duc River originate in glaciers high in the mountains of the monument. Rudyerd Bay Fjords and beautiful Walker Cove are surrounded by high, cold lakes, and mountains extending eastward into the Canadian ranges. Numerous lakes throughout the monument provide back-country access to the heart of the area and offer excellent fishing and opportunities for outdoor recreation. Of the 2,000 salmon streams in southeast Alaska fewer than 20 support King Salmon. Five of those King Salmon streams are within the monument, the Unuk, Chickamin, Wilson, Blossom, and Keta.

The committee last year established the area of the monument as a unit of the National Park System. After consideration of that designation, the committee agreed with the House that the area should remain in the Tongass National Forest as a statutorily created monument. The boundary of the monument is identical to the boundary of the National Park Preserve established by the Committee amendment last year except for a minor boundary adjustment along the Portland Canal.

The committee amendment provides statutory direction to the Forest Service regarding management of the monument. The area is to continue to be managed as part of the Tongass National Forest subject to specific exceptions:

1. The area is statutorily withdrawn from the mining and mineral leasing laws and from future selection under Alaska Statehood Act or the Alaska Native Claims Settlement Act;
2. The area is closed to the sale or harvest of timber under Forest Service timber sale program;
3. The area is to be treated under section 1106(b) for the purpose of granting rights-of-way for transportation and utility systems under title XI of this act.

The committee adopted a number of specific provisions regarding the effect of the monument designation on the evaluation and operation of mining claims in the monument.

The committee intends that mining on existing claims shall be permitted under reasonable regulations designed to make that activity compatible to maximum extent feasible with the purposes of the monument. Mining in the monument centers around the Quartz Hill mineral deposit, a series of claims held by the U.S. Borax and Chemical Corp. These claims are presently being evaluated, but there are indications that the deposit represents one of the largest molybdenum discoveries in the world. The committee intends that the evaluation and development of these claims be permitted to continue should that prove eco-

nomically feasible, and intends to avoid the implication that mining or related activities are inherently incompatible with the purposes for which the monument was established. The committee amendment also include a number of provisions to allow qualified claims to be further evaluated and developed. The committee also recognizes the great fisheries values of the area and has included specific direction to the Secretary of Agriculture to use his existing authority to protect these values.

The committee intends that existing Forest Service regulations governing mining operations apply except to the extent that new regulations are promulgated. These new regulations are to be designed to provide environmental safeguards under which development of the claims can continue, not to prevent their evaluation and development.

In order to aid in validating these claims, special provision is made to determine validity as of November 30, 1978. The Committee does not intend this to affect litigation concerning withdrawals made subsequent to that date. A further provision states that the Mining in the Parks Act applies only to National Park Monuments, and thus not to this unit.

The committee has provided a process under which the Secretary is to issue a special use permit for a surface access road to the Quartz Hill deposit for bulk sampling purposes. The process includes preparation of a document by U.S. Borax and the managing agency analyzing the major design concepts for development of the mine, as part of the process for issuance of the special use permit. The analysis is not expected to outline any final plan for the development, as the committee realizes that the claims are still in the process of evaluation, and that final plans for the possible development have not yet been formulated by the company.

The committee believes that this analysis will assist the Secretary in the preparation of the environmental impact statement for access and bulk sampling which is to be prepared concurrently. This EIS is to use the information developed for the existing EIS previously prepared on the application by the U.S. Borax for access to the Quartz Hill area. The Committee has provided specific areas which it feels need to be examined in addition to updating the old information such as the effects of the road on groundwater flow and the impacts associated with widening an existing road as opposed to providing for such widening during construction of the access road for bulk sampling. A prime concern is that the surface access road be one that can be utilized in the eventual mine development phase, if possible, and that the construction of the road be accomplished with such use in mind where feasible. The EIS is to be prepared within 12 months, and the Secretary is to make his final decision within four months thereafter, provided that the Secretary has determined that the field work for gathering baseline data and data analysis for the 1981 field season have been completed. The committee has allowed the next two field seasons for the gathering of baseline data prior to issuance of the special use permit, and urges the Secretary to initiate data collection in the 1980 season.

It is the committee's intent that the Secretary issue the special use permit unless he determines that the construction would cause an un-

reasonable risk of significant irreparable harm to the viable productivity of the habitats of fish management indicator species (including but not limited to anadromous and other foodfish species). If the Secretary denies the permit, the burden of proof is on him in any judicial review of that decision.

The committee adopted a modified version of section 1109, of this act which provides for expedited judicial review of any administrative action regarding this section.

The committee provided a specific entitlement to a lease and necessary associated permits for the holder of claims at Quartz Hill, determined to be valid as of November 30, 1978. Such leases shall be issued only if three specific criteria are met and shall be limited to a size necessary to permit the "mining or milling" operations associated with milling purposes to be carried out. The committee intends that such lease encompass functions directly connected with or facilitating the removal and processing of the ore—for example, pumping works, miners' accommodations, mine offices, workshops, ore storage, or waste and tailing disposal. The committee also intends that the Secretary issue necessary and associated permits to allow the purposes of the lease to be carried out. Other functions such as power generation, transmission of power, transportation facilities, and impoundment of water—to the extent they are not associated with a conventional mill-site or "mining or milling purposes" as that phrase is interpreted under the mining laws of the United States—should be subject to the customary special use permit process within the Department of Agriculture.

*Section 506: Unperfected Mining Claims in Misty Fjords National Monument*

A series of provisions drawn from the House-passed bill which permit the expansion of rights to explore unperfected mining claims were included in the committee amendments. These provisions permit the holder of an unperfected claim to continue working towards making a valid discovery under the mining laws on such claims within three-quarters of a mile of claims on which valid discovery has already been made. A patent for such expanded claims would be for the minerals only with the right to use the surface to develop the claim.

A provision has been included to permit the leasing of sites for milling purposes. Because of the statutory withdrawal from operation of the mining laws, a holder of a valid mining claim cannot locate such sites under the general mining laws. This provision authorizes the Secretary to lease a site for milling purposes to the holder of a claim.

The committee intends that the Secretary use his discretion to lease sites for mining or milling purposes consistent with the conditions of this section, but that he not unreasonably deny a site or lease in order to block development of a claim. The committee expects the Secretary to work with the claimants to determine appropriate locations in order to permit economic operations, but that the limitation on size and number of leases issued be consistent with the mining laws of the United States. The Committee recognizes that "mining or milling purposes" can include a number of appurtenant uses, directly connected with or facilitating the removal and processing of ore—for example, but not

necessarily limited to, pumping works, miners' accommodations, mine offices or shops, ore storage, or waste and tailing disposal. The committee does not intend that lease uses include uses customarily dealt with through special use permits, but it does intend that necessary and associated permits be issued to allow the purposes of the lease to be carried out if a lease is issued.

The term of the lease for milling purposes is to be continued until the deposit is exhausted or the lessee has failed to use the leased site for 2 years. The Secretary may extend the lease even if it is not used under special circumstances, such as casualty, or force of nature, or governmental action beyond the control of the lessee which prevent the sites leased from being utilized.

The committee notes that nothing in this title affects the authorities of the Secretary to regulate mining activities, including, but not limited to, the issuance of special use permits for activities undertaken under an approved operating plan, or for the use of timber and other materials within rights-of-way under general regulation of the mining laws.

#### *Section 507: Fisheries on National Forest Lands in Alaska*

The committee recognizes that there may be a potential for conflict between mineral development and a healthy commercial fishery. The committee has included this section to assure, to the maximum extent feasible, that the developing mineral industry does not conflict with an existing industry, commercial fishing. The general section directs the Secretary to review existing regulations and promulgate new ones, consistent with his existing authorities, should he determine necessary, to protect fisheries habitat under his jurisdiction. An additional subsection deals specifically with the Quartz Hill project, and emphasizes areas of concern to be addressed by the Secretary as further mining plans are considered for development of that deposit. The committee received assurances that this deposit can be developed in an environmentally sound manner, and has included these provisions to aid in attaining that goal. Only one subsection dealing with emergencies, extends the Secretary's existing authority. Otherwise, these provisions provide no new statutory authority to the Secretary. This section does not alter the State of Alaska's authority over fish and game management, water quality, or other responsibilities under existing law.

The more general subsection, 507(a), applies to all National Forest lands in Alaska, and directs the Secretary to review existing regulations and those under development to determine what, if any, new regulations are necessary to carry out the directive to maintain fisheries habitat, to the maximum extent feasible, and to maintain present and continued productivity of the habitat from mining impacts. Any new regulations would be pursuant to his existing authority and promulgated following standard procedures. This section specifically requires the Secretary to consult with the State of Alaska in order to coordinate his efforts with those of the State in its capacity as manager of the fishery populations.

The committee recognizes that the "present and continued" productivity of fishery habitat can be variable or cyclical due to changes in

the natural environment and in fisheries regulation. By maintaining present and continued productivity, the committee intends that the casual effects of mining operations on the habitat not significantly reduce the ability of that habitat to produce fish as it could have produced had mining activities not occurred. Maintenance of productivity is not intended to mean maintenance of a specific level in the natural productivity cycle but rather is maintenance of such productivity of specific fisheries systems without adding through mining activities impetus to any natural decline in productivity. The committee recognizes that the State of Alaska is involved in measuring these variations or cyclical changes as part of its role in fisheries management and intends the Secretary to seek assistance from and cooperate fully with the State in determining the productivity of the habitat and the cyclical nature of such productivity and the cause of such variations or cyclical changes.

Section 507(b) provides a framework for preparation and evaluation of mining plans governing operations at the Quartz Hill deposit. These provisions emphasize that such plans must be based on adequate information and studies which the Secretary determines are adequate and are needed to evaluate the environmental impacts of such development. These provisions are not intended to require unattainable standards in order to prevent approval of the plans, nor are they mere paperwork hurdles in the path of unhindered development. The committee has provided areas of emphasis for the Secretary to deal with during the development of mining plans.

The goal is to maintain the habitat of the fisheries producing system so that such system is capable of producing at or above current levels of production after the mine has ceased operations. The committee intends that required studies be carried out in a timely manner so that necessary information and data are developed to support succeeding stages of the plan of operations. The committee believes that such studies can go forward concurrently with development of the various stages of the mining plan.

The studies performed under this section are to be commensurate with the level of activities proposed by the operator. Since some proposed activities will require extensive studies including the collection of data over an extended period, it is recommended that the operator carry out those studies well in advance of the application for permit. This is to help ensure that the Secretary has the required studies completed to the degree necessary to evaluate the impacts of the proposed action and design. The studies required in this paragraph should have as their ultimate goal the development of a model of the fisheries producing system that is capable, if possible, of estimating the quantitative effects of mining operations on the fishery habitat and populations. It is also recognized that such knowledge does not now exist, but over time, better approximations should be obtainable. In formulating such models, areas of uncertainty should be identified, and the risks evaluated to the extent feasible. The range of possible effects should be fully explored and delineated. The responsibility for determining the adequacy of the studies lies with the Secretary.

Under this section, the Secretary is charged with the responsibility of determining that the plan includes adequate provisions for pre-

venting, to the maximum extent feasible, significant adverse environmental impacts to the fishery habitat. Mitigation through reclamation, through offsetting impacts by other activities, or through other means, should be considered part of this standard if it is not feasible to prevent such impacts.

A specific suspension authority, applicable only to the operation at Quartz Hill, is included in subsection (b). It is the intent of the committee that this authority be utilized only in exigent circumstances and only if no other alternative, including modification of mining plans, can be effective. The Committee notes that the suspension authority is limited to seven (7) days after which time a court order is required and that authority is to be utilized only to suspend that part of operations which is causing the harm.

*Section 508: Native land exchanges on Admiralty Island*

The committee modified, and transferred to title V, several provisions from title VII of S. 9 relating to Native corporation selections on Admiralty Island in the Tongass National Forest. The language of the House passed bill is almost identical to that contained in S. 9, as introduced.

Section 703(b)(1)-(3) directed the Secretary of Agriculture to exchange the timber rights to lands selected by the village corporation, Kootznoowoo, Inc., for rights elsewhere in the Forest identified by mutual agreement within 1 year. If such mutually agreed upon timber rights cannot be identified. Kootznoowoo, Inc., may select 23,040 acres of lands in any location in the forest other than wilderness or wilderness study areas.

The committee adopted an amendment (sec. 508(a)) which provides the Secretary with general exchange authority under section 22(f) of the Settlement Act, for the selection rights of Kootznoowoo, Inc. and Sealaska, Inc.

Section 703(b)(4) directed the Secretary to seek a voluntary exchange of the selection rights of Goldbelt, Inc. and Shee Atika, Inc. on Admiralty Island for lands elsewhere in the forest.

After the introduction of S. 9, Goldbelt, Inc. reached agreement with the Secretary on a land exchange in which its selection rights to approximately 23,000 acres on North Admiralty were relinquished for selection rights to approximately 29,000 acres in the Port Houghton and Hobart Bay area. This agreement is ratified in the committee amendment. (Sec. 508(b).)

The committee also agreed to an amendment (Sec. 508(c)) which would convey to Shee Atika, Inc. the lands relinquished by Goldbelt, Inc., located about 25 to 30 miles from the Village of Angoon. In return, Shee Atika, Inc., would relinquish its selections in the Hood Bay area of Admiralty Island. Both areas comprise approximately 23,000 acres. The lands relinquished at Hood Bay are ranked much higher from an environmental and recreational standpoint.

The committee is aware that this amendment would settle pending litigation against the Secretary of the Interior. The lawsuit challenges the validity of the Secretary's withdrawal for native selection on Admiralty Island. In discussing the amendment, the committee noted that Shee Atika receives no funds under the Settlement Act and, be-

cause of the lawsuit, has yet to receive its land entitlement. Without a legislative solution, it will be many years before the litigation is concluded, and Shee Atika, Inc. could go bankrupt in the interim.

Section 703(b) (5) was modified in committee to place an authorization ceiling of \$2 million on the funds available for reimbursement to Goldbelt, Inc., Shee Atika, Inc., and Kootznوو, Inc. for land selection expenses incurred as a result of the aforementioned litigation. Clarifying language to include consultant's fees as a reimbursable expense was also adopted in committee.

## TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

The Committee designated 24 rivers as components of the Wild and Scenic Rivers System and 10 rivers for study under the provisions of the Wild and Scenic Rivers Act. The House designated 10 rivers as components of the System, and 10 rivers for study. It should be noted, however, that the Committee chose to designate 17 rivers within parks and refuges and 7 outside parks and refuges as components of the Wild and Scenic Rivers System, H.R. 39, as passed the House, only formally designates 10 rivers outside such units and 22 within such units for inclusion within the system.

The Committee recognizes that Alaska's rivers, streams, and estuaries provide spawning, rearing and wintering areas for anadromous fish and shellfish upon which the State's commercial fisheries—its third-largest industry—depend. Fish and marine mammals supply an estimated 85 percent of the subsistence food requirements of rural Alaskan residents according to the Alaska Department of Fish and Game.

Many of the State's rivers are major recreational resources, with values which range from some of the world's finest sport fishing, to float trips through remote wilderness areas unsurpassed anywhere else in the world. Sport hunters commonly use Alaskan rivers for access, and hikers seek out brush-free routes on the slopes of the frozen rivers.

Alaska's rivers serve important transportation functions, especially given the State's relatively undeveloped road system. During the ice-free months there is extensive riverboat and barge traffic on the major rivers between the villages for general transportation and subsistence. Continuation of these uses is assured in this legislation.

Under the Committee amendment, the following rivers would be designated as components of the National Wild and Scenic Rivers System: Upper Alatna, Andreafsky, Aniakhchak, Charley, Upper Chikadrotna, Delta, Upper Ivishak, Upper John, Upper Mulchatna, Noatak, Upper North Fork of Koyukuk, Salmon, Selawik, Upper Sheenjek, Tinayguk, Tlikakila, Unalakleet, and Wind.

The following rivers would be designated for wilderness study: Colville, Etivluk-Nigu, Kanektok, Kisaralik, Melozitna, Porcupine, Lower Sheenjek, Situk, Utukok, and Yukon (Ramparts).

Two rivers located within the proposed Porcupine National Forest were designated for study by the Committee. It was felt that since these rivers (the lower Sheenjek and Porcupine) are integral parts of the forest proposal, they should be studied in conjunction with the land use management plan which the Forest Service will prepare for the area rather than be designated at this time.

In administering wild and scenic rivers in Alaska, the Committee expects the appropriate Secretary to carefully consider access needs in terms of the special access authority granted him in Title XI of the Committee amendment. Holders of mining claims, for example, may need access up and down proposed wild and scenic rivers or study rivers in connection with various mining activities. Likewise, inholders should not be denied reasonable access to their inholdings as a result of wild and scenic river designation.

*Section 606: Wild and Scenic River Administrative Provisions*

Unlike the House, the Committee agreed to only a few changes in the Wild and Scenic Rivers Act relative to Alaska. Most significantly, the Committee amendment gives the Secretary the authority to establish a river protection zone extending up to two miles from the ordinary high water mark on both sides of wild and scenic rivers outside of conservation system units designated by the Committee amendment. This flexibility to establish a buffer zone is needed because of the expansive vistas, unique fish and wildlife resources and ecological systems associated with these rivers. These zones are to be administered in accordance with Section 1312 of the Committee amendment (NRA management). Finally, the Committee notes that the establishment of such zones is discretionary with the Secretary. These zones should be designated only where resource values directly associated with the river require such additional protection.

## TITLE VII—WILDERNESS IN THE NATIONAL PARK SYSTEM

The Committee amendment would designate some 29 million acres within new and existing national park units in Alaska as Wilderness. The House version of H.R. 39 would similarly designate some 34 million acres. The Committee chose not to designate wilderness within the following park units, included in the House version of H.R. 39: Yukon-Charley, Cape Krusenstern, Kenai Fjords, Aniakchak, and Bering Land Bridge. With the exception of a portion of the Yukon-Charley area which the Committee designated for formal wilderness study, the Committee agreed to postpone wilderness designation for these areas until after completion of the mandated wilderness review (Sec. 1317).

*Section 701(1) : Denali Wilderness*

Denali Wilderness consisting of about 1,912,000 acres is located in the existing national park.

Within the existing Mount McKinley National Park, essentially all of the park is designated wilderness, except for existing developments. Along the existing highway through the park, the wilderness boundary begins 150 feet on either side of the center line of the road and 150 feet back from the edge of all existing turnouts and parking areas. The wilderness boundary is situated 300 feet from the edge of existing visitor centers, campgrounds, and management structures along the highway.

An area of 150 feet on either side of a segment of the Stampede Trail has been left out of wilderness from the park boundary to Stampede.

*Section 701(2) : Gates of the Arctic Wilderness*

Gates of the Arctic Wilderness contains about 4,801,000 acres in Gates of the Arctic National Park. It is the intent of the Committee that the two park units managed as wilderness.

Likewise the Committee feels that the National Park System is well-represented by designating a major wilderness park in the Brooks Range.

The Committee recommends a substantial change from the House version for wilderness in this area. The Committee's recommendation is consistent with the changes made in the classifications for the area.

*Section 701(3) : Glacier Bay Wilderness*

Glacier Bay Wilderness consists of about 2,770,000 acres of lands and waters within the expanded Glacier Bay National Park. Almost all of the park, including some salt water areas and all islands will be managed as wilderness. Excluded from wilderness are most of the marine waters and those sites, existing and potential, that the park management plan has identified for development, as described in the current park plan and in the Administration's wilderness proposal for the area. The Committee adopted the established Interior Department policy concerning enclaves and included them in the wilderness.

The Committee realizes that the movements of glaciers may in time open new water areas. It is the intent of the Committee that where the wilderness boundary is currently drawn at the edge of tidewater glaciers, the Secretary be authorized to allow the continued use of motorized access to the base of the glaciers, even if they retreat further into the present wilderness area. The Committee adopted the Administration recommendation that some water areas should be specified for non-motorized water recreation.

*Section 701(4) : Katmai Wilderness*

Katmai Wilderness consists of about 3,418,000 acres within Katmai National Park. The Committee included wilderness designation within both the existing area and all of the national park additions. The Committee did not propose any wilderness for the preserve at this time. Within the existing national park, the wilderness is basically that as originally proposed by the Administration with minor changes. There was a slight expansion of the Bay of Islands wilderness, due to the fragile nature of this rich biological resource and its recreational value. The entire Savonski River and the lower part of Lake Grosvenor were included within wilderness. The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvenor Camp. The Committee believes that this can be considered under access provisions of this Act.

The wilderness boundary starts 300 feet from either side of the midpoint of the roadway connecting Brooks Camp and the Valley of Ten Thousand Smokes. The Committee also included Brooks Lake within the wilderness. In the reports submitted to the Committee from the Department of the Interior, it was stated that Brooks Lake is occasionally used for the landing of aircraft when wind conditions on Nakanek Lake prohibit the lake's use. Brooks Lake is also used for the landings of aircraft for the purposes of access to the portion of the

park and for administrative purposes. The Committee believes that these specific uses, which are limited, may be allowed within wilderness. The Secretary can designate the lake as a designated landing spot for the purposes of access. The Committee adopted the two wilderness exclusions that the Department of the Interior proposed along the coast, at Kukak Bay and Geographic Harbor. The exclusions had been proposed in the park management plan as possible future development sites.

Nonvianuk Lake was excluded from wilderness for the purposes of utilizing this area for new park developments and visitor use areas, although the islands in the lake are designated wilderness as is the southshore.

The Committee recommendation is similar to the House Proposal, varying where the Committee changed boundary lines for the management unit.

#### *Section 701(5) : Kobuk Valley Wilderness*

Kobuk Valley Wilderness consists of approximately 190,000 acres of public lands.

The wilderness unit includes essentially the Waring Mountains south of the Kobuk River, and the Kobuk Sand Dunes. An area along the Kobuk River, which is a working river for local individuals and where most park uses will be located, was not designated as wilderness.

The Committee disagreed with the House concerning the designation of wilderness in the northern portion of the unit at this time.

The Secretary is authorized to construct facilities that relate to the Kobuk Sand Dunes, as referred to in Title II.

#### *Section 701(6) : Lake Clark Wilderness*

Lake Clark Wilderness consists of about 2,468,000 acres within Lake Clark National Park and Preserve. The wilderness includes most of the lands within the national park except for the following areas: Lower Twin Lake, most of Lake Clark, Crescent Lake, Hickerson Lake, and Native selected lands on the east side of the park. A portion of the Preserve including Lachbuna Lake, and lands partly surrounding but excluding Telequana Lake and Two Lakes are designated as wilderness.

Lake Clark Park/Preserve has some of the best potential for recreation in the State, because of its easy access from Anchorage. The designation as wilderness of the mountainous core area and some of the key lowland areas ensures that there will be a balance between higher density recreation on the fringes of the area and high quality wilderness public use in the heart of the park and preserve.

The Committee modified some of the wilderness exclusions to be left out of wilderness sufficient lands for possible development of recreational sites, while retaining the wilderness qualities of the unit.

#### *Section 701(7) : Noatak Wilderness*

Noatak Wilderness consists of about 5,413,000 acres within the Noatak National Preserve. The designation of the Noatak wilderness ensures that the basic purposes for the establishment of the area will be achieved. The scientific values that make the Noatak National Preserve unique relate to its being the largest untouched Arctic watershed in

North America. Thus the area contributes to the gathering of benchmark data about the natural environments of the Arctic. The Noatak Valley is crossed twice annually by the Arctic caribou herd, whose migration routes must be protected.

The watershed of the Kelly River was excluded from the wilderness. All lands from the Kelly upstream to the Gates of the Arctic National Park boundary are designated wilderness.

The designation of the Noatak as a Biosphere Reserve adds to the merits of wilderness protection for the area and underlines the Committee decision that the Noatak should be closed to mineral exploration. The Committee left out of wilderness sufficient lands for the development of a western corridor between Noatak National Preserve and Cape Krusenstern National Monument connecting the north slope with the interior of the State.

*Section 701(8) : Wrangell-St. Elias Wilderness*

The Wrangell-St. Elias Wilderness consists of approximately 8,700,000 acres within the Wrangell-St. Elias National Park and Preserve. None of the National Recreation Area has been designated wilderness at this time. Most of the park has been designated wilderness by the Committee with the following exceptions deleted for possible future development or access: The Copper and Tanada Lakes area on the north side; the Kuskulana drainage; the Nikoli Pass-Sourdough Hill-Chitistone Canyon area in the Chitina Valley; the White River-Ptarmington Lake area; and areas at Tebay Lakes, the mouth of the Bremner River valley and Icy Bay. A portion of the coast heavily used by fishermen by Yakutat has also been excluded.

Substantial acreage has been designated as wilderness within the Wrangell-St. Elias National Preserve. These areas were considered by the Committee for park status. The Committee adopted the preserve designation for the lands in order to allow the continuation of Dall sheep hunting. The Committee did feel that the lands, while in the preserve should still receive maximum resource protection. Thus the recommendation for wilderness status within the preserve.

The Committee included within its wilderness recommendation a substantial amount of the Wrangell-St. Elias National Preserve. As discussed in Title II, the preserve category is used here to protect the park qualities of the area while allowing sport hunting to continue. In designating the preserve as wilderness the Committee does not intend that the wilderness designation be used in any way to negate the purposes of the preserve.

The Committee notes that the Wilderness Act and the access provisions of this act allow for the continuation of aircraft and motorboats in wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable to the specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area. The Committee also notes that under National Park Service regulations, heliports, helipads, and airstrips are usually not allowable. This relates to the construction of major facilities.

The Committee notes that access into the Wrangell mountains by hunters must be by aircraft, since the area is so vast. Gravel bars, gravel plateaus, and lakes are all used as landing spots. At times, minimal improvements are necessary for safety purposes which do not require major construction. Such improvements will be allowed to continue. The Committee also notes that there are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips and may permit airstrip maintenance. However, nothing in this Act is meant to imply that the Park Service has any obligation or requirement to maintain airstrips used solely for guided hunting trips.

In general the Committee notes that the Wilderness Act and the access provisions of this act have built in flexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act. Since there are no units of the National Park System which are as vast as the new Alaska areas, the Committee feels that Park regulations should be revised and expanded to address those issues which are a part of public policy and legislative record.

The Committee also notes that sport hunting guides who operate in the area utilize hunting camps as a base of operation. There is precedent for such uses in Forest Service Wilderness in the western United States. In developing new regulations for wilderness management the Park Service should take the need for hunting camps into consideration. The Committee has provided that such existing and new uses are to be permitted subject to reasonable regulation under Section 1316.

*Section 702: Designation of Wilderness and Wilderness Study Areas Within the National Wildlife Refuge System*

H.R. 39, as passed the House, would designate approximately 27 million acres of wilderness within the National Wildlife Refuge System. The Committee amendment adds some 4.3 million acres of refuge land to the Wilderness System. Wilderness designations in units of the National Wildlife Refuge System are designed to further the purposes and management objectives of each specific unit. Wilderness classification provides the United States Fish and Wildlife Service with a legislative mandate to preserve wildlife habitat in a natural condition for those species requiring a wilderness condition so that wildlife utilization is assured in the future. However, the occurrence of unique geological, cultural or recreational attributes or physiographic provinces included within a Wilderness Unit are considered to be a major contribution to the overall value of such an area.

In making its wilderness determinations the Committee generally chose to designate only those units which had completed the review processes described by the Wilderness Act. The one exception was designation of the unit in the Waring Mountains of the Selawik National Wildlife Refuge which adjoins a portion of a wilderness unit designated in the Kobuk Valley National Park.

*Alaska Maritime Wilderness.*—The Committee designated wilderness units within the Alaska Maritime Wildlife Refuge on the existing Aleutian Islands (1,300,000 acres) and Semidi (250,000 acres) wildlife refuge units and Unimak Island (910,000 acres) which is part of the Aleutian Island Refuge. These units are described individually below.

*Section 702(1) : Aleutian Island Wilderness*

The Administration has completed a wilderness review of the Aleutian Islands National Wildlife Refuge. Most of the refuge, except for portions of Amchitka Island (an important military site), Atka Island, Adia Island and a few smaller areas, has been found suitable for wilderness designation. The Committee has placed this major portion of the refuge into the Wilderness System.

These fog-shrouded, volcanic islands are rich in fish and wildlife, especially seabirds and marine mammals. About 60,000 sea otters thrive in Aleutian waters, less than two centuries after their Alaskan populations were decimated by Russian fur hunters. More than 75,000 sea lions and thousands of hair seals haul out on islands and rocks and a few walrus stop occasionally on Adia Island. Some 183 species of birds have been recorded on the islands, including hundreds of thousands of puffins, murres, auklets, gulls and kittiwakes, fulmars and petrels. Most of the world's emperor geese winter in the area and endangered Aleutian Canada geese now nest on Buldir Island and are being restored to Amchitka. Bald eagles and peregrine falcons are common. Four species of salmon and Dolly Varden spawn in freshwater streams.

The wilderness area's value as an outdoor scientific laboratory is expected to grow as the world's major island ecosystems are altered by man. The varied natural plant and animal communities of the Aleutians offer many opportunities for biological research.

*Section 702(2) : Izembek Wilderness*

The Administration completed a wilderness study of the Izembek National Wildlife Refuge and submitted a wilderness proposal to Congress in April 1971. In response to this recommendation, the Committee has placed most of the Refuge into the Wilderness System.

The Izembek Wilderness, as designated by the Committee, includes 301,450 acres of the existing 415,300-acre Izembek National Wildlife Range located on the extreme tip of the Alaska Peninsula. The existing Range, which was established by Executive Order in 1960, contains another 95,300 acres of tidal lands below the mean high tide line which are subject to State jurisdiction.

Included within the Izembek wilderness is the Cape Krenitzin Peninsula. The peninsula is a 1,450-acre, geographical and ecological extension of the Alaska Peninsula land mass which is separated from the mainland by a narrow channel. Notwithstanding this fact, Cape Krenitzin was included within the Aleutian Islands National Wildlife Refuge at the time that refuge was established in 1913. The Committee intends that the Secretary should alter the present boundary and administer this peninsula as a part of the redesignated Izembek National Wildlife Refuge.

The Izembek Wildlife Refuge is important largely to the millions of waterfowl and shorebirds which rest and feed there for several

months during spring and fall migrations. Its northern intertidal zones lie within the Bristol Bay estuary, one of the most biologically productive marine areas in the world. Rugged volcanic pinnacles over 6,000 feet high dominate mountain areas of the Refuge. Many shallow lagoons, tide channels and flats exist along the coast. Most of the tidal flats are covered with eelgrass beds, the largest in the world. The eelgrass beds are the primary attraction of the Refuge to waterfowl. In this regard, the Committee intends that scientific research regarding the eelgrass beds, along with the use of structures and motorized equipment necessary for such research, will continue within the Izembek Wilderness.

Nearly the entire West Coast population of about 250,000 black brant (a small marine goose) uses the Izembek lagoon during migrations, along with most of the North American population of emperor geese. About 100,000 lesser Canada geese move through each fall, as well as small numbers of the endangered Aleutian race of Canada goose. Whistling swans occupy the area throughout the year. Between 200,000 and 300,000 dabbling ducks stop during migration and a somewhat greater number of diving ducks use the area at other times of the year. Bald eagles and the nonendangered peregrine falcon are year-round residents, with concentrations of up to 100 eagles sometimes observed along salmon-spawning streams.

Large mammals include abundant brown bears, caribou and wolves. Between 10,000 to 15,000 sea otters inhabit the waters off Izembek. Ringed, bearded, harbor and fur seals, walrus, beluga whales and porpoises also frequent these waters. Four species of salmon, Dolly Vardena and rainbow trout inhabit streams and lakes and king crabs, halibut and razor clams are abundant in lagoons and offshore waters.

#### *Section 702(3) : Kenai Wilderness*

The Kenai Wilderness is located within the Kenai National Wildlife Refuge and consists of about 1,350,000 acres in three units—Canoe Lakes, Andy Simons and Mystery Creek. The wilderness units represent a diverse area of scenic mountains, glaciers, lowland lakes, forests, muskegs and rivers that support thousands of big game animals, numerous smaller mammals, a wide variety of birds and an abundance of fish.

Once entirely wilderness, the refuge is now bisected by the Sterling Highway and other transportation routes which provides access to recreation facilities and commercial developments. Much of the wildlife refuge remains as pristine wilderness, however, and the wilderness units have been carefully drawn to preserve significant portions of the area for wildlife and public benefit. The wildlife refuge with its diversity of scenery, wildlife, fishery and water resources offers unusual opportunities for high-quality recreation which the wilderness is designed to perpetuate.

The area is one of the most important outdoor recreation areas in Alaska for fishing, hunting, camping, scenic driving, wildlife observation, photography, berry picking, hiking, canoeing, and wildlife/wilderness-oriented boating and cross-country skiing, and the Committee believes wilderness designation recommended may well enhance these recreational uses.

*Section 702(4) : Semidi Wilderness*

The Administration has completed a wilderness study of the Semidi National Wildlife Refuge. The Committee designated the entire refuge, including the submerged lands, as part of the Wilderness System.

The remote, treeless islands of this refuge lie south of the Alaska Peninsula in the North Pacific Ocean. Discovered in 1741 by the Russian explorer Vitus Bering, they apparently were not occupied by Natives. Extensive seabird colonies are located on the islands' cliffs. Common and thick-billed murre, black-legged kittiwakes, Pacific fulmars and horned puffins are the most numerous species. They number in the millions. A total of 43 bird species has been identified on the islands. Harbor seals and sea lions maintain rookeries on several islands. Sea otters are present but not abundant. The wilderness area's remoteness does not lend itself to public use and there are few well-protected bays suitable for anchorage. The surrounding waters are seldom calm enough for seaplane landings.

*Section 702(5) : Selawik Wilderness*

Selawik Wilderness is located in the northern part of the Selawik National Wildlife Refuge. The wilderness contains about 240,000 acres and adjoins the sand dune—Waring Mountains portion of the Kobuk Valley National Park Wilderness.

Habitats of the wildlife refuge, located adjacent to the wilderness, support virtually unaltered fish and wildlife populations and are used by portions of the Western Arctic caribou herd for migration. Grizzly bear, wolf and wolverine are also present. The western half of the Wildlife Refuge and part of the wilderness is used extensively for subsistence. Wilderness designation also will lend resource protection to watershed values of the unit.

*Section 702(6) : Unimak Island Wilderness*

The Administration has completed a wilderness study of Unimak Island, the largest of the Aleutian Islands. The Committee adopted the 910,000-acre recommendation placing the island into the Wilderness System.

This remote, fog-bound island in the Aleutian Islands National Wildlife Refuge is nearly 1 million acres in size. Unique geological features of the island include the striking 10,000-foot cone of Shishaldin Volcano, the highest peak in the Aleutian chain and a national natural landmark; the Fisher Caldera, a crater lake formed by the collapse of an ancient volcano's cone; and black sand beaches, sand dunes and lagoons.

Twenty-five species of mammals inhabit the wilderness area, including brown bears, caribou, wolves and river otters. Sea lions and harbor seals are abundant and walrus are sometimes observed. Sea otters, once decimated in number by overhunting, are again present in good numbers and northern fur seals migrate annually through the turbulent waters of Unimak Pass. Spectacular concentrations of waterfowl—black brant, lesser Canada geese and emperor geese—stop to feed during migrations, especially in the eelgrass beds of the island's largest lagoons. Whistling swans are present year-round. Thousands of ducks, including eiders and scoters, winter on Unimak lagoons.

The several million slender-billed shearwaters sometimes seen in Unimak Pass are one of the most remarkable assemblages of seabirds in the world. Pelagic cormorants, black-legged kittiwakes and common murre nest on cliffs and bald eagles and peregrine falcons are commonly observed. Four species of salmon and Dolly Varden inhabit fresh-water streams.

Several old Aleut village sites are of archeological value and a new generation of Aleuts reside at False Pass. Unimak's remoteness limits the public use made of the island. Most visits are by local residents, who hunt, trap, fish, dig clams and pick berries.

## TITLE VII—NATIONAL FOREST WILDERNESS

H.R. 39, as passed by the House, would designate some 5.87 million acres of the Tongass National Forest as wilderness. Additionally, the House bill would designate a wilderness study area of approximately 460,000 acres in the Chugach National Forest. The Committee amendment would add 4.40 million acres of the Tongass to the Wilderness System and require a wilderness study for some 2 million acres of the Chugach National Forest. As discussed below, the Committee amendment also places approximately 1.75 million acres of the Tongass into a special management category.

Listed below are the wilderness areas, wilderness study areas, and special management areas proposed by the Committee amendment :

	<i>Millions of acres</i>
Wilderness (Tongass Forest) :	
Admiralty Island.....	0.541
Coronation Island.....	.019
Endicott River.....	.094
Maurille Islands.....	.004
N. Misty Fjords.....	1.363
Petersburg Creek.....	.050
Russell Fjord.....	.307
South Baranoff.....	.314
South Prince of Wales.....	.097
Stikine-LeConte.....	.443
Tebenkof Bay.....	.065
Tracy Arm-Fords Terror.....	.678
Warren Island.....	.011
West Chichagof-Yakobi.....	.265
Total .....	4.251
Special Management Areas (Tongass Forest) :	
Duncan Canal.....	.091
Etolin Island.....	.082
East Behm Canal.....	.237
Idaho Inlet-Mud Bay.....	.109
Karta.....	.049
Rocky Pass.....	.082
South Misty Fjords.....	.322
West Admiralty Island.....	.467
Yakutat Forelands.....	.319
Total .....	1.757
Wilderness Study Area (Chugach Forest) : Nellie-Juan-College Fjord.....	2.000

## WILDERNESS DESIGNATION IN THE TONGASS NATIONAL FOREST

*Background: The Forest*

The Tongass National Forest is situated in southeastern Alaska, encompassing an area from Yakutat Bay on the North to the Canadian border on the east and south. Tongass National Forest, containing approximately 16 million acres, is the Nation's largest national forest and was established in 1907. The forest has an active commercial timber harvest program important to the economy of southeastern Alaska.

Administration of the Tongass National Forest was primarily custodial until the mid-1950's. For decades prior to that time, however, the policy of territorial leaders and the Forest Service was directed toward initiating a timber industry in southeast Alaska as a means of strengthening and diversifying the local economic base, which was primarily centered in the salmon fishing industry.

The timber industry in southeast Alaska utilizes a local softwood forest primarily composed of western hemlock (62 percent) and Sitka Spruce (30 percent) and minor amounts of red and yellow cedar. Over 95 percent of the total timber harvest is manufactured into sulphite pulp or into cants. (Cants are debarked, squared-off logs which comply with applicable primary manufacture laws.) The balance is manufactured into dimension lumber or left in round log form. In recent years, slightly over half of the pulp and all of the cants have been exported to Japan with the balance of the pulp going to market in the lower 48. The dimension lumber is primarily for local consumption.

Southeast Alaska is characterized by high labor and construction costs. Under free market conditions, this would normally have prevented the development of local processing facilities. Timber harvested within the region would have been exported in round log form to be processed in an area having lower costs such as Puget Sound or Japan. Forest Service policy for the Tongass, however, has always required local primary manufacturing for the purpose of adding growth and stabilization to the local economy. In order to make local manufacturing attractive, the Forest Service adjusts stumpage fees downward to offset the higher-manufacturing costs. This causes the total revenues generated from timber sales to be much less than they would be if the export of timber in round log form were permitted.

Within southeast Alaska, the market is not of sufficient magnitude to justify development of a diversified wood products industry to satisfy local demands. Southeast Alaska has not been competitive in markets within the Continental United States for most wood products except for the possible exportation of round logs or cants to the Puget Sound area. Therefore, it is generally assumed that in the foreseeable future, the vast majority of the timber from the Tongass will continue to be exported to the Pacific Rim market—most notably, Japan.

*The Timber Industry*

The timber industry in southeast is dominated by two companies each having integrated pulp and cant processing facilities. These are (1) Louisiana Pacific Ketchikan, which operates the pulp mill in Ketchikan, Ketchikan Spruce Mill, and Annette Hemlock Mill at Metlakatla, and (2) Alaska Pulp America which operates the pulp mill in Sitka (Alaska Lumber and Pulp), the Wrangell Mill, and

Alaska Wood Products also in Wrangell. The two pulp mills and their related cant mills account for 87.2 percent of the region's production capacity and it is estimated that they account for over 95 percent of actual log consumption.

The same two companies also dominate the timber harvest from the Tongass. LPK and APA held 50-year contracts guaranteeing 192.5 mmbf and 104.2 mmbf annually respectively. These contracts were negotiated when the pulp mills were constructed. The two pulp mills and their related cant mills and logging companies account for 75.9 percent of all independent sales volumes purchased during this period and 88 percent of all volumes purchased since 1973.

This overwhelming dominance of the southeast timber industry by two companies was not always the case. Originally, the two pulp mills operated independently of the region's cant mills. However, there was a distinct trend towards consolidation, spurred by the greater efficiency of an integrated milling operation, which could divert the higher grade logs into cant production and the balance plus cant mill residuals into pulp.

### *Native Timber*

Under the provisions of ANCSA, each Native village on the Tongass National Forest will receive 23,040 acres of national forest land. Sitka and Juneau urban Native corporations each will also receive 23,040 acres. Sealaska, the southeast Alaska regional corporation, is eligible to select an estimated 279,000 acres from the national forest. These selections, along with selections for historical sites, cemeteries, and small isolated Native groups, will remove an estimated 525,000 acres from the Tongass.

While this amount is relatively insignificant in terms of gross acres—comprising some 3 percent of the forest land base—the impact on future timber harvest levels may be substantial. The vast majority of the land selected by the Natives contains very high timber values. The Forest Service estimates that this 500,000 acres represents some 20–25 percent of the commercial forest land left in the Tongass. Therefore, regardless of what action the Congress takes relative to wilderness in Southeast, a half-million acres of the finest remaining timber lands in the Tongass will be transferred to private ownership. It is not clear at this point what plans the Natives might have for managing this resource. However, given the Japanese preference for round logs and the fact that private landowners are exempt from primary manufacturing laws, it seems likely that the Natives will export most of their timber to the Pacific Rim markets in the form of round logs.

There are several other factors, however, on which there is considerably less agreement. The assumptions one wishes to make regarding these factors listed below are very important relative to projecting the impact of wilderness designation in Southeast on levels of employment in the timber industry.

(1) What will be the level of harvest from Native lands, i.e., sustained yield or accelerated harvest?

(2) When will this timber become available and impact the existing market?

(3) How much Native timber will prove not to be exportable in the form of round logs and therefore, available for existing industry in the form of cants or pulp logs?

(4) How many jobs will the harvesting of this Native timber generate in Southeast Alaska and who will get those jobs?

A related, and perhaps even more basic question is what level of harvest should the National Forest be asked to produce, given the fact that a significant percentage of the best commercial forest land has been removed from public ownership?

#### *Timber Harvest Levels*

For a variety of reasons, timber harvest levels on the Tongass have varied considerably from year to year. The table below depicts the annual harvest from the Tongass for the period 1970-1977.

<i>Harvest, scaled volume million board feet<sup>1</sup></i>	
Year:	
1970	560
1971	528
1972	547
1973	588
1974	544
1975	408
1976	462
1977	483
Average	520

<sup>1</sup> Rounded to the nearest 1 million board feet.

#### *Employment*

Like the annual harvest, the number of people employed in Southeast Alaska varies from year to year. As might be expected, a large percentage of jobs in the area are seasonal. The table below sets out the average annual employment by industry in Southeast Alaska from 1970-1976.

AVERAGE ANNUAL EMPLOYMENT BY INDUSTRY, SOUTHEAST ALASKA, 1970-76

Primary employment	1970	1971	1972	1973	1974	1975	1976	7-yr average
Commercial fishing/fish processing	2,107	1,776	2,092	2,193	2,328	1,976	2,252	2,101
Government (State/Federal)	3,925	3,996	3,911	4,061	4,305	4,534	4,757	4,213
Timber: Logging pulp, lumber, product transport	2,767	2,746	2,844	3,224	3,579	3,013	2,869	3,006
Tourism	480	540	600	670	740	830	920	683

In terms of percentage of the total workforce, almost 20 percent of the population are directly involved in government jobs; some 13 percent of the workforce are employed directly in the timber industry, and an additional 13 percent are employed in the fishing/tourism sectors. In addition to those directly employed in the primary employment sectors, some 11,500 people or 54 percent of the workforce are employed in jobs induced by those primary categories listed above.

In a regional context, timber related activities are of primary importance in the Ketchikan area and the Chatham area excluding Juneau, accounting for more than half the primary employment in each. Commercial fishing and fish processing is significant in the Ketchikan area and many of the smaller villages, and accounts for approximately two-thirds of the primary employment in the Stikine area. Juneau is most heavily dependent on government jobs with some 90 percent of the primary employment in the area government-related.

### *Commercial Fishing and Fish Processing*

For the period 1970–1976, southeast Alaska fish harvesting activities were heavily dependent upon the remnants of the salmon runs within the region. Other fin fish—primarily halibut and herring—came in a distant second in volume and value, with shell fish a smaller but still significant third. In general terms, the fishing industry in Southeast has declined rather significantly in recent years, but still is very important in terms of employment opportunities for area residents. The future of this segment of the region's basic economy will depend in some part on the various public supported enhancement and development programs. Given the importance of the fishing industry to the Southeast Alaska economy, land use decisions having a direct impact on salmon habitat and estuarine environments must carefully consider the requirements of the commercial fishing industry in the area.

### *Minerals*

Although historically very important, mining activities, and consequently mineral-related employment, have been relatively insignificant in the southeast region in recent years. However, modern exploration methods have led to the discovery of several new ore bodies which could be potentially profitable to develop. Chief among these new discoveries which would be directly affected by proposed wilderness designation in Southeast are: the Quartz Hill molybdenum deposit near Ketchikan; the Takanis nickel-copper-cobalt ore-body on Yakobi Island, and the Big Sore zinc-silver-lead-copper-gold deposits on Greens Creek near Hawk Inlet on Admiralty Island. Of course, actual development of these or other mineral deposits in the Tongass depend on a number of factors including a variety of land-use decisions, issuance of various permits, and future world and/or domestic markets for mineral products.

### *Committee Wilderness Recommendations*

Southeastern Alaska is a unique part of the State, encompassing the largest part of the North Pacific coastal rain forest in Alaska. It is this rain forest, or portions of it, which (1) is highly prized by many for its environmental and aesthetic values; (2) contains some of the finest timber resources in the United States; and (3) provides significant habitat for a myriad of fish and wildlife species. While the Committee is aware the some nine million acres of the Tongass National Forest is comprising of non-commercial forest land or land which is not forested at all (snow and ice, muskeg, etc.) and is essentially *de facto* wilderness, the Committee recognizes the need to protect a significant portion of the more biologically rich forest lands through wilderness designation.

In recommending wilderness designation for portions of Southeastern Alaska, the Committee attempted to ensure that such designation would not adversely impact the existing timber industry in the area. Specifically, the Committee attempted to develop a wilderness package for the Tongass which would maintain a potential average annual harvest and supply of 520 million board feet of timber for the industry. While the Committee noted that the annual harvest for the period 1975–1977 has been only 450 mmbf., the Committee recog-

nized the cyclical nature of the industry and sought to maintain supply levels at or near the 1970–1977 average of 520 mmbf.

In an effort to reach this goal, the Committee agreed to authorize a program of intensive forest management, road building, and loan programs to increase timber yields on the Tongass. There is general agreement that timber supplies on the forest can be greatly enhanced through the investment of moneys for pre-commercial thinning, pre-logging, and purchase of more advanced logging equipment. Indeed, without these investments, it appears that the forest simply cannot be managed in a balanced manner given the existing level of timber activity in the area, and the desire or need to protect other resource values. This conflict exists on the Tongass regardless of what decisions the Congress may make regarding wilderness designation for the area.

To help ensure an adequate timber base the Committee also agreed to designate several special management areas in the Tongass. These areas have been so designated by the Committee primarily for two reasons. First, they are generally regarded as possessing significant recreational, wildlife, watershed, scenic, wild land and fishery values. Additionally, however, these areas also contain high timber values which the Committee felt should not be forgone at this time given the generally unsettled nature of the timber supply picture on the Tongass.

Designation of these key areas in the forest as special management areas will afford Congress an opportunity to make a more informed decision in years to come relative to the best use of these lands. Deferral of these areas from either wilderness designation or timber harvesting at this time will allow Congress to better assess (1) the long-term demand for timber from the forest; (2) the effect Native owned timber may have on the wood products market; (3) the effect of the investment package authorized by the Committee; (4) the need for additional wilderness in the area; and (5) the overall management of the Tongass forest in light of the National Forest Management Act and the Resources Planning Act.

The Committee agreed to designate some 4.41 million acres of the Tongass as wilderness. Taken together, these areas represent an additional reduction of potential timber harvest in the Tongass of some 80 or less mmbf. annually over what would already be unavailable or deferred for resource protection purposes under the “A-base” alternative of the draft Tongass Land Use Management Plan (TLUMP). (See pp. 69–79 of the Draft for a discussion of this base.) The Committee also placed some 1.76 million acres of the Tongass in the special management category. These areas could yield some 100–130 mmbf. of timber on an annual basis depending upon the level of forest management ultimately practiced.

The Committee estimates that the investment package authorized for the Tongass should increase timber yield by some 60–75 mmbf. annually. The Committee also notes that there will likely be some infusion of Native owned timber into the existing local industry as the Natives begin to harvest their forest resources. While it is clear that most of this Native timber will be exported to Japan in round log form, it is also clear that some of the timber off natives lands will not be export quality (in terms of round logs) and will find its way into

the area's existing pulp and saw mills. Some 10 mmbf. of State lands timber annually may also have impact.

Set forth below in tabular form is a summary of the Committee's action last year relative to timber availability and wilderness designation in the Tongass. While some of the base data has changed slightly since the completion of the TLUMP, the assumptions and approach employed by the Committee in designating wilderness in Southeast Alaska are still valid.

Estimated Timber Yield Available for Harvest Each Year: <sup>1</sup>		Million board feet
Total potential sustained yield from all classifications (excludes State or Native timber) .....		1,180
Unregulated (reserved, small parcels, 75-plus percent slopes, soil hazards) .....		-200
Other reserved and not available (various timber retention factors applied for resource protection) .....		-172
Total potential sustained yield less unregulated and other reserved ..		718
Marginal (available but subject to economic or technical restraints) .....		-158
Net total sustained annual yield of standard and special categories or "available average annual harvest" .....		560
Estimated Effect of Committee Wilderness Package:		
Total annual potential yield less what is reserved, non-harvestable, or marginal "A-base" .....		560
10,000,000 per year investment for increased timber yield and \$5,000,000 loan fund .....		60
Impact of Native timber .....		36
Estimated allowable cut before deductions .....		656
Additional Reduction for Proposed Wilderness Designation .....		-80
Additional reduction for possible relocation of Native timber off Admiralty Island .....		-7
Annual allowable cut less wilderness and Native timber relocation .....		569

<sup>1</sup> Assumes the "A-base" Alternative from the Tongass Land Use Management Plan including a \$1,600,000 investment for preroad ing into selected areas.

Thus, it appears that the Committee recommendations will indeed protect the existing timber industry in Southeast while providing wilderness designation for several key areas.

The Committee realizes that there is some disagreement regarding the figures presented above relative to timber availability, potential yield investment opportunities, etc. During its deliberations, the Committee was unable to obtain a consistent set of data from the Forest Service regarding these factors. However, the Committee feels that the numbers employed in the calculations above are fair estimates of the effect the Committee actions will have on timber supply levels from the Tongass.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### OVERVIEW

Alaska's more than 200 rural villages are unique in that they are the last communities in the United States in which a substantial number of residents are still dependent upon the harvest of renewable re-

sources on the public lands for their sustenance. The importance of subsistence uses of such resources to the physical, economic and cultural well-being of Alaska Natives and other rural residents has been exhaustively chronicled in testimony presented at hearings, town meetings and workshops held by the committee during consideration of both the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act. The committee notes that the report of the Committee on Interior and Insular Affairs of the House of Representatives on H.R. 39 (House Report No. 95-1045, Part I, pp. 181-187) documents the importance of such uses in considerable detail.

#### HISTORY OF CONCERN

The Committee has had a long-standing concern for the protection of subsistence resources and uses in Alaska. In Section 21 of S. 35, the Senate version of the Alaska Native Claims Settlement Act, the Secretary was directed to establish subsistence zones on the public lands, and, in circumstances in which subsistence resources or uses were threatened, to exercise his closure authority by prohibiting all consumptive uses of such resources within a zone except for subsistence uses by Alaska Natives. The conferees failed to adopt this provision in the conference report; however, the statement of the managers clearly established the intent of the Congress that the Secretary exercise his closure authority in a manner consistent with the purposes of Section 21:

The conference committee, after careful consideration believes that all Native interest in subsistence resource lands can and will be protected by the secretary through the exercise of his existing withdrawal authority. The secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The conference committee expects both the secretary and the state to take any action necessary to protect the subsistence needs of the natives.

In 1973, the committee adopted, and the Congress enacted, provisions in the Trans-Alaska Oil Pipeline Act (P.L. 93-153) which provided for strict liability of the pipeline right-of-way holder for "fish, wildlife, biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes" and required stipulations in all oil and gas pipeline right-of-way permits to protect the "interests of individuals living in the general area of the right-of-way permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes." Other Acts of Congress also have recognized the unique dependence of rural Alaskans on subsistence resources. For example, the Marine Mammal Protection Act includes a subsistence exemption for Native residents of coastal villages in Alaska (16 U.S.C. 1371(b)). Similarly, subsistence uses by Alaska Natives and other residents of Native villages are exempted from coverage of the Endangered Species Act (16 U.S.C. 1539(e)).

## COMMITTEE AMENDMENT

The subsistence management provisions of S. 9 as introduced reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

The Committee amendment differs from Title VII of H.R. 39, as passed by the House of Representatives in two respects. The first relates to subsistence hunting by local residents within national parks and monuments. Under the Committee amendment, parks and monuments are closed to all forms of hunting unless subsistence uses are permitted by this Act. Subsistence resources commissions are to be established to recommend a program for subsistence hunting in such parks and monuments.

The second major difference is the means for enforcement of the subsistence preference. The House bill requires the Secretary to take certain administrative actions if he determines that the State has failed to establish a subsistence program or to implement such a program in a manner which adequately satisfies the preference for subsistence uses. While the committee has retained broad Federal guidelines to ensure the adequate implementation of the subsistence preference on the public lands and the Secretary's ongoing responsibility to monitor the State's implementation of such preference, the Committee believes that the responsibility of the Secretary to ensure the protection of subsistence uses and the satisfaction of subsistence needs of Alaska Natives and other rural residents can best be met by providing legal representation for such residents before the United States District Court in appropriate instances in which the Secretary has determined, after consultation with the State, that the State has not timely or adequately provided for the preference for subsistence uses. Although it is the intent of the committee to neither enlarge nor diminish any existing authority of the Secretary to take appropriate administrative action to protect subsistence uses and satisfy subsistence needs of rural residents of Alaska, the committee believes that the responsibilities and authorities of the Secretary and the United States District Court set forth in section 804-807 ensure the protection of subsistence activities and the discharge of Federal responsibilities.

During consideration of Alaska National Interest Lands legislation, the Committee adopted several changes to the subsistence management and use title in S. 9 which clarify the Committee's intent and improve the workability of the subsistence management system.

Major changes adopted by the Committee include:

*The Conservation of Healthy Populations of Fish and Wildlife*

Long-term protection of fish and wildlife populations is necessary to ensure the continuation of the opportunity for a subsistence way of life. Consequently, subsistence uses on the public lands must be conducted in a manner consistent with "the conservation of healthy populations of fish and wildlife", an approach emphasized by the Committee in a series of amendments to incorporate that concept into the language of Sections 802(1), 808(b), and 815 (1) and (3). It also

should be noted that a recommendation of a regional council pursuant to Section 805 would not be supported by substantial evidence if the recommendation is inconsistent with the conservation of healthy populations of fish and wildlife. The Committee intends the phrase "the conservation of healthy populations of fish and wildlife" to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures maximum practicable diversity of options for the future. The greater the ignorance of the resource parameters, particularly of the ability and capacity of a population or species to respond to changes in its ecosystem, the greater the safety factor must be. Thus, in order to insure that subsistence uses are compatible with the maintenance of healthy populations of fish and wildlife, it must be recognized that the likelihood of irreversible or long-term adverse effects to a population or species must be proportional to the magnitude of the risks caused by a proposed use of such population or species.

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with the management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and manipulation of the components of the ecosystem.

#### *Definition of "Subsistence Uses"*

Although many residents of cities such as Ketchikan, Juneau, Anchorage, and Fairbanks harvest renewable resources from the public lands for personal or family consumption, by its very nature a "subsistence use" is something done only by Native and non-Native residents of "rural" Alaska. The Committee adopted an amendment to clarify this point by limiting application of the definition to areas of "rural" Alaska including communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State. However, the Committee does not intend to imply that the rural nature of such communities is a static condition; the direction of the economic development and rural character of such communities may change over time. It should be emphasized that this amendment is not intended to impose a "durational" rural residency requirement in the definition or impede the traditional movement of Alaska residents between the rural areas and the major population centers and vice versa. Nor does the amendment prohibit the taking of fish and wildlife on certain public lands by normal residents. Rather, nonsubsistence uses may continue in accordance with existing law but do not enjoy any preference on the public lands, and, consequently, may be restricted pursuant to Section 804 when necessary to protect subsistence resources or to ensure the satisfaction of the subsistence needs of rural residents.

The definition has been modified to eliminate the "for personal or family consumption" limitation upon the taking of wild, renewable resources for "customary trade". The Committee does not intend that "customary trade" be construed to permit the establishment of significant commercial enterprises under the guise of "subsistence uses". The Committee expects the Secretary and the State to closely monitor the "customary trade" component of the definition and promulgate regulations consistent with the intent of the subsistence title.

#### *Local And Regional Participation*

An amendment to section 805 clarifies that regardless of whether the regional council system is established by the Secretary or the State, the relationship between the regional councils and the Secretary or the State is the same; that is, either the Secretary or the State may choose not to follow a recommendation made by a council if the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. Another important amendment clarifies that if the State enacts and implements laws of general applicability which satisfy the requirements of Sections 803, 804, and 805, then, unless and until repealed, such State laws shall supersede Sections 803, 804, and 805 insofar as such sections govern State responsibility for the taking of fish and wildlife on the public lands for subsistence uses.

#### *Judicial Enforcement*

The major amendment to Section 807 clarifies that while the Secretary is not required to hold a hearing (either informal or pursuant to formal procedures set forth in the Administrative Procedures Act) prior to bringing a civil action against the State on behalf of a local committee or regional council, he is required, prior to bringing such action, to make a determination in writing setting forth substantial evidence that the State has failed to make adequate and timely provision of the subsistence preference after having been provided a reasonable opportunity to do so, and that such failure threatens the ability of local residents to satisfy their subsistence needs.

#### *Subsistence and Land-Use Decisions*

The Committee adopted two important technical amendments to Section 810. The first substitutes the well-recognized legal standard of "reasonable" in place of "adequate" to describe the steps which the head of a Federal agency must take to minimize adverse impacts on subsistence uses prior to permitting a withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of the public lands which would significantly restrict subsistence uses, although it should be recognized that steps which are "inadequate" to minimize adverse impacts will rarely be "reasonable" within the meaning of this section. The second amendment clarifies that the requirements of Section 810 are "procedural" in that until the requirements of the section have been satisfied the proposed action may not proceed, but once the requirements of the section are satisfied and incorporated into existing land use planning processes the proposed action may proceed even though its effect may be adverse to subsistence uses.

*Elimination of the 10-Year Level of Use*

The Committee adopted an amendment to Section 815(1) which eliminated the 10-year standard of measurement on the level of subsistence uses on the public lands. In place of the 10-year standard the Committee substituted language to clarify that nothing in the subsistence management and use title is intended to permit the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with "the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife". The reference to "natural and healthy populations" with respect to national parks and monuments recognizes that the management policies of those units may entail methods of resource and habitat protection different from methods appropriate for other types of conservation system units.

*Nonsubsistence Uses of Fish and Wildlife on the Public Lands*

An amendment to Section 815(3) clarifies that the subsistence management and use title is not intended to restrict nonsubsistence uses of fish and wildlife permitted on the public lands except as necessary pursuant to Sections 804 and 816. Nonsubsistence uses also may be appropriately restricted in accordance with other applicable laws in addition to the subsistence title.

The amendments described above are the major clarifying amendments to the subsistence management and use title adopted by the Committee. However, the Committee also adopted a number of technical amendments which are consistent with the title developed last year and which improve the technical workability of the subsistence management system. It also should be noted that nothing in Sections 802, 804, or 807 is intended to affect the Secretary's closure authority pursuant to Section 816.

#### TITLE IX—IMPLEMENTATION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND THE ALASKA STATEHOOD ACT

Title IX of S. 9, as introduced, established an expedited legislative conveyance procedure for Native land selections under the Alaska Native Claims Settlement Act and for State selections under the Alaska Statehood Act. Several other provisions designed to facilitate State and native land conveyances were also included in Title IX. The title was adopted by the Committee as a means, along with the designation of national interest lands in the remainder of the bill, to help resolve Alaska's uncertain land ownership status with respect to State and Native land selections and conveyances. Title IX contains the substantive provisions which follow from the finding in Title I, that a prompt and thorough resolution of the status of Alaska public lands is in the best interest of everyone in the Nation.

Several minor amendments to Title IX were agreed to by the Committee and are described in the discussion below.

H.R. 39, as passed by the House, contains language which is similar to the Committee amendment with respect to conveyances to village corporations and other provisions related to native lands, but does not include a provision comparable to Section 902 (other Conveyances to Native Corporations).

With respect to conveyances to the State of Alaska, the House bill is substantially narrower in scope than the Committee amendment. Most significantly the House bill does not provide for the legislative conveyance of prior state selections or of lands specified in the State's "wish-list" of lands.

### *Native Land Conveyances*

Section 14 of the Alaska Native Claims Settlement Act required the Secretary to issue conveyances to Native village and regional corporations immediately after the lands were selected from the withdrawals. This mandate for immediate conveyance was consistent with the Congressional commitment in Section 2(b) of the Act that the settlement should "be accomplished rapidly, with certainty, in conformity with the real economic and social needs of the Natives, without litigation (and) with maximum participation by Natives in decisions affecting their rights and property. . . .".

The Committee notes, however, that, despite Congress' directive of an early transfer of title, the Natives collectively have not been able to acquire title to more than 5 million of their 44 million acre entitlement, 7 years after the enactment of ANCSA.

The Committee is aware that the present Administration has undertaken an extensive review of its policies and procedures regarding implementation of the Settlement Act, and that measures are being taken to greatly improve that implementation. Nonetheless, the Committee believes this legislation is an appropriate means of resolving some of the problems which have impeded swift implementation of the Settlement Act.

The Bureau of Land Management, charged with the responsibility for adjudicating the Native land selections, complains that it lacks sufficient manpower and funds to process expeditiously the substantial number of selection applications that have been filed. Some estimates are given that at least five more years will be required to process the bulk of the remaining applications.

Mindful, however, of the commitment made to the Natives in 1971 when their aboriginal titles were extinguished in exchange for the prompt conveyance of 44 million acres plus a cash settlement, the Committee has determined that fairness, justice and equity demand the provision for an expedited conveyancing process in this bill. Title IX provides such a process. The Committee recognizes that such an expedited process will impose difficult administrative tasks, but nonetheless is of opinion that the new implementation procedures being adopted by the Administration can meet this challenge.

The Committee adopted an amendment to Section 901 which allows a Native village corporation to choose to receive conveyance of its "core township" entitlement pursuant to either the terms of Section 901 or the existing administrative conveyance procedure. The amendment is consistent with the optional procedure language contained in Section 902(e). The amendments require a Native corporation to file a document of election with the Secretary within 180 days after the date of enactment of this Act or the date of determination of eligibility of the corporation to receive benefits under the Alaska Native Claims Settlement Act, whichever is later, in order to receive convey-

ance of lands pursuant to Section 901. Title to lands conveyed pursuant to Section 901 shall pass to the corporation upon the filing of the certificate.

### *Land Taxation*

Because there have been unanticipated delays in the conveyance of lands to Native Corporations, the 20 year tax moratorium originally proposed by Congress on undeveloped lands has become much less meaningful. Therefore, the Committee has determined that the tax moratorium on underdeveloped lands should be extended to 20 years from the date of conveyance of each tract of land. In addition, the amendment allows exploration for oil and other minerals on Native lands without loss of the protection from real estate taxation. The amendment also allows lands to be placed back under the tax moratorium if they are developed and then revert to their undeveloped status.

### *Alaska Native Allotments*

Section 905 approves specified applications for allotments under the 1906 Alaska Native Allotment Act and provides further authority for the amendment and adjustment of such applications. The Committee's intent is to promote allotment finality by Section 905 and thereby to promote conveyance finality under the Alaska Native Claims Settlement Act.

Section 18 of the Alaska Native Claims Settlement Act repealed the 1906 Alaska Native Allotment Act, 34 Stat. 197, as amended, 70 Stat. 954 (1956). Native allotment claims transmitted to the Department of the Interior on or before December 18, 1971 were, however, preserved by Section 18. Under current departmental regulations, all timely allotment applications must be field-examined and adjudicated on a parcel-by-parcel basis, a process which has proved to be time-consuming and expensive.

Until shortly before the passage of the Alaska Native Claims Settlement Act, rural Alaska Natives were generally unaware of the availability of allotments. A longstanding failure to implement the 1906 Act, cultural and language barriers, and the isolation of most Alaska villages resulted in a low application rate until the late 1960's. In 1970, an allotment assistance program jointly implemented by the Rural Alaska Community Action Program and the Bureau of Indian Affairs, began to reach Natives residing in remote villages.

The resultant increase in the application rate left over 7,400 allotment claims to be adjudicated following the passage of the Alaska Native Claims Settlement Act. Most applicants had long been qualified for allotments, but had neither the means nor the technical knowledge necessary to initiate the process earlier. The complexities of allotment adjudication, as well as uncertainty introduced by litigation, have slowed the allotment process and pose a risk that multiple re-adjudications of certain applications will be necessary.

The pendency of large numbers of allotment applications will impede timely conveyance of lands to Native village corporations, notwithstanding other statutory measures to expedite such conveyances. Over ninety percent of the village corporations have "top-filed" allotment applications falling within their selections. Presently, approxi-

mately discrete, top-filed allotment parcels remain to be adjudicated. The allotment applications have precedence over the corporate selections. If an allotment application is approved, the allotted acreage is not taken from the corporation's entitlement. If an allotment application is eventually rejected, the top-filed land goes to the corporation under its secondary selection.

As a result of the top-filing process, neither the boundaries of the village-owned lands nor the allotment inholdings can be determined with finality until each top-filed allotment within a corporation's selection is adjudicated. The statutory approval implemented by Section 905 is intended to summarily approve allotments in all cases where no countervailing interest requires full adjudication. It is anticipated that final conveyance of land to village corporations will thereby be expedited and that the village reconveyance plans required by Section 14(c) of the Alaska Native Claims Settlement Act will be made less burdensome and confusing.

An amendment to Section 905 clarifies that the purview of the section includes all Alaska Native allotment applications which were pending before the Department of the Interior on "or before" December 18, 1971. The amendment clarifies that applications which were erroneously rejected by the Secretary prior to December 18, 1971, without an opportunity for hearing shall be approved or adjudicated by the Secretary pursuant to the terms of the section.

#### *State Selections and Conveyances*

Numerous provisions proposed by the State for facilitating future State action to receive its land entitlement under the Alaska Statehood Act are incorporated into Title IX. In addition, the Committee has provided for an immediate, legislative conveyance of a considerable portion of that entitlement, to reduce further delays in State selections which have been incident to the Alaska Native Claims Settlement Act.

Several modifications to the language of Section 906 were agreed to by the Committee. Subsection (d) was updated to include a series of selections made in the national forests pursuant to Section 6(a) of the Statehood Act. The amendment conveys all such valid selections approved by the Secretary of Agriculture prior to July 1, 1979. The subsection was also modified to exclude certain State selections within the Bristol Bay Cooperative Region, as discussed in the Committee report on Section 1204.

The Committee modified subsection (j) by adding classifications or designations pursuant to the National Forest Management Act to a list of actions which cannot bar future State selections. Withdrawals under the Federal Land Policy and Management Act exceeding 5,000 acres (except those approved by a concurrent Congressional resolution) were also added to the list in subsection (j).

Other minor technical changes were also agreed to.

The Committee considered a savings clause in regard to the validity of State land selections and felt it to be unnecessary. The Committee does not intend that existing State land selections made pursuant to the Alaska Statehood Act shall be deemed to have been validated or invalidated by the provisions of this Act, except as expressly provided in this Act.

### *Alaska Land Bank Program*

Section 907 establishes the Alaska Land Bank Program. The program is intended to facilitate both the protection of Native land and the effective management of Federal and State land. The Committee recognizes that one of the major purposes of the Alaska Native Claims Settlement Act is to provide Alaska Native villages legal title to, and control over, lands essential to their survival as a community and a culture. The Committee intends that lands conveyed pursuant to the Alaska Native Claims Settlement Act are to remain in native ownership as a legacy to be passed from generation to generation. The Alaska Land Bank Program establishes a process through which undeveloped and unimproved Native land (or any interest therein), much of which is critical wildlife habitat selected as traditional areas of high Native subsistence use, can be protected from disorderly, unplanned development and from involuntary passing from Native ownership.

The Committee also recognizes that activities on private lands can have either a positive or a deleterious effect on the management of adjoining Federal and State lands. This is particularly true in the case of Native lands. Native village and regional corporations are the largest private land owners in the State, and in many instances Native lands are either completely or effectively surrounded by conservation system units. Consequently, the Alaska Land Bank Program also establishes a process for the voluntary cooperative management of all private lands, Native and non-Native, which adjoin Federal or State lands.

The Committee adopted technical changes in Section 907, including an amendment which clarifies that the interim benefits provided under subsection (d) to Native lands for 3 years after enactment of this Act, do not attach to mortgaged or encumbered land.

## TITLE X—NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING, AND MINERAL RESOURCE ASSESSMENT PROGRAMS

### FEDERAL NORTH SLOPE LANDS STUDY PROGRAM

In S. 9, as introduced, Title X establishes a study program for Federal lands in the North Slope area of Alaska with three components: (1) oil and gas exploration; (2) wildlife; and, (3) transportation.

The Secretary is to make findings about the resources on these lands, and submit the study and findings to Congress within 8 years. As part of the study, the Secretary is directed to conduct an oil and gas exploration program on the existing Arctic National Wildlife Range and submit recommendations and a plan for core drilling on the Range within 6 years. A plan for core drilling may be implemented if the Congress passes a concurrent resolution approving the plan.

S. 9 thus required that all elements of resource use and preservation will be presented to the Congress at the same time—wilderness values, access consideration, oil and gas potential, and impacts on fish and wildlife values.

The Committee amended the North Slope study provisions of Title X by removing the National Petroleum Reserve, Alaska from the pur-

view of the study program. The effect of this deletion is to permit existing law to continue to apply to NPRA. The studies required by the Naval Petroleum Reserves Production Act of 1976 will be submitted to the Congress in January 1980. At that time, the Committee will have an opportunity to consider a range of options for appropriate use of the reserve. Under the Committee amendment the North Slope study provisions would apply to Federal lands north of 68° north latitude and east of the western boundary of the NPRA, including the expanded Arctic Wildlife Range, but would not include lands within NPRA, the Noatak National Preserve and National Recreation Area, Gates of the Arctic National Park and Preserve, and the Chandalar National Conservation Area.

Section 1002, the portion of the study relating to oil and gas exploration in the Arctic Wildlife Range was substantially modified by the Committee.

In that section the Secretary is directed to publish a baseline study of the fish and wildlife of the coastal plain within eighteen months after the date of enactment, and to continue to gather information during the 5-year resource assessment period provided for in the section.

Within 2 years of enactment, the Secretary is to publish guidelines for oil and gas exploration activities which include restrictions necessary to protect fish and wildlife, and their habitats, and the environment.

Thereafter, any person may submit an exploration plan to the Secretary for approval. Exploration plans submitted by the U.S.G.S. may only be approved if no other person has submitted a plan.

Exploration activities are limited to seismic and geophysical work. Seismic surveys shall be conducted only through the use of vibration source equipment rather than dynamite or other explosives to provide seismic readouts. All data and information obtained from exploration shall be submitted to the Secretary. Certain types of information will remain confidential.

The Committee amendment contains a civil penalties provision for persons who are found to have violated plans or permits issued under this section.

The Secretary is required to report to Congress within 5 years after enactment on the results of the exploration, and its impact on fish and wildlife. The report is to contain his recommendation regarding further exploration and development of oil and gas within the coastal plain.

The remaining components of the North Slope Study are identical to the provisions of S. 9.

The North Slope of Alaska presented one of the more difficult policy decisions for the Committee. The presence of the largest oil field ever discovered in the United States, the growing dependence on imported oil and the possibility that one of the nation's most important wildlife areas, the Arctic National Wildlife Range (ANWR), might contain large quantities of oil and gas obligated the Committee to weigh the relative importance of the nation of maintenance of a basically untouched wildlife habitat or the development of critically needed oil and natural gas resources. While most of the lands involved in the North Slope study were not originally a part of the (d) (2) with-

drawals, the designation of approximately 13 million acres of wilderness in the existing Arctic National Wildlife Range and its extensions by the House brought the issue of North Slope policy before this Committee.

The Committee was particularly concerned with the ANWR. In hearings and in markup, conflicting and uncertain information was presented to the Committee about the extent of oil and gas resources on the Range and the effect development and production of those reserves would have on the wildlife inhabiting the Range and the Range itself. The nationally and internationally recognized wildlife and wilderness values of the Range are described in the discussion of the Committee amendments to Title III. The Committee was determined that a decision as to the development of the Range be made only with adequate information and the full participation of the Congress.

The Committee agreed to add an Arctic Research Study provision to Title X. The amendment would require the Secretary of the Interior, the Secretary of Defense, and the Secretary of Energy to study the importance of the Naval Arctic Research Laboratory (NARL) at Point Barrow, Alaska.

H.R. 39, as passed by the House, contains no provisions which are comparable to the Federal North Slope Lands Study Program. Instead, the House bill designates 13.4 million acres of the Arctic Wildlife Range as wilderness, thus foreclosing any oil and gas exploration in the area. The National Petroleum Reserve—Alaska is reclassified as the Techebuk-Utukok National Wildlife Refuge and is opened to private petroleum exploration and development. Section 306 of the House bill authorizes a study of the barren ground caribou herds north of the Yukon and Tanana Rivers.

#### OIL AND GAS LEASING PROGRAM ON NON-NORTH SLOPE LANDS

In attempting to treat the North Slope in a comprehensive way, the Committee was also aware that unnecessary pressure to develop oil and gas could be brought to bear on the North Slope if the policy for oil and gas exploration on all Federal Lands in Alaska was not integrated with the North Slope Study. As a result, the Committee considered and approved a provision which directs the Secretary to develop a program for oil and gas leasing of other Federal lands in Alaska. These lands have, for all practical purposes, been closed to mineral leasing since 1966. The Committee is hopeful that if exploration efforts are begun in these areas and significant oil and gas discoveries are made, there might be less pressure to develop the North Slope, in particular the ANWR.

This oil and gas leasing program will apply to all Federal lands in Alaska (other than lands covered by the North Slope Study and the National Petroleum Reserve—Alaska), except where applicable law would prohibit such leasing or on those refuges where the Secretary determines that exploration for and development of oil and gas would be incompatible with the purposes for which the refuge was established. This oil and gas leasing program is therefore applicable to all national recreation areas, BLM conservation areas, and all National Forest lands, and all river protection zones established in connection with wild and scenic rivers.

There are 23 possible sedimentary basins in Alaska and its Continental Shelf according to information supplied to the Committee by the Federal State Land Use Planning Commissions. Exploratory drilling has occurred in at least eight of the basins. Government conducted seismic exploration and test drilling will continue on the National Petroleum Reserve—Alaska (NPR-A) under the authority granted the Secretary of the Interior under the NPR-A Production Act of 1976 (P.L. 94-258).

Almost 1,000 wells have been drilled in Alaska and 19 proven oil and gas fields have been discovered. Major oil corporations have entered into contracts with several regional Native corporations for exploration on private lands. Outer Continental Shelf (OCS) leases in the Gulf of Alaska province have been let and other lease sales in the lower Cook inlet province may be scheduled in the near future. The State is currently considering lease sales in several State-owned areas. Other Federal OCS lease sales are also scheduled during the next several years, including a possible Federal-State lease sale being considered for a coastal portion of the Beaufort Sea.

Alaska has approximately 65 million acres of land having good potential for oil and gas based on rock structure data and possible reservoir size. Of the 54 million acres of Federal lands with good petroleum potential, 45 percent were in the following land classifications prior to December 1978:

	Million acres
National Parks-----	1.8
National Wildlife Refuges-----	6.0
National Forests-----	0.5
National Petroleum Reserve—Alaska-----	17.7
(d) (2) Withdrawals-----	4.7

The Arctic Region of Alaska, north of the Brooks Range and extending from the Canadian border westward to the Chukchi Sea, is an area of strong interest for environmental and wildlife values as well as an area which contains some of the best possibilities for major new petroleum discoveries under United States jurisdiction. According to studies by the Federal Government and the State of Alaska, the areas of highest interest from an energy viewpoint lie across the entire midsection of the National Petroleum Reserve—Alaska, extend into the current producing area surrounding Prudhoe Bay and continue along the coastal plain into the Arctic National Wildlife Range.

Arctic Alaska provides favorable conditions for oil and gas deposits in several kinds of geological structures. Current knowledge indicates the best prospects are probably (1) along the Barrow Arch, off Beaufort Sea Coast through the Prudhoe Bay Field and into the northwest corner and central coastal plain of the Arctic National Wildlife Range, and (2) deep beneath the folded and thrust rocks of the foothills region of the north flank of the Brooks Range, on State, Federal, Native and NPRA lands. Because of the recent discovery of the Prudhoe Bay field and the accompanying development activities that have taken place in that area, i.e. the construction of the Trans Alaska Pipeline system, the areas in the vicinity of the Prudhoe Bay field continue to be of potentially great importance to the nation's energy budget.

The Prudhoe Bay Field in the center of the Barrow Arch is the largest oil and gas deposit ever discovered in North America. While it is possible that another of similar size might be found in Arctic Alaska, many experts feel the odds are against it. However, recent discoveries by Exxon in the vicinity of Flaxman Island and Point Thompson, 55 miles northeast of Prudhoe Bay, have increased the interest in the possibilities of significant additional oil and gas production from the Arctic region.

An oil field of 300 million barrels or more of recoverable reserves is regarded as a "very large" field. Outside of Alaska, only 71 fields of this size have ever been discovered in the United States. The last was found in 1956.

An oil field of 1 billion barrels or greater is regarded as a "giant" field. Only 14 such fields have been discovered in the United States.

Because of the high cost of oil and gas exploration, development and production in the Arctic region, marginal reservoir size is much larger than in the lower 48. It is generally thought that reservoirs less than 1 billion barrels would have to be near existing transportation facilities to warrant production. However, reservoirs of multibillion barrel capacity would be of national significance and because of conflicting energy and environmental values in this area, would require a systematic evaluation of the entire north slope oil and gas policy to adequately evaluate and, if necessary, accommodate such a discovery.

The oil and gas exploration, development, and production program established in Title XII of the House bill is similar in several respects to Section 1008. It applies to the Teshepuk-Utukok National Wildlife Refuge, non-wilderness portions of other refuges, and BLM lands.

#### OIL AND GAS LEASE APPLICATIONS

The Committee amendment includes language to require that a refuge manager act on lease applications for oil and gas exploration and development on refuges. Under existing law, the granting of an application is a matter of agency discretion. The Committee felt that a time requirement should be placed on the consideration of these applications and that the refuge manager should be required to state his reasons for accepting or rejecting an application. In this way, the applicant will know the status of his application and will have the opportunity to challenge the reasons upon which the decision of the refuge manager was based.

The language is similar to a provision in Title XII of H.R. 39 as passed by the House.

#### MINERAL RESOURCE ASSESSMENT; REPORT

The Committee provision for a mineral assessment on all public lands in Alaska was modified to ensure cooperation between Federal and State governments in the program. It is similar to Section 816 of the House bill.

The Committee amendment contains additional language to require the President to recommend as to the advisability of private mineral extraction activities in conservation system units where such activities would otherwise be prohibited.

## TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS

### OVERVIEW

The Committee adopted a substitute text for the provisions in Title XI of S. 9, establishing procedures for the approval or disapproval of applications for transportation and utility systems into and across conservation system units.

The title also contains provisions covering special access rights, temporary access, and access to inholdings, and provisions relating to the North Slope Haul Road, and the Stikine River.

The provisions for approval of rights-of-ways across conservation system units in Title X of H.R. 39, as passed by the House are similar to the Committee amendment except with respect to the role of the Secretary of Transportation. Section 802 is virtually identical to the Committee provisions on special access, temporary access and access to inholdings.

### TRANSPORTATION AND UTILITY SYSTEMS

The types of systems covered by the procedures set forth in the first five sections of Title XI include pipelines, airstrips, roads, and railroads.<sup>1</sup> The uses for these systems include private and commercial transportation of passengers and shipment of goods. The principal use of concern to the Committee was provision of access to and from resource development areas. Five conclusions made in a Joint Federal-State Land Use Planning Commission Study, entitled "Transportation and Development of Alaska Natural Resources", were of particular significance to the Committee's decision addressing this category of access:

(1) Transportation has been seen to be a necessary, but not sufficient, condition for natural resource development. In other words, transportation may permit resource development, but it cannot cause it. For example, several situations were analyzed in which reduction of transport cost to zero still left development cost greater than anticipated revenues.

(2) The analysis of total costs of specific resource development revealed that the significantly greater Alaska costs were attributable to both pecuniary (historic inflationary) costs and real costs of production. While pecuniary costs may gradually decline over time, relative to the rest of the Nation, the real costs are much more difficult to reduce.

(3) Transport costs, in relation to total costs, cannot be isolated as the major impediment to resource development. Oil, with 50 percent of its market price absorbed by transportation costs,

<sup>1</sup>In section 1102(4)(B)(vi) reference is made to "improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles." In this case improved rights-of-way means routes which are of a permanent, year-round nature and would involve substantial alteration of the terrain or vegetation such as grading, gravelling of surfaces, or other such construction.

Trail rights-of-way which are annually or periodically marked, brushed, or broken for traditional transportation by snow machines or other such off-road vehicles are not intended to be included in the above referenced section, rather, such trails are intended to be subject to the provisions governing traditional access in other sections of the act.

can support its own highly sophisticated transport system. Most other Alaska resources are simply unable to do this. Under present economic conditions, the resources simply are not valued that highly by the marketplace. Furthermore, a general reduction of relative costs, and especially labor costs, would have a much greater effect in terms of increasing the competitive position of most Alaska natural resources than would reduced transport costs.

(4) With the exception of oil and gas, broad scale development of Alaska natural resources must be considered to be far in the future, and in some instances may never occur. This conclusion is based both on the overall structure of present costs of resource development and on an assessment of future changes in costs and market prices for Alaska resources.

(5) In addition to great uncertainty as to when resource development might occur, there is equally great uncertainty as to where such development would occur, what form such development would take, or how much resource development would be involved. Furthermore, we do not know the market destination of the resource.

Therefore, the Committee believes that Alaska National Interest Lands legislation cannot designate at this time the routes of transportation corridors. The location, timing, type and magnitude of resource development is unknown, market destinations for the produced resources are unknown, and, due to the forces of technological change, both the product form and appropriate transport mode cannot be anticipated with any degree of certainty. These same unknowns suggest as well, that it would be fruitless to attempt to draw boundaries of conservation systems units to leave open transportation corridors.

The prime motivating factor for a consolidated process of transportation for Alaska's conservation unit was the uncertainty with which transportation needs can be determined. Alaska has few roads and no statewide transportation network. Presently, the bulk of Alaska, particularly where the majority of the areas established by the Committee are located, is accessible only by air or water. Future surface transportation needs cannot be addressed by the designation of a system of corridors.

Instead, the Committee devised a process to provide for access across conservation systems units when the resource development activities are to begin and when the mode of transportation and destinations of the resource to be extracted are known.

The process will involve the Secretary, the Secretary of Transportation and the State of Alaska in planning future surface transportation needs. This alters the traditional discretionary role of most existing law for conservation units, but replaces it with a system which will insure orderly transportation planning.

The Committee does not agree with the arguments that existing law is sufficient to site transportation corridors. First of all, existing law makes siting of roads and airports, particularly, but other modes as well, very difficult if not impossible in wilderness, parks, wild and scenic rivers, and wildlife refuges (in descending order of difficulty). Secondly, existing law makes for bad decisions from a land planning

and environmental standpoint because it is incremental in nature. Quite often, decisions are made and EIS's are written by the Federal land managers on individual facilities across individual tracts of land after investments have been made in the facility which make alternatives uneconomic. There is insufficient prior State and Federal cooperative planning on a statewide basis to develop other transportation routes. Statewide planning could result in fewer, less environmentally obtrusive, and multi-modal transportation facilities.

Based on these considerations, the Committee adopted a procedure for future siting of transportation facilities which supersedes rather than supplements existing law. It contains provisions which would require the following:

(1) Early cooperative State-Federal planning which encompasses avoidance of conservation system units and establishment of multimodal transportation corridors or encourages less environmentally damaging transportation modes.

(2) Establishment of a procedure for siting across individual conservation system units which involves both the Federal land manager and DOT (as well as the regulatory agencies).

(3) Additional steps for the more highly prized land. Congressional approval should be required for permanent transportation facilities across the National Park System (other than National Recreation Areas) and wilderness. An expedited process for congressional approval is set forth for right-of-way applications across such areas. For all other areas, the Committee believes a decision by the Secretary, the Secretary of Transportation, the appropriate regulatory authority, or the President is adequate.

(4) Consideration of:

(a) the need for, and economic feasibility of the transportation or utility system to be placed in the right-of-way;

(b) alternative routes and modes of access, including a determination whether there is any economically feasible and prudent alternative;

(c) possibility of rights-of-way corridors;

(d) adverse environmental impacts, including impacts on subsistence resources;

(e) adverse environmental impacts, including impacts on rural, traditional lifestyles;

(f) impacts which would adversely affect, or prohibit the achievement of, the purposes for which the conservation system unit was established; and

(g) measure to avoid or minimize the impacts.

(5) If the right-of-way is issued, attachment of stipulations to require that all such impacts be prevented or minimized.

The Committee amendment makes several clarifying and technical changes to the provisions contained in S. 9.

By distinguishing between the terms "right-of-way" and "transportation and utility systems" the reported bill makes it clear that Title XI provides a single comprehensive statutory authority for the approval or disapproval of applications for all facets of such systems.

The decisionmaking authority of the Secretary of Transportation is expressly limited to those systems for which he has responsibility

under existing law. He is given advisory responsibility for other types of systems.

The amendment clarifies the procedures to be followed where existing law does not authorize a transportation or utility system and provides a statutory standard for the decisions on such applications.

As in S. 9, the amendment provides for consolidated applications for each type of system covered by the title; however, the time allowed for preparation of such applications is shortened to 6 months.

Different procedural steps for agency, presidential and congressional action are clearly set forth for two categories of applications: (1) applications for which there is applicable law to govern the approval of the transportation or utility system and which do not involve wilderness areas; and (2) applications which involve wilderness areas or for which there is no applicable law.

For applications in the first category, the procedures are as follows:

1. Filing of a consolidated application form with each appropriate Federal agency;
2. Preparation of a final joint environmental impact statement by the Federal agencies within 1 year;
3. Decision to approve or disapprove relevant portions of the application by each Federal agency within 4 months of final EIS;
4. Appeal to President if one or more agencies disapprove application;
5. Presidential decision within 4 months of appeal;
6. Judicial review of Presidential denial.

Procedures for applications in the second category are as follows:

1. Filing of a consolidated application form with each appropriate Federal agency;
2. Preparation of a final joint environmental impact statement by the Federal agencies within 1 year;
3. Recommendation for approval or disapproval submitted to the President by each Federal agency within 4 months of final EIS;
4. Presidential decision within 4 months of recommended agency decision;
5. Judicial review of Presidential denial;
6. President's recommendation for approval submitted to the Congress;
7. If Congress adopts a joint resolution of approval within 120 days under expedited procedures, the application is approved; if not, it is disapproved.

The Committee also adopted an expedited judicial review procedure for any challenge to an environmental impact statement developed under these procedures, or other administrative actions pursuant to this title.

#### SPECIAL ACCESS AND ACCESS TO INHOLDINGS

The Committee modified and combined into one section, (1110), the provisions relating to special access and access to inholdings.

The Committee amendment guarantees access subject to reasonable regulation by the Secretary on conservation system units, National Recreation Areas and National Conservation Areas, for traditional or

customary activities such as subsistence and sport hunting, fishing, berry-picking, and travel between villages.

The Committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use test. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.

The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dogsleds. The adverse environmental impacts associated with these transportation modes are not as significant as for roads, pipelines, railroads, etc. both because no permanent facilities are required and because the transportation vehicles cannot carry into the country large numbers of individuals. Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.

In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

The subsection on access to inholdings, provides that, where a State or private interest in land is surrounded by one or more conservation system units, the National Petroleum Reserve in Alaska, or public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the Secretary shall grant the owner of the private interest such rights as may be necessary to assure adequate access for economic and other purposes.

The Committee enacted this provision in recognition of the fact that restrictions placed on public access on or across many federal land areas in Alaska may interfere with the ability of private inholders to exercise their right to use their lands. The Committee believes that owners of inholdings should not have their ability to enjoy their land reduced simply because restrictions are placed on general public access to the land surrounding their inholdings. This provision directs the Secretary to grant the owner of an inholding such rights as are necessary to assure adequate access to the inholding, and is intended to assure a permanent right of access to the concerned land across, through or over these Federal lands by such State or private owners or occupiers and their successors in interest. The Committee recognizes that such rights may include the right to traverse the Federal land with aircraft, motor boats, or land vehicles, and to use such parts of the Federal lands as are necessary to construct safe routes for such vehicles.

The Committee adopted a specific standard regarding access which is designed to include inholders and other landowners where lands are effectively surrounded by a unit or units established by this Act. The Committee finds that in certain instances, there will be a need for access to be effected across such units and expects the Secretary to be reasonable and fair in his judgments regarding access in these situations.

The most obvious situations involve those of physical barriers which would prevent feasible access except across a unit. Such barriers can include rugged mountain terrain, extensive marsh areas, shallow water depths, and presence of ice for large periods of the year. The Committee does not intend to limit the application of the term "effectively surrounded" to only those situations. Rather, the Committee expects the Secretary to judge these situations on a case-by-case basis and to work with the inholder to come to a reasonable solution which will assure that adequate and feasible access for economic and other purposes can be realized.

The Committee adopted a standard providing for adequate and feasible access for economic and other purposes. The Committee believes that routes of access to inholdings should be practicable in an economic sense. Otherwise, an inholder could be denied any economic benefit resulting from land ownership. However, we do not believe that the access route which is chosen must be, in all instances, the most economically feasible alternative. Rather, this subsection provides the guarantee of an adequate and feasible alternative for economic and other purposes; that is, a route which will permit economic access to, and the use of, such lands while also seeking to ameliorate adverse impacts on the area or conservation system unit involved. In this regard, the Committee expects the Secretary to regulate such access in order to protect the natural and other values for which the units were established.

The Committee understands that the common law guarantees owners of inholdings access to their land, and that rights of access might also be derived from other statutory provisions, including other provisions of this title, or from constitutional grants. This provision is intended to be an independent grant supplementary to all other rights of access, and shall not be construed to limit or be limited by any right of access granted by the common law, other statutory provisions, or the Constitution.

The Committee discussed whether the establishment of conservation system units in Alaska would interfere with the mission of the United States Armed Forces in Alaska. The Committee understands that extensive military overflights of Alaska occur as part of the role and mission of the Alaska Command. It is not the intent of the Committee that these overflights be prevented. In general, the Committee has adopted a policy that the use of airplanes is to be continued, and the Committee feels that this policy should apply to military overflights as well as civilian operations.

The Committee also understands that the Alaska Command engages in military maneuvers on Federal lands such as the Jack Frost military exercise. These maneuvers are important to the mission of the military in Alaska, and the Committee does not feel that the establishment of conservation system units in Alaska will endanger these operations. Much of these operations occur on land which will remain under the jurisdiction of the Bureau of Land Management, and this legislation does not affect the ability of the military to utilize such lands. On other areas, the Committee expects the Secretary to cooperate with the Alaska Command to determine what activities can be permitted under appropriate regulation without endangering the resources of the units.

#### TEMPORARY ACCESS

The Committee adopted a provision, Section 1111, authorizing temporary access for temporary uses of private lands within conservation system units, NRA's and National Conservation Area. Such temporary uses may include surveys, and geophysical and exploratory uses. The concept is similar to that of permanent access to inholdings but is only to be authorized on a temporary basis to allow that use to be accomplished.

The authority to provide to the State or private land owner a right of temporary access to or across these Federal lands pursuant to the provisions of Section 1107 is not to be construed to limit in any manner the broad guarantee of access to inholdings established in Section 1108 of this legislation. To the extent that conflicts may arise in the application of these two provisions, the Secretary should construe the statutory language so as to permit the application of the provision which provides the broader grant of access.

#### NORTH SLOPE HAUL ROAD

Section 1112 of the committee amendment withdraws a portion of the North Slope Haul Road from the Federal-aid secondary system so long as the road is closed to public use pursuant to State law. The effect of this provision is to relieve the State from the normal restrictions on tolls and access, as well as from any obligation to repay Federal-aid monies used by the State in constructing the road. The provision specifically permits local residents living north of the Yukon River to use the haul road for their personal needs. The committee modified the text of Section 1112 to include the North Slope Borough as one of the entities to be consulted concerning the use of the haul road.

#### STIKINE RIVER ACCESS

In Section 1113, the Committee amendment authorizes a study of the effect of this act upon the ability of the Government of Canada to obtain access in the Stikine River Region.

Public and State of Alaska comment and participation in the planning and decisionmaking processes, required by the study of potential access routes along the Stikine River region, is fully encouraged by this Committee. Public and State government input into this study is very important in compiling reliable report findings and recommendations upon which Congress can act. Consequently, the President is urged to involve the general public and State government in every available manner to express views and aid in the decision making process of this study.

#### TITLE XII—FEDERAL-STATE COOPERATION

Cooperative Management has been one of the most heated issues in the debate on the Alaska National Interest Lands legislation. It is frequently referred to as the "Fifth System" approach despite the fact that the two concepts can and should be considered separately.

"Cooperative management" is shorthand for methods of requiring or encouraging cooperation among Federal and State land management agencies.

"Fifth System" refers to a designation of Federal lands in Alaska for retention in Federal ownership which is not one of the four systems mentioned in section 17(d) (2) of the Alaska Native Claims Settlement Act.

Shortly after the passage of the Alaska Native Claims Settlement Act, the Committee asked the Joint Federal-State Land Use Planning Commission for Alaska to study the potential for the creation of a new Federal land system in Alaska which would have a management regime especially tailored to Alaska's environment.

The Commission subsequently proposed a cooperative Federal-State system which would contain both Federal and State lands. The management policies for the system would be devised by a Commission composed of an equal number of Federal and State representatives, with the State members having veto authority over management policies for State lands and the Federal members over Federal lands.

During the 95th Congress, Governor Hammond made a very similar proposal, as did Senator Stevens in S. 1787 (endorsed by the Governor). The principal difference is that the Federal lands under the Joint Federal-State Land Use Planning Commission's proposal would be closed until opened by the new joint commission, whereas the land in S. 1787's proposal are open until closed.

Senator Gravel (S. 2944) also proposed a cooperative management system in the 95th Congress. However, his bill did not limit the applicability of the system to certain lands but instead applies the system to all BLM lands and all State lands. It also provides for a Federal majority in the Commission membership (5 Federal members, 4 State members).

H.R. 39, as passed by the House, provides for creation of a council which has an advisory role only, with no land classification authority. It authorizes the Federal land management agencies to enter into cooperative agreements with other Federal agencies, the State and Native corporations, and to provide assistance in fire control, trespass control, law enforcement, resource use, and planning without reimbursements.

The Committee did not adopt any of these proposals. Rather, Title XII of the Committee amendment establishes an Alaska Land Use Council consisting of the heads in Alaska of the principal Federal and State agencies dealing with land and resource management, including transportation agencies. The Council will be headed by an independent Federal Co-Chairman appointed by the President and the Governor of Alaska. The Federal Co-Chairman will also chair a Washington coordinating committee composed of representatives at the Assistant Secretary level from the same organizations that are represented on the Alaska group.

The Co-Chairman would have a small staff and a small budget for studies which would also be independent of the involved agencies. Funding would be 50 percent Federal, 50 percent State.

The Alaska Land Use Council will recommend land uses on Federal or State lands, identify special opportunities for cooperation, including cooperation with Native Regional and Village Corporations. The Committee's recommendation would be implemented only if accepted by the land management agency. If recommendations were re-

jected, the agency would have to set out the reasons for rejection in a public document.

One of the most significant roles for the Council will probably be as a forum for negotiating future land exchanges among Federal, State and Native lands.

The Council will provide a focus now for Federal-State coordination and any future more sophisticated organization could evolve if necessary from this base. Certainly, as involvement of the citizen advisory groups of the various State and Federal agencies became integrated in this process, there would be insured a reasonably high level of public involvement in the coordinating process.

The main function of the Presidential representative would be to eliminate those semi-institutionalized blockages to information flow that continually plague all governments and large governments in particular. By providing a high level of horizontal integration at the regional level and that same horizontal integration at the Washington level on a regional basis, the Committee believes that we can approach solutions to problems with clearer ideas of what the realities of the situation in Alaska are.

The Committee adopted several amendments to S. 9, as introduced, which reflect suggestions regarding the Land Use Council made by the Alaska Land Manager's Task Force. The Task Force has State and Federal representation.

One change would expand the Council to include Native Corporation membership, thus providing representation for the third large component of the Alaska land ownership patterns. A second change would assure urban and rural participation in the Council's decision-making process. Another change would authorize the Council to comment on proposed Federal and State regulations. Certain technical changes were also adopted.

### *Bristol Bay Cooperative Region*

Title XII of S. 9 contains a provision establishing the Bristol Bay Cooperative Region and providing for a cooperative study and planning process involving State and Federal lands within the region. The total acreage subject to the cooperative study is 29.5 million acres.

Bristol Bay is one of the most biologically productive marine areas in the world. It is a feeding area for millions of seabirds, thousands of marine mammals and countless other marine species. The estuaries that line its shores serve as staging areas for millions of migrating waterfowl. The many rivers and streams that flow into the Bay provide the spawning grounds for 16 percent of the world's red salmon, a fish of national and international significance as well as one of great value to the Alaskan economy.

The red salmon alone would justify refuge status for much of the Bristol Bay drainage, but the lands are rich in other wildlife as well, particularly on the Alaska Peninsula where caribou, moose and brown bear abound. Establishing refuges on the public lands, however, will not by itself ensure the protection of fish and wildlife habitat.

The migratory species—be they salmon, birds or caribou—will pass through the waters and lands of the peninsula ignorant of the fact that they are crossing man's boundary lines. To protect such species

there must be established a series of interlocking cooperative agreements among landowners that will encourage long-term habitat protection.

In the Kvichak River watershed, which includes Iliamna Lake, and the Nushagak River watershed there are equally complex management problems developing. Native corporations, which have selected 80 percent of the Iliamna shoreline and much of the shoreline of the major rivers, will own some 11 percent of the area. The State already owns the beds of the Lake and the major rivers and manages the fisheries. The remainder of the Federal land was withdrawn under (d) (1) or (d) (2) classifications. Here, again, there is a need for cooperative planning and land consolidation.

In December 1973 Secretary Morton recommended that the Kvichak and lower Nushagak drainages be added to the National Wildlife Refuge System. The State has listed these two areas among its highest priorities for selection. The Administration recommended that these Federal lands go to the State, but only after the State has shown, by appropriate legislation, that it is able to implement a management plan for the primary purpose of watershed protection and fishery production.

In agreement with the House, the Committee, recognizing the need for integrated resource management throughout this sensitive and complex area, directed the Secretary to prepare a comprehensive and systematic cooperative management plan for the Bristol Bay Region. The region is defined to include the entire Alaska Peninsula and the watersheds of all the rivers and streams that flow into Bristol Bay and the Pacific Ocean.

The region, however, is defined so as to exclude units of the National Park System as the primary objectives of the plan relate to the management of fish, wildlife and habitats.

The Committee adopted an amendment modifying Section 1204 to reflect amendments agreed to in Title III and Title IX.

The amendments to Title III establish an Alaska Peninsula Wildlife Refuge of approximately 3,500,000 acres and a Togiak Wildlife Refuge of approximately 3,310,000 acres and expand the Becharof Wildlife Refuge to approximately 1,200,000 acres.

The State of Alaska will be permitted, under the language of Title IX as reported by the Committee, to select approximately 4 million acres in the Iliamna area of the region. Prior State selections in the region cover approximately 9.1 million acres. The remaining Federal lands, which would be under the jurisdiction of the Bureau of Land Management, encompass approximately 3.5 million acres.

Thus, the total Federal involvement in the region is 12 million acres and the total State involvement is 13.1 million acres.

The amendment provides for the preparation and implementation of a cooperative management plan for the region by the Federal Government and the State (if the State chooses to participate), during a 3-year study period.

Although the statutory responsibility for development of the plan rests with the Secretary and the Governor, it is the intent of this Committee to encourage the active participation of all concerned interest groups regarding the Bristol Bay cooperative study. Com-

ments from the public will be useful and important in deriving the most suitable land management and policy alternatives from this study. Therefore, the Secretary and Governor are urged to involve the general public in every available manner to influence proper land use decisionmaking in the study area.

The Committee notes that the Alaska Land Use Council established by this Act could be utilized by the Secretary and the Governor in an advisory capacity and could provide a forum for public participation during the course of the study. The Bristol Bay Region is specifically identified in Section 1201 as an area for the Council to study.

The major purpose of the cooperative plan in S. 9—conservation of the fish, wildlife and other resources of the region—is unchanged in the reported bill. The Committee amendment adds, as a study purpose, economic development in an environmentally sound manner. The remaining purposes are similar to those contained in S. 9. The Committee expects that the plan will emphasize management issues and land exchanges to a greater degree than designations of further conservation areas or state selections, because of the amendments described earlier.

It is the strong intention of this Committee to preserve the natural values of the Bristol Bay cooperative study region. Of special concern are the fish and wildlife values of this region.

Subsection (f) withdraws all Federal land in the region not included in conservation system units or conveyed to the State by this Act for 3 years. The withdrawal is from private entry or appropriation under the public land laws, including the mining and mineral leasing laws, and from further State selection. It is intended to protect these Federal lands from adverse use or disposition during the preparation and implementation of the cooperative plan, and has the express purpose of protecting fish and wildlife values.

Federal lands subject to the withdrawal include areas in the lower Alagnak River Valley, between the Kvichak and Nushagak Rivers, in the Kosoralik River drainage, and other isolated tracts of land in the region. In addition, any lands selected by the State or Natives prior to this Act, but which have reverted or will revert to federal ownership following final adjudication of the selections are also withdrawn under subsection (f).

A special case is the status of approximately 362,000 acres of 1976-77 State selections within the boundaries of the Alaska Peninsula National Wildlife Refuge established by this Act. The State's selections were made from areas originally withdrawn for Native corporation selections under Section 11(a)(3) of ANCSA. The State maintains that their selections are valid, while the Secretary has notified the Committee that they are invalid. Final adjudication of the selections has yet to occur.

Because of the uncertain status of these specific 11(a)(3) lands, the Committee decided not to include them in either the State land conveyance provisions of Title IX or the Alaska Peninsula National Wildlife Refuge established by this Act. The Committee hopes that the State and the Administration will resolve the ownership of the disputed lands during the preparation of the plan. If the lands are determined to be federally owned, then it is the Committee's intent that

they automatically be included in the Alaska Peninsula refuge established by this Act. If status of the lands is not resolved during the study period, the selections will be adjudicated pursuant to existing law.

All lands withdrawn pursuant to subsection (f) shall be under the jurisdiction of the Bureau of Land Management. The Bureau of Land Management is urged to work cooperatively with the Fish and Wildlife Service in the protection of fish and wildlife values on Bureau of Land Management lands in the Bristol Bay Study Region.

An essential objective of this Committee's action is to ensure that no uses are permitted on these lands inconsistent with maintenance of fish and wildlife values or that impair future land use options that might be otherwise available under this plan.

The Committee understands that in the spirit of the study, State lands in the Study Region will be administered with a prudent regard for the wildlife values of the region. The Committee urges the State to effectuate land use and resource development with careful consideration of natural values in the Study Region.

If the State elects not to participate in the study, the Secretary is directed to conduct an independent study of the region and to prepare a management plan for the Federal lands involved. The Committee hopes that the State will consider the Federal plan, and any legislative or land exchange proposals contained in the plan, as it makes decisions concerning State selections or the use of State lands within the region.

### TITLE XIII—ADMINISTRATIVE PROVISIONS

Like the House-passed bill, S. 9 contained a number of general administrative provisions relating to the units designated in Alaska. The Committee amendment included a number of these provisions and included a number of other provisions. These provisions include sections relating to land acquisition, archaeological and paleontological sites, cooperative information centers, visitors facilities, management plans, wilderness management, and a scenic highway study.

The Committee included a new provision, Section 1324, which provides for the revocation of specific withdrawals made by the President and the Secretary of the Interior in November and December, 1978, and in June 1979. It is the intent of the Committee that this section not affect existing litigation regarding the authority of the President and the Secretary to make such withdrawals under the Antiquities Act of the Federal Land Policy and Management Act of 1976.

### TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND OTHER RELATED PROVISIONS

During consideration of the Alaska National Interest Lands legislation, the Committee agreed to adopt Title XIV of S. 9, which contained several amendments to the Alaska Native Claims Settlement Act, as well as additional provisions relating to Alaska Native Corporations and their lands. Many of the provisions originated in legislation pending before the Committee during the 95th Congress, proposed by the Administration (S. 3303) and Senators Gravel and Stevens (S. 3106). The amendments would improve the implementa-

tion of the Settlement Act or provide clarifications to the provisions of that Act. In general, the Committee adopted those provisions supported by at least three of the four parties primarily affected by or concerned with the Settlement Act—the Natives, the State of Alaska, the Administration, and the Alaska Coalition. The Committee also considered and adopted on that basis, several proposals authorizing specified Native Corporations to exchange lands or selection rights to lands within Alaska, or to negotiate for such exchanges. These Native land exchange amendments were adopted in order to further and fulfill the purposes of the Settlement Act; in addition, the exchanges would, in some cases, allow national interest lands to remain in public ownership, consolidate and rationalize land ownership patterns in Alaska and resolve or obviate the need for litigation.

Background information and a discussion of the Committee's intent with respect to certain of the provisions contained in Title XIV is provided below. In addition, each provision is described in detail in the Section-by-Section analysis of the Committee report.

The Committee adopted several technical and clarifying amendments to Title XIV during markup. A number of new provisions were also considered and agreed to. The major changes to the Title and the new provisions are also described below, and in the Section-by-Section analysis.

The Committee amendment is very similar to Title IX of the House bill.

#### *Section 1404: Vesting Date for Reconveyances*

A technical amendment to Section 1404, Vesting Date for Reconveyances, was adopted to address a problem unique to the Pribilof Islands. The amendment provides that the applicable date of residence for purposes of conveyance of surface estates under section 14(c) of the Settlement Act is determined as the date of conveyance to the appropriate Village Corporation of Pribilof Islands, rather than December 18, 1971.

#### *Section 1408: Basis in the Land*

The Committee agreed to adopt substitute language for Section 1408, Basis in the Land and Reserves from the Land, on the understanding that the amendment would meet the objections of the Treasury Department. The purpose of the provision is to eliminate an ambiguity in the language of section 21(c) of the Alaska Native Claims Settlement Act as to precisely which date is intended by the term "time of receipt", and also to eliminate a potential inequity in the tax treatment accorded different Native corporations. The effect of the amendment is to require the basis of land received under the Act to be determined on one of two dates. The general rule is that the basis of land received shall be the fair market value (FMV) at the time of receipt. The amendment provides that the time of receipt shall be defined as "the time of the conveyance" by the Secretary of the Interior, regardless of whether the title document is a patent or an interim conveyance.

The amendment also provides that the basis of mineral deposits and timber shall be the FMV at the time of first commercial development.

The determination of the basis of mineral deposits and timber is

postponed until first commercial development, because the existence or the extent and quality of a mineral deposit may not be known at the time of receipt. The uncertainty as to the existence of a mineral deposit or as to extent and quality of a deposit would be a significant effect on value.

Timber is different from a mineral deposit in that it is clearly visible. Also, the quantity can be ascertained with reasonable accuracy at relatively little cost. However, there would be uncertainty as to the FMV if valued at time of receipt. The availability of large additional quantities of timber would create an element of uncertainty with respect to the market price. Also, a high percentage of the timber now being sold in Alaska is from Federal lands and subject to Forest Service export restrictions as set forth in 36 CFR 223.10 whereas timber on lands received under the Act will not be subject to these restrictions and could be exported without processing. Considering the difficulties in determining the FMV of timber at the time of receipt and the desire to apply the same rule to all natural resources, the basis for mineral deposits and timber is to be determined at time of first commercial development.

For these purposes, the time of first commercial development shall be the first day of the taxable year in which, (1) a deduction for depletion is allowed or allowable, (2) gain or loss is realized from a disposal of minerals or timber with a retained economic interest, or (3) minerals in place or standing timber are sold or exchanged.

The FMV of an interest in a mine, well, other mineral deposit or block of timber shall be determined under the rules set forth in section 1.611 of the Income Tax Regulations. Section 1.611-2 set forth the rules applicable to mines, oil and gas wells, and other natural deposits, and section 1.611-3 set forth the rules applicable to timber. For these purposes, a "block" of timber shall have the same meaning as given in that term in section 1.611-3(d), except that a block of timber would include timber stands of sufficient quantity to support a logging operation for at least five years, unless the total quantity owed by a native corporation is less than that amount.

The regulations under section 1.611 provides that if the FMV is used for ascertaining the basis such value must be determined subject to the approval of the district director.

#### *Section 1410: Interim Conveyance and Underselections*

An amendment to section 1410 authorizes the Secretary of the Interior to convey by "interim conveyance" lands selected by a Native, Native Corporation, or Native group pursuant to the Alaska Native Claims Settlement Act. The right, title, and interest in lands conveyed by an "interim conveyance" is exactly the same right, title, and interest conveyed by a "patent". While boundaries of lands conveyed by "interim conveyance" shall not be altered, they may be redescribed in a subsequent "patent" to reflect the plat of survey. However, in the latter situation, the Secretary shall take appropriate action to insure that the Native, Native corporation, or Native group receives its full entitlement. The section also provides that the term "interim conveyance" is to be used interchangeably with the term "patent" throughout the Alaska Native Claims Settlement Act so that reference to the term "patent" in the Act by definition also will include reference to

“interim conveyance”. The amendment is retroactive and validates all “interim conveyances” issued by the Secretary prior to the date of enactment of this Act.

*Section 1411: Escrow Account*

A technical amendment to Section 1411, Escrow Account, clarifying its application to the Cook Inlet Region, Inc. was agreed to by the Committee.

*Section 1416: Alaska Townsites*

In recognition that tracts within townsites were closed to entry at the date of enactment of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), the Committee adopted amendments to section 1416 which clarify that the townsite trustee shall convey to the municipality or the State of Alaska, as appropriate, all lands within a townsite which were unoccupied on October 21, 1976. The trustee shall continue to administer and discharge his trust on all tracts occupied on October 21, 1976. Townsite lands conveyed to a municipality or the State of Alaska pursuant to this section, or pursuant to the Alaska townsite laws after December 18, 1971, shall be credited toward the reconveyance requirement of Section 14(c) (3) of the Alaska Native Claims Settlement Act.

*NANA/Cook Inlet Regional Selection Lands*

The Red-dog mineralized zone in Northwest Alaska is within the NANA Regional Corporation boundaries; a portion of the mineral rich lands is located on lands withdrawn under section 17(d) (2) of ANCSA for possible inclusion within the Noatak National Preserve. In its consideration of the Noatak, the Committee excluded the Red-dog area because of its high potential for mineral development, to provide for a Western Alaska transportation corridor to the North Slope. This deletion can be made without significant damage to the resources involved in the Noatak Preserve.

In deliberating the use of the (d) (2) lands, the Committee considered several options for this area which included adding the lands to the Noatak Preserve as the House did, leaving them in public domain status, or opening them to selection by either the State or Native corporations. The Committee determined that the best use was to open the lands to Native selection as provided for in this section.

The Committee felt that the Red-dog area should be open to mineral development and boundaries were carefully drawn which serve to delete the mineralized area from the conservation system unit without seriously damaging the purpose for which the Preserve is proposed. The Committee considered further deletions but rejected them because of the importance the additional lands have to the Preserve and the biosphere reserve. The lands the Committee deleted drain to the south onto Native lands in the lower Noatak valley, and not onto lands within the Preserve.

The Committee determined that opening the Red-dog to selection by the Natives would be in the national interest, and in the interest of the local people. Should the NANA Corporation develop Red-dog the Committee feels that they would be in a position to insure that development in the area would not adversely impact its own lands which

are down-stream or the subsistence resources on which the people of the region are heavily dependent. The NANA Corporation also has a good record in developing local hire programs which would help the people of the region, should mining develop. In making this decision, the Committee expects to see these types of programs and environmental protection occur.

A portion of the Red-dog area is within the Noatak Biosphere Reserve, designed by UNESCO. The Committee hopes that NANA and the National Park Service will be able to develop cooperative research efforts so that the impacts of mining and other surface disturbances at Red-dog will be assessed and will contribute to our scientific knowledge of the Arctic when compared to the research conducted on the remaining portions of the Preserve.

The selection rights of NANA in this area will not serve to increase or decrease the entitlement due NANA under the ANCSA.

Recognizing the need to find lands for the Cook Inlet Regional Corporation in accordance with the terms and conditions of the Cook Inlet land exchange, as provided in P.L. 94-204, the Committee further provided for Cook Inlet Region, Inc., to have the right to make selections within the deletion, subject to approval by NANA and the State of Alaska.

The Committee noted that the State of Alaska has expressed an interest in selecting a portion of the lands deleted from the Noatak. While stipulating in the amendment the lands not selected by the Native corporations will return to a (d)(1) withdrawn status, the Committee also intends that the State of Alaska be allowed to select and receive conveyance to those lands which have been identified as State interest areas and are outside of the Preserve.

The Committee is aware that there has been a legal question raised concerning whether the Native corporations have the right to make land selections from lands withdrawn under Section 17(d)(1), or whether they are restricted to lands withdrawn under sections 11(a)(1) and 11(a)(3) of the ANCSA. The Committee provided specific statutory authority for NANA and Cook Inlet to select in one specific location. The committee's action is not intended to affect the resolution of the general legal question in any respect.

#### *Doyon Region Land Amendments*

These sections form the framework of a land exchange among the State of Alaska, the Secretary of the Interior, and Doyon, Limited, one of the Native regional corporations formed under the ANCSA. The exchange was negotiated among the three parties, and the Committees recommendation serves to provide the legislative authority needed to accomplish the exchange. While ample authority exists under Section 22(f) of the ANCSA to complete the exchange without the need of further Federal Legislation, the Committee felt it appropriate to complete the exchange through this Act since some of the lands involved have been recommended at various times for inclusion in various conservation system units. The exchange also serves to eliminate substantial acreage of private inholdings within the Yukon-Charley Rivers National Preserve, as such, the Committee felt that this was the appropriate vehicle to formalize the agreement.

A series of technical changes, primarily corrections in land descriptions, to the DOYON Land Exchange provisions were adopted. With regard to the conveyances authorized in Section 1422, Committee actions during this Congress and the previous Congress, are not intended to affect the outcome of the litigation referred to in the section, or to prejudge the validity or invalidity of the selections at issue in that case.

*Section 1425: Eklutna Village Corporation Lands*

This section is designed to solve severe and unique land selection problems for the Native Village of Eklutna. While many of the individual issues from which the Eklutna Native corporation seeks relief in this Section are not unique, the quantity and severity of the problems facing Eklutna brought about legislative action.

Technical amendments to Section 1425, the Eklutna Village Corporation Lands provision, were adopted by the Committee to reflect the passage of time since the drafting of the original proposal and to clarify the provision. During consideration of S. 9, some concern was expressed (by the Federal Railroad Administration) about the meaning of the phrase "this withdrawal and the agreement shall not affect the administrative jurisdiction of (the holding agency)" found in subsection (b) of Section 1425. The Committee's understanding of this phrase is as follows:

The holding agency may, in accordance with existing law, continue to use the lands involved as they would without this amendment. The sale or other transfer of the railroad to private industry or the State for continued operation as a railroad would not trigger Eklutna's claims. Such claims would be triggered only upon abandonment of railroad operations.

The following clarifying points were enumerated on Section 1425:

1. The parties drawing up the agreement specified in this provision will consult with the Secretary of the Interior on the substance of their negotiations throughout the process and prior to any final commitment.
2. Surveys for purposes of agreement would be undertaken by the parties themselves.
3. The Secretary of the Interior may continue to exercise his authority under Section 17(b) of ANCSA to reserve easements, should the agreement in the Secretary's opinion not adequately do so.
4. After holding agency excedes its lands, the Department of the Interior will have interim administrative authority before conveyance. In the case of Department of Defense, proper efforts to decontaminate their lands must be undertaken prior to excessing after which time the parties receiving the lands assume any risk for further liability.

*Koniag Village and Regional Corporation Lands*

The Committee agreed to a land exchange proposed by the Koniag Region, Inc. which provides for the relinquishment of native selection rights to almost 300,000 acres of surface and subsurface estates and to an additional approximately 40,000 acres of surface estate on the Alaska Peninsula between Becharof Lake and the Aniakchak-

Caldera National Monument in exchange for some 280,000 acres of surface and underlying subsurface estate on Afognak Island now within the Chugach National Forest. The National Peninsula lands to be relinquished are among the finest wildlife areas in Alaska and will be included in the Alaska Peninsula National Wildlife Refuge. The Committee believes that this exchange will be beneficial to state and national interests as well as to the natives as it—

(1) Assures public access for sports hunting, fishing and other recreational purposes pursuant to cooperative management agreements with appropriate, Federal, State and local agencies to the Afognak Island land that is transferred to Native ownership.

(2) Restricts Native retained subsurface right on the Alaska Peninsula to oil and gas under regulations designed to minimize interference with surface values.

(3) Guarantees the retention in federal ownership, through addition to the Kodiak National Wildlife Refuge, of islands offshore of Afognak Island and the "Red Peaks" area of over 46,000 acres of Afognak Island, the latter being an area having unusual scenic and recreational value.

(4) Preserves for the Aniakchak-Caldera National Monument almost 50,000 acres which otherwise would be conveyed to Native ownership under ANCSA.

(5) Preserves state selection of some 4,000 acres of land on Afognak Island selected by the State of Alaska under Section 6 of the Alaska Statehood Act.

(6) Resolves a long standing dispute concerning the eligibility of certain villages in the Koniag region for ANCSA benefits.

(7) Resolves disputes between the affected Native corporations and the Kodiak Island Borough involving conflicting selection claims.

(8) Consolidates Native land holdings for the Koniag region in an area traditionally used by the Koniag people.

The land exchange provisions of Section 1427 were modified by the Committee in two areas. First, the language of subsection (b)(5), providing for public access to recreational purposes to the lands on Afognak Island subject to the terms of cooperative management agreements entered into by Koniag, Inc. with the Secretary and appropriate state agencies and local political subdivisions, was changed to assure public access, except in the vicinity of logging and other commercial operations, and subject to reasonable public safety restrictions.

Second, the language of subsection (e)(3) was modified to provide that the three village corporations receiving land within the Kodiak National Wildlife Refuge shall each convey 20 acres to the State in trust for future community expansion purposes. This parallels the reconveyance requirements of Section 14(c) of the Settlement Act. Technical amendments to the language and land descriptions in Section 1427 were also agreed to by the Committee.

In its consideration of the Koniag exchange and other Native land exchanges involving National Forest lands, the Committee discussed the issue of timber harvesting practices on Native lands. While the Committee recognizes that lands conveyed under the Alaska Native

Claims Settlement Act are private lands and therefore, not subject to the multiple use mandates which govern the management of National Forest lands, we note that the Settlement Act restricts the management of lands conveyed from the national forests to native corporations for 12 years. This 12-year period runs from the date of the Settlement Act through December, 1983. Section 22(k) of that act provides:

Any patents to lands under this Act which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that . . . such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

The committee is aware of the fact that each conveyance document involving national forest lands includes the language of section 22(k) as a condition of the conveyance. The Committee also understands that the Departments of the Interior and Agriculture are developing a memorandum of understanding concerning their respective duties for implementation of Section 22(k), including providing training and advice on timber management practices to Native corporations.

In this regard, the Committee wishes to emphasize the importance of responsible implementation of Section 22(k) and to encourage both Departments in their efforts to develop such a program. In addition, the Department of Agriculture is urged to assist Native landowners with timber management problems through its existing State and private forestry programs.

#### *Chugach Region Lands*

The Committee adopted three amendments which open lands within the Chugach National Forest to selection by the Chugach village and regional corporation under Sections 12(b) and 14(h)(8) of the Alaska Native Claims Settlement Act, and for study for possible future selection under Section 12(c). By these amendments, the Committee recognizes the difficult and longstanding land ownership and land use problems in the Chugach region.

The region covers virtually all of the Prince William Sound area, from the southwestern tip of the Kenai peninsula to Icy Bay, near Yakutat, and includes five coastal villages. Although the region boundary extends inland, the Chugach people are dependent upon traditional coastal pursuits for their livelihood and there is no historic or anthropological data to suggest that they ever used or occupied any inland areas. Thus, the Chugach people have desired to fulfill their land entitlement under ANCSA with coastal lands.

The Chugach National Forest encompasses the heart of the region—most of the coastal lands in the Prince William Sound area, including the Chugach villages of Chenega, Eyak and Tatitlek. Because ANCSA restricted and in some sections prohibited, Native selection of national forest land, the Secretary identified deficiency areas in the region for village and regional selection. However, these deficiency areas are located inland, on the northern side of the Chugach Moun-

tains and are not of similar kind and character to the lands traditionally used and occupied by the Chugach people. Because of these land ownership patterns and problems in the Chugach Region, the Committee determined that National forest lands were required to be made available for selection by the Chugach people in order to provide a fair and just land settlement for the Chugach region under the purposes and policy of the Settlement Act.

In regard to the village land selections authorized by Section 1428, the Committee notes that the Chugach regional corporation had an estimated initial allocation of 64,400 acres under Section 12(b) of the Alaska Native Claims Settlement Act. The Committee understands that the amount of land to be reallocated by the region to the villages of Chenega, Eyak, and Tatitlek, which are located within the Chugach National Forest, is estimated to be 57,000 acres. Section 1428 permits the three villages to exercise their 12(b) selections within the forest, thus providing the villages with an exemption from the acreage limitation contained in Section 12(a) of the Settlement Act.

Selections made by the villages would be subject to all other applicable provisions of the Settlement Act, including the requirements for tract size, compactness, and contiguity. Village selections would also be subordinate to certain State selections as described in subsection (d).

Additional areas within the Chugach Forest which are not available for selection by the village corporations of Chenega (the area of Icy Bay and Whale Bay) and Eyak (the area east of Mountain Slough and south of the Copper River Highway) are identified in maps referenced in Section 1428.

In exchange for these selection rights the villages would relinquish rights to an equivalent acreage in the areas withdrawn by the Secretary for deficiency selections under 12(b) of the Settlement Act. These withdrawal areas are located in an area designated for inclusion in the Chugach National Forest under this Act.

Section 1429 authorizes Chugach Natives, Incorporated to select lands within the Chugach Region, including National Forest lands, in order to fulfill its regional entitlement under Section 14(h)(8) of the Settlement Act. The Committee notes that this entitlement amounts to approximately 33,000 acres of land.

Under the terms of the amendment, the 14(h)(8) selections are not permitted in those areas identified in the maps referred to in Section 1429(a) (Western Prince William Sound areas and the Copper River Delta Area), or in areas selected by the State prior to September 1, 1978. Most significantly, the amendment provides that 14(h)(8) selections will be subject to the terms of the agreement reached pursuant to Section 1430. This agreement would govern the location of the 14(h)(8) selections. The Committee expects the selections to be made in conformance with the applicable regulations under the Settlement Act. For example, these regulations provide that selections must be in reasonably compact tracts of at least 5,760 acres, unless good cause is shown for a smaller selection (43 CFR § 2653.9).

In exchange for these selection rights, the region would relinquish an equivalent amount of 14(h)(8) selection rights in a deficiency withdrawal area located east of the Copper River.

### *Arctic Slope Regional Corporation Lands*

Section 1431 provides a comprehensive solution to most of the outstanding land ownership issues in the Arctic Slope Region of Alaska relating to implementation of the land withdrawal and selection provisions of ANCSA. The principal elements of this solution are: a land exchange and land consolidation within or immediately adjacent to Gates of the Arctic National Park between the Department of the Interior and the Arctic Slope Regional Corporation (ASRC), providing land ownership patterns mutually beneficial to the parties; special provisions for conducting oil and gas operations in the Kurupa Lake area on ASRC lands in an environmentally sensitive manner; a procedure for conveying lands previously identified for selection north of Gates of the Arctic National Park; special protection for the endangered peregrine falcon on ASRC lands along the Colville River; and, certain other land exchanges between the Interior Department and ASRC and certain village corporations in the region.

The elements of this solution of land issues in the Arctic Slope region were developed in extensive negotiations between the Department of the Interior and ASRC. These negotiations resulted in an agreement entitled "Terms and Conditions for Land Exchanges and Resolution of Conveyancing Issues in Arctic Slope Region Between the Department of the Interior and Arctic Slope Regional Corporation" entered into June 29, 1979 ("Terms and Conditions").

Section 1431 is intended to carry out or confirm and ratify (where appropriate) the provisions agreed to in the "Terms and Conditions."

### *Other Provisions*

Five other provisions related to specific Native Corporations are included in the Committee amendment. The Committee adopted language which would implement settlement agreements negotiated between the Department of the Interior and the Salamatof Native Association and Alexander Creek, Incorporated, in order to resolve longstanding disputes over village eligibility. An amendment to withdraw for selection by Bristol Bay Native Corporation, five sections of land located outside of the section 11 withdrawals for the corporation was agreed to by the Committee. A third provision directs the Secretary of the Interior to convey to Shee Atika, Incorporated, pursuant to Section 14(h)(3) of ANCSA, several small parcels of land located on Charcoal and Alice Islands.

The Committee adopted a fourth proposal to permit Cook Inlet Region, Inc. to obtain surplus property anywhere in the United States at open bid or by negotiated disposition where it has already been determined that such property is not necessary for Federal purposes. The amendment is intended to assist the Secretary in meeting the Department's commitments under the Cook Inlet land exchange. The amendment does not give Cook Inlet Region, Inc. priority over any State or local users eligible for preference under the Federal Property and Administrative Services Act of 1949, and does not affect the existing authority of the Secretary or the GSA Administrator within Alaska.

The final provision concerns the residents of Port Alsworth who are in a unique situation concerning their status under the Alaska

Native Claims Settlement Act. While their settlement is physically located within the boundaries of the Cook Inlet Region, they are enrolled under ANCSA as shareholders of the Bristol Bay Regional Corporation. The Native residents of Port Alsworth have filed for group status in accordance with the provisions of section 14(h) of ANCSA. The amendment serves to clarify their status concerning location versus enrollment. The amendment also provides that should the Port Alsworth group be declared eligible by the Secretary they shall receive their selection from the lands described in the section. That description excludes any lands that were, prior to enactment, within the Federal power site withdrawal for Lake Kontrashabuna.

There is no intent by the Committee to prejudice the issue concerning group eligibility pending before the Secretary. The Committee is aware that the Bureau of Indian Affairs has found Port Alsworth not eligible for group status, and that the issue is currently under appeal. The intent of the Committee is to provide Port Alsworth with a mechanism for receiving any lands that they might be eligible to should their group become certified under ANCSA. If the final ruling is that they do not qualify as a group, then this aspect of the section shall not apply.

#### **TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS**

This Title was added by the Committee in the 95th Congress in order to provide a means for future mineral exploration and development on lands where such activity is prohibited.

Title XV authorizes the President to recommend to Congress that a mineral development be permitted on specific lands because there is an urgent national need for such development which outweighs the other resource values of those lands.

Congress would have to pass a joint resolution approving any Presidential recommendation before any mineral exploration or development would be permitted. Such a resolution would be subject to expedited procedures in order to assure that there would be an opportunity to vote on it.

H.R. 39 as passed by the House does not contain any provisions comparable to Title XV.

## VII. SECTION-BY-SECTION ANALYSIS

In general, the table of contents and the language of the Committee substitute speak for themselves. However, the language in title VII relative to the Special Management Areas and Forest Utilization Program; title VIII, Subsistence Management and Use; title IX, Implementation of Alaska Native Claims Settlement Act and Alaska Statehood Act; title X, Federal North Slope Lands Study Program; title XI, Transportation and Utility Systems In and Across, and Access Into, Conservation System Units; title XII, Federal State Cooperation; title XIII, Administrative Provisions; title XIV, Amendments to the Alaska Native Claims Settlement Act and Related Provisions; the title XV, National Need Mineral Activity Recommendation Process, is technical in nature and is therefore analyzed in greater detail in the following section of the report.

### TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEMS

#### *Section 705: Designation of Special Management Areas Within the Tongass National Forest*

This section designates nine areas of national forest land as "Special Management Areas" to protect the lands now and to provide management flexibility. Thus, the designation recognizes the important public values of these lands and the many existing uncertainties about future timber supply and demand in Southeastern Alaska.

#### *Section 706: Management Rules for Special Management Areas*

This section sets forth the management rules for special management areas. Under subsection 706(b) timber sales from these lands are prohibited for at least ten years after date of enactment. Despite this prohibition the timber volume on these lands will be included in determining the annual allowable sale quantity on the Tongass National Forest. This provisions does not affect timber sales made prior to enactment of this Act.

The Committee intends that the special management areas will be managed so as not to preclude any land management options which Congress may consider in the future. No timber shall be sold from the special management areas without the approval of Congress. The Secretary may take certain steps to control disease, insects, and fire which might involve the harvesting of trees. In certain instances, it may also be desirous for the Secretary to authorize the harvest of wind thrown timber, when the harvest of such timber can contribute to the timber base without adversely affecting the other resource values of the special management area. The Committee does not intend that the Secretary would authorize the harvest of wind thrown timber in situations where the construction of roads or other developments would be necessary, or under any circumstances in which the scenic.

cultural, or scientific resources of the special management area would be adversely affected.

Subsection 706(c) withdraws the land in special management areas from the operation of the United States Mining law. The provision for classification and opening of these lands are identical to those provided for national conservation areas established pursuant to Title IV. The Committee does not intend that these lands be managed as wilderness.

Subsection 706(d) directs the Secretary of Agriculture to monitor timber supply and demand in Southeastern Alaska. At any time after ten years after the date of enactment, the Secretary is directed to request a waiver of the prohibition on timber sales if he finds that timber in any special management area must be sold to maintain the supply to dependent industry at a rate of 520 million board feet per year.

Subsections 706 (e) and (f) provide an expedited procedure for a Congressional approval of any waiver request.

Subsection 706(g) gives the State of Alaska standing to seek a Federal Court Order directing the Secretary of Agriculture to make the finding required and transmit a proposed statutory waiver. The Committee included this provision so as to give the State an opportunity to challenge the Secretary's failure to seek a waiver if it believes that the Secretary of Agriculture should have made the finding required by subsection 706(d). Of course, the State would have to present evidence substantiating its claim and the Secretary of Agriculture would have the opportunity to rebut such evidence.

#### *Section 707: National Forest Timber Utilization Program*

Section 707 establishes a special timber utilization program for the Tongass National Forest. The program is designed to help make Federal timber available from marginal lands. The program includes construction and maintenance of forest development roads under subsection 707(a) and a special loan program to assist timber purchasers under subsection 707(b).

### **TITLE VIII—SUBSISTENCE MANAGEMENT AND USE**

#### *Section 801: Findings*

The findings are based on the hearings, town meetings and workshops held by the committee in Alaska and Washington. The findings provide the factual and legal foundation for Congressional action to protect subsistence resources and uses on the public lands. The committee recognizes the importance of continued subsistence uses to the economy and lifestyle of rural Alaska, and particularly to the culture of the Alaska Natives. Alternative food sources generally are not available in most rural village to offset a diminution of the traditional subsistence harvest. However, the continuation of subsistence uses in rural Alaska is threatened by the rapid population growth of Anchorage, Fairbanks and other urban centers and the resultant pressure which urban residents engaged in subsistence and sports uses have placed upon important fish and wildlife populations in heretofore remote areas of the State. The subsistence management and use title is the culmination of Congressional action initiated

by Congress by the Alaska Native Claims Settlement Act to protect and provide for continued subsistence uses by Alaska Natives and other rural residents, and is based upon the constitutional authority of Congress over Native affairs and its authority under the Property Clause and the Commerce Clause. The committee also has determined that the protection of the subsistence way of life and the fish and wildlife populations upon which that lifestyle depends necessitates the establishment of an administrative structure which enables rural residents with personal knowledge of local conditions and requirements to have a meaningful role in the regulations and management of fish and wildlife and subsistence uses on the public lands.

### *Section 802: Policy*

Based upon the findings in the preceding section, three basic policies have been established which shall guide the activities of the Federal government and the State on the public lands: that the utilization of the public lands is to cause the least adverse impact possible upon rural residents who depend upon subsistence uses for their economic and physical well-being and cultural vitality; the nonwasteful subsistence uses of fish, wildlife and other renewable resources, e.g., berries, timber, grasses, shall be the first priority consumptive use of such resources on the public lands, and when or where it is necessary to restrict the taking of such resources, taking for nonwasteful subsistence uses shall be given preference over other consumptive uses; and that the successful management of subsistence resources and activities requires long term cooperation between adjacent landowners and managers, including appropriate State and Federal agencies, Native corporations, and other nations.

### *Section 803: Definition*

The committee has adopted a definition of "subsistence uses" based on the definition of that term set forth in section 15, ch. 151 SLA 1978 (A.S. 16.05.940) of the Alaska Statutes. In turn, the State definition was modeled on section 703 of the House bill. "Subsistence uses" are defined as the customary and traditional use in Alaska of fish, wildlife and other renewable resources for direct personal or family consumption, for the making and selling of handicraft articles from the non-edible by-products of fish and wildlife taken for direct personal or family consumption, and for customary trade, barter, or sharing for personal or family consumption. The definition of "family" recognizes extended family patterns common to all of Alaska's Native cultures. "Family" includes any person living in a household on a permanent basis as well as those persons living outside the household who are related by blood, marriage or adoption (legal or equitable). "Barter" means the exchange or trade of fish or wildlife, or their parts, for other fish or wildlife, or their parts, or for other food or nonedible items other than money if the exchange is of a limited and noncommercial nature. This definition of "barter" recognizes that in many rural villages the subsistence diet must be supplemented with other foods which may be available from the village store and other sources, and that the limited noncommercial barter of subsistence resources for nonedible items is an essential element of the rural subsistence lifestyle. The definition of "subsistence uses" is intended to include all

Alaska residents who utilize renewable resources for direct personal or family consumption.

However, the phrase "customary and traditional" is intended to place particular emphasis on the protection and continuation of the taking of fish, wildlife, and other renewable resources in areas of, and by persons (both Native and non-Native) resident in, areas of Alaska in which such uses have played a long established and important role in the economy and culture of the community and in which such uses incorporate beliefs and customs which have been handed down by word of mouth or example from generation to generation. The factors of local residency, economic dependence, and availability of alternative resources have been included in section 804 rather than in the definition. Although a truly comprehensive definition of "subsistence uses" must include a mix of those factors, the committee has determined that they should be incorporated through appropriate action by the State rulemaking authority in conjunction with the recommendations of the regional councils established pursuant to section 805 to implement the subsistence preference set forth in section 804. Sections 803-805 are intended to establish a dynamic process for the regulation of subsistence resources and uses which will enable rural people to participate in the decisionmaking process of the State rulemaking authority in the inclusion of the local residency, economic dependence, and availability of alternative resources factors into the definition of "subsistence uses" on a case-by-case basis to meet the needs of a particular management situation in a particular area.

#### *Section 804: Preference for Subsistence Uses*

This section requires both the State and the Federal government to accord nonwasteful subsistence uses a preference over the taking of such resources for other purposes on the public lands. Although the committee recognizes that only rarely will the failure to adequately provide for the preference result in the threat of literal starvation, in many instances the failure to obtain fish to dry for winter use or fresh meat to supplement other foods can engender considerable individual, community and cultural trauma and hardship. Consequently, this section envisions that governmental action affecting subsistence resources and uses shall be undertaken in a manner which adequately provides for the preference on an ongoing basis and not only when critical allocation decisions may be necessary because a particular subsistence resource may be threatened with depletion, so long as such action is conducted in a manner which is consistent with the protection of the continued viability of fish and wildlife populations which may be affected by such action. If a particular fish or wildlife population (e.g. salmon, moose or caribou) in a particular area is sufficient to sustain a harvest by all persons engaged in subsistence and other uses, the implementation of restrictions on taking set forth in this section need not be imposed by the State rulemaking authority. However, if the continued viability of a particular population or the ability of rural subsistence-dependent residents to satisfy their subsistence needs would be threatened by a harvest by all such persons, the State rulemaking authority, in conjunction with the recommendations of the regional council representing the affected area, is required by this section

to establish regulations which restrict the taking of such population to Alaska residents engaged in subsistence uses.

If "subsistence uses" must be further restricted to protect the continued viability of the population or to ensure the satisfaction of rural subsistence needs, the State rulemaking authority, in conjunction with the recommendations of the regional council, must limit such uses to local residents of the affected area, or, if necessary, only those local residents with the most customary and direct dependence on the population as the mainstay of livelihood and with the least access to alternative food supplies. In the latter situation, the committee believes that in making such difficult allocation decisions, the State rulemaking authority, in conjunction with the recommendations of the regional council, should endeavor to utilize the special knowledge of local conditions and requirements of the local advisory committees within the affected region. This section also requires the Secretary of the Interior and the Secretary of Agriculture to give subsistence uses preferential consideration in their management activities on the public lands which directly relate to the taking of fish and wildlife, and to take appropriate action to protect such uses and the continued viability of fish and wildlife populations upon which the continuation of such uses depend.

#### *Section 805: Local and Regional Participation*

The committee has determined that the opportunity for rural residents of Alaska with personal knowledge of local conditions and requirements to participate effectively in the management and regulation of subsistence resources on the public is important in order to assure both the continued viability of fish and wildlife populations of national importance and the ability of rural people engaged in a subsistence lifestyle to continue to do so. Although the State has indicated that it intends to provide greater support to its existing local advisory committees and establish a system of regional councils throughout the rural areas of the state which will have a major role in the State rulemaking authority's establishment of seasons, bag limits and the provision of the preference for subsistence uses in their respective areas, the State still is in the process of establishing such a system. Section 805 implements section 801(5) by requiring the Secretary of the Interior to establish a regional council, and if necessary a local committee, system on the public lands if within one year from the date of enactment of this Act the State has not yet established a system for local and regional participation which satisfies the requirement of this section.

The State system of local and regional participation shall be in compliance with the requirements of this section and the Secretary shall not establish local committees or regional councils if the State: (1) divides the public lands into at least six regions. The number and boundaries of the regions must be sufficient to assure that regional differences in subsistence uses are adequately accommodated.

However, it is the intent of the Committee that the number and boundaries of the regions be established in a manner which does not permit the large urban population centers to dominate the regional council system and exercise control over the regulation of subsistence resources in the rural areas; (2) strengthens the existing State local

fish and game advisory committee system by adequately funding committee activities, assigning appropriate staff and distributing available support data to the committees, and encouraging the committees to work closely with the regional councils to develop a recommended strategy for the management of subsistence resources within each region and recommendations concerning policies, standards, guidelines, and regulations to implement the strategy; (3) establishes a regional council within each region composed of residents of the region with duties and responsibilities analogous to those set forth in section 805(a)(3), and assigns staff and distributes available support data to the councils; and (4) provides by statute or regulation that recommendations made by the regional councils to the State rulemaking authority concerning the taking of fish and wildlife populations on the public lands within their respective regions for subsistence uses shall be considered by the authority during the course of its administrative proceedings.

The rulemaking authority may choose not to follow a recommendation if it determines that based on the evidence presented during the course of the administrative proceedings of the board the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If the authority makes such a determination and chooses not to follow the recommendation it shall set forth the factual basis and the reasons for its decision.

So long as the State is in full compliance with the requirements of this section, the Secretary of the Interior shall reimburse the State for reasonable costs relating to the operation of the local committees and the establishment and operation of the regional councils. Such reimbursement may not exceed 50 per centum of such costs in any fiscal year, and total payments to the State shall not exceed the sum of \$5,000,000 in any one fiscal year.

If the Secretary determines, one year after the date of this Act and after notice and hearing, that the State is not in full compliance with the requirements of this section, he shall establish a regional council system, and if necessary a local committee system, on the public lands pursuant to the requirements of this section. In performing this monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands the Secretary of the Interior and the Secretary of Agriculture shall be guided by the annual report and advice of the regional councils established by the Secretary of the Interior pursuant to this section, and shall follow such advice unless he determines in writing that such evidence is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

#### *Section 806: Federal Monitoring*

This section requires the Secretary of the Interior to monitor the State's provision of the preference for subsistence uses on the public lands including, in consultation with the Secretary of Agriculture, units of the National Forest System. Such monitoring responsibilities should include ongoing communication and cooperation between Federal land and resources managers and Alaska Department of Fish and

Game personnel, local fish and game advisory committees, regional councils, the State Board of Game and the State Board of Fisheries. In addition, the Secretary must develop a capability to monitor both the status of fish and wildlife populations on the public lands harvested for subsistence uses and State regulatory and enforcement activities to provide the preference for subsistence uses, particularly in the rural areas of Alaska. The monitoring capability must enable the Secretary to aid in the identification of potential problems before fish or wildlife populations become threatened with depletion with resultant hardship to rural subsistence-dependent residents, and communicate information about, and suggested recommendations for the solutions of, such problems to the State, the local committees, and the regional councils in a timely manner. However, such monitoring capability need not necessarily require the creation of a new or separate administrative structure within the Department of the Interior.

*Section 807: Judicial Enforcement*

In addition to his monitoring responsibilities set forth in section 806, this section requires the Secretary of the Interior to investigate any allegation made by a local committee or regional council established by the Secretary or the State pursuant to section 805 that the State is not adequately providing for the preference for subsistence uses within a particular area of the public lands, as to the taking of a particular fish or wildlife population on such lands, or in some other manner. The Secretary shall investigate and report publicly on the results of his investigation. After communicating the results of his investigation to the State, if the Secretary determines that the State still is not adequately providing for the preference after having had a reasonable opportunity to do so, he shall file a civil action against the State in the District Court on behalf and at the request of the local committee or regional council which made the allegation to require the State to take such actions as are necessary to adequately and timely provide such preference.

The failure to adequately restrict the harvest of a particular fish or wildlife population by persons engaged in subsistence or other uses in a particular area (e.g. salmon on the Copper River, moose on the lower Yukon, or caribou in the northwest arctic) pursuant to the criteria set forth in section 804 may threaten such population with immediate and irreparable harm and engender considerable hardship among residents of rural communities which are dependent upon such populations. Consequently, the committee believes that in many situations time may be of the essence to prevent such threat of harm to subsistence resources or human hardship and that temporary judicial relief may be necessary.

The committee also recognizes that because of the location of the Federal courts, inclement weather, poor communication and transportation systems, and the geographical, and in many instances cultural, isolation of many rural communities, timely and effective temporary relief may not be possible under normal judicial procedures. In recognition of these unusual circumstances, this section requires that upon the filing of the complaint, if the District Court makes appropriate findings based upon the pleadings as set forth in this section it shall issue an order to the State to show cause why relief requested in the

complaint should not be granted, and also requires the court to expedite the action in every way. However, no order granting temporary relief shall be issued until the State has been provided an opportunity for hearing. Temporary relief may not be necessary in every case and should terminate upon the alleviation of the circumstances which required such relief. Based upon the circumstances of each situation, the court should endeavor to give due deference to the expertise of the Alaska Department of Fish and Game in regulating and conserving fish and wildlife populations in Alaska which are the subject of subsistence uses. Temporary relief should be limited to an order directing the State to issue an emergency regulation either closing a portion of the public lands to the taking of a particular fish or wildlife population except for subsistence uses by local residents of the affected area (or the most subsistence dependent residents of the area), or, less frequently, opening the harvest of such population to such residents. The taking of fish or wildlife for subsistence uses as directed in the order shall be conducted in conformance with applicable State regulations governing such taking which are not directly related to the regulations which have been superseded by the order, or are not in conflict with such order.

To the extent practicable the court should endeavor to fashion a temporary order which draws upon the expertise and special knowledge of the Alaska Department of Fish and Game. Permanent relief shall be limited to directing the State to submit new regulations to the court which adequately provide for the preference for subsistence uses in the situation which gave rise to the action. When, and if, the court determines that such regulations adequately provide for the preference such regulations shall be incorporated as part of the final order. Such final order shall terminate upon the expiration of the normal period of validity under State law (generally one year) of the regulations which were superseded by the regulations incorporated in the order. Although local committee or regional council may obtain immediate judicial review in State court of a determination of the Board of Game or Board of Fisheries that a regional recommendation should not be adopted because it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs, this section shall be the sole Federal judicial remedy created by this title for a local committee or regional council which determines that the preference for subsistence uses has not been adequately provided by the State in its region. Consequently, such board or council could simultaneously seek judicial review in State court of the refusal of the Board of Game or Board of Fisheries to adopt a regional recommendation and request an investigation by the Secretary, and potentially the filing of a civil action, pursuant to this section.

*Section 808: Park and Monument Resources Commissions*

This section establishes a subsistence resources commission for each national park or monument within which subsistence uses are permitted by this Act. Each council shall be composed of nine members: Three members appointed by the Secretary of the Interior, three members appointed by the the Governor of Alaska, and three members

appointed by the regional council established by the Secretary or the State pursuant to section 805 which has jurisdiction within the area in which the park or monument is located. Members of the commission appointed by the regional council must be a member of either the regional council or a local committee within the region, and also a resident of a village within or adjacent to the park or monument or whose residents engage in subsistence uses within the park or monument. The commissions shall be established within one year from the date of enactment of this Act, and within eighteen months from the date of enactment of this Act shall devise and recommend a program which provides for subsistence uses of wildlife within the park or monument. Each commission should work closely with the local committees and regional boards in its region and with local communities whose residents are dependent upon the continuation of subsistence uses within the park or monument.

Each year thereafter each commission shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which it deems necessary, if any. The Secretary shall promptly implement the subsistence program, or yearly recommendations, unless he determines in writing that such program, or yearly recommendation, violates recognized principles of wildlife conservation, is contrary to the purposes for which the park or monument is established, or would be detrimental to the satisfaction of subsistence needs. Pending development and implementation of the subsistence program in each park or monument, the Secretary shall manage such park or monument to permit subsistence uses by local residents.

#### *Section 809: Cooperative Agreements*

This section authorizes and encourages the Secretary of the Interior and the Secretary of Agriculture to enter into cooperative agreements and otherwise cooperate with other Federal agencies, the State, Native corporations, and other appropriate persons and organizations, including other nations, to manage and protect fish and wildlife resources utilized for subsistence purposes and to otherwise effectuate the purposes and policies of this title.

#### *Section 810: Subsistence and Land Use Decisions*

This section requires all Federal land managers and Federal agencies with primary jurisdiction over the public lands, including conservation system unit managers and the Bureau of Land Management, to evaluate the effect on subsistence uses and needs in determining whether to withdraw, reserve, lease or otherwise permit the use, occupancy, or disposition of the public lands under any provision of law authorizing such actions. Prior to any withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses, the head of the appropriate Federal agency shall give notice to the appropriate State agency and local committees and regional councils, give notice to local residents of the area and hold a hearing in the vicinity of the area involved, and determine that such a significant restriction of subsistence uses is necessary and consistent with sound management principles for the utilization of the public lands, that the proposed activity will involve the minimal amount of public lands necessary to accom-

plish the purposes of the proposed action, and that reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources. If the Secretary is also required to prepare an environmental impact statement pursuant to the National Environmental Policy Act as well as comply with the requirements of this section, he shall provide the notice and hearing as part of the preparation of, and include the findings required by this section in, such environmental impact statement. This section is not to be construed as prohibiting, impairing or in any manner affecting the selection by, and conveyance to the State of Alaska or any Native corporation of any portion of the public lands selected or conveyed pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

#### *Section 811: Access*

This section requires the Secretary of the Interior and Secretary of Agriculture to ensure that residents engaged in subsistence uses shall have appropriate access to subsistence resources on the public lands, and shall permit the taking of fish and wildlife for subsistence uses in areas of Alaska designated as national preserves, national conservation areas, national recreation areas, national parks and monuments in which subsistence uses specifically are permitted by this Act, and areas of the National Wildlife Refuge, National Forest, and Wild and Scenic Rivers Systems in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

The committee intends that access to fish and wildlife populations shall be provided to local residents engaged in subsistence uses regardless of where such populations may be located in the future (except that the section is not intended to permit the subsistence use of wildlife in national parks and monuments which are permanently closed to such uses). Traditional habitat and migration routes may be altered by transportation systems and development activities on the public lands. By focusing on access to the resource itself, rather than on the particular portion of the public lands upon which the resources may presently be located, this section provides the flexibility necessary to ensure the continuation of subsistence uses in the future, subject to reasonable regulation.

This section also recognizes the importance of the use of snow-machines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes on the public lands. Although aircraft are not included within the purview of this section, reference to means "traditionally employed" for subsistence purposes is not intended to foreclose the use of new, as yet unidentified means of surface transportation, so long as such means are subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife or terrain.

#### *Section 812: Research*

This section requires the Fish and Wildlife Service and the National Park Service to work in close cooperation with each other and with the State of Alaska and other appropriate Federal agencies in conducting new and ongoing research on fish and wildlife populations utilized for subsistence purposes on the public lands, and on the subsistence use of such populations. The section requires both agencies to utilize the

special knowledge of local conditions and requirements of local residents engaged in subsistence uses in their area.

The expertise of the local committees and regional councils also is a valuable source of information about subsistence resources and uses, and the committee expects all Federal agencies engaged in subsistence related research to inform the appropriate committees and councils about research projects being planned or conducted in their respective areas and work closely with those organizations. The results and data obtained from research conducted pursuant to this section shall be made available to the State, the local committees and regional councils, and other appropriate persons and organizations. The committee also respects that research conducted pursuant to this section will be undertaken in a manner which does not disrupt the traditional activities of rural residents engaged in subsistence uses, as well as the communities and cultures of which such residents may be a part.

#### *Section 813: Periodic Reports*

Four years after the date of enactment of this Act and every three years thereafter, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the congress which shall include a description and evaluation of monitoring activities undertaken pursuant to section 806, the status of fish and wildlife populations on the public lands harvested for subsistence uses, a description of the nature and extend of subsistence and other uses of fish and wildlife on the public lands, a description of the role of subsistence uses in the economy and culture of rural Alaska, comments on the report by the State of Alaska, the local committees and regional councils and other appropriate persons and organizations, a description of those actions taken by the Secretary or the State, or which may need to be taken in the future to protect and continue subsistence uses on the public lands, and such other recommendations as the Secretary deems appropriate. A notice of the report shall be published in the Federal Register and the report made available to the public.

#### *Section 814: Regulations*

This section requires the Secretary of the Interior and the Secretary of Agriculture to prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

#### *Section 815: Limitations; Savings Clauses*

This section provides that nothing in this Act is intended to be construed as granting any property right in any subsistence resource on the public lands; permitting the level of subsistence uses to be inconsistent with the conservation of healthy populations of fish and wildlife, within a conservation system unit, and with the conservation of natural and healthy populations within a national park or monument; permitting any privilege which may be granted by the State to any person with respect to subsistence uses to be assigned; permitting any subsistence use of fish or wildlife on any portion of the public lands which was permanently closed to such uses on January 1, 1978; vesting elsewhere than in the Secretary any authority to manipulate habitat on any portion of the public lands; enlarging or diminishing the responsibility and authority of the State of Alaska for the management

of fish and wildlife on the public lands except as specifically provided in this Act; amending the Alaska constitution; or modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife.

*Section 816: Closure to Subsistence Uses*

This section provides that all national parks and monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence and sport fishing shall be permitted in such areas in accordance with the provisions of this title and other applicable laws of the United States and the State of Alaska. Except as specifically provided in this section nothing in this title is intended to enlarge or diminish the authority of the Secretary under existing law including the Wildlife Refuge Administration Act, and the BLM Organic Act, to designate areas where, and establish periods when, no taking of fish or wildlife shall be permitted on the public lands for reasons of public safety, administration, to assure the continued viability of a particular fish or wildlife population or for other purposes. Thus, the Secretary remains empowered to authorize a more restrictive hunting season than is otherwise permitted by State law. However, in recognition of the importance of subsistence uses by rural residents of Alaska, notwithstanding any other provision of this Act or other law, subsistence uses of a particular fish or wildlife population on the public lands, and such uses by local residents within conservation system units which are open to subsistence uses (including national parks and monuments), may be prohibited on the public lands, or on any portion thereof, only temporarily for reasons of public safety, administration, or to assure the continued viability of such population.

Such a closure must be preceded by consultation with the State and adequate notice and hearing in the vicinity of the area of the closure, unless the Secretary determines that an emergency situation exists and that emergency measures must be taken to protect the public safety or the continued viability of a particular fish or wildlife population. In the latter situation, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of a particular fish or wildlife population for a period not to exceed sixty days, which may not be subsequently extended unless the Secretary affirmatively establishes, after notice and hearing, that such an extension is justified. No closure for purposes of administration may be made prior to notice and hearing in the vicinity of the area of the closure. No closure order to the taking of a fish or wildlife population for subsistence uses authorized by this section shall extend longer than necessary to achieve the immediate purpose for the closure established at the hearing held prior to the issuance of such order.

Thus, for example, while the Secretary may prohibit the taking of wildlife for subsistence uses for reasons of public safety in a certain area surrounding a public campground, roadway or hiking trail, such a closure should not be limited to any arbitrary or inflexible time period. Rather, it should remain in effect only so long as reasonably necessary to provide for the public safety during normal periods of consistent public use, and only apply to the minimum portion of

the public lands reasonably necessary to achieve this purpose. Although, this section authorizes the restriction of subsistence uses for purposes of administration, recognition of the importance of subsistence activities to most rural residents requires that this authority be utilized narrowly and with consistent restraint. In exercising his authority to protect the continued viability of a fish or wildlife population, it is not the intent of the Committee that actual depletion of a population or an emergency exist before a closure under this section may be justified. Continued subsistence uses by rural residents can only be maintained if the continued viability of fish and wildlife populations utilized for subsistence purposes can be maintained.

#### TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

##### *Section 901: Conveyances to Village Corporations*

This section provides for the conveyance by legislative action of surface rights to eligible Village Corporations, and in some cases, sub-surface rights to eligible Regional Corporations. All conveyances made by this section are subject to valid existing rights and may be subject to public easement reservations as provided in Section 903(a).

Subsection (a) provides that the provisions of this section shall be applicable only to Native corporations which elect to receive conveyance pursuant to this section within 180 days.

Subsection (b) legislatively conveys land to eligible Village Corporations where such land is mandated by ANCSA to be selected by the Village Corporation.

Paragraph (1) conveys to a Village Corporation, found eligible by the Secretary, the surface estate to public land in its "core" township or townships. A "core" township is that township which encloses all or part of the improved area constituting the Village. The conveyance is immediate, subject to valid existing rights, and must be otherwise consistent with provisions of the ANCSA such as acreage limitations, contiguity, and location in respect to Home Rule or First-class cities.

Where two or more Villages, by reason of locality, have claim to the same township, the conveyance is delayed until the Village Corporations involved agree to the division of the township, or such dispute is settled by arbitration (see subsection (c)).

Paragraph (2) conveys to a Village Corporation, found eligible by the Secretary, the surface estate to State of Alaska "selected" lands (such are not public lands under Section 3(e) of the ANCSA) in the "core" township. The conveyance procedures and criteria are the same as for paragraph (1) except that certain types of lands, currently in litigation or dispute, are not conveyed by this legislation. These types of land are those lands selected, but not yet patented to the State, under the School or University Land Grants, the Mental Health Land Grant, or where the State had by December 18, 1971, conditionally granted title to a third party pursuant to the tentative approval authority of Section 6(g) of the Alaska Statehood Act. Should the results of the litigation or settlement of the disputes be in favor of the Native Corporation, the Secretary would be required to subsequently convey such lands under either the procedures of Section 902 or the ANCSA, as appropriate.

Paragraph (3) conveys both the surface and subsurface estate in the former Indian Reserve, as it existed and was described as of December 18, 1971, to those Village corporations who elected under Section 19(b) of the ANCSA to acquire its former reserve and forego all other land and monetary benefits of the ANCSA. The Village Corporations for the Native Village of Klukwan is excluded from the provisions of this paragraph since it was handled separately in the Acts of January 2 and October 4, 1976.

Paragraph (4) conveys the subsurface estate in land conveyed to Village Corporations by paragraphs (1) and (2) to Regional Corporations to the extent they would otherwise have obtained such subsurface estate pursuant to Section 14(f) of the ANCSA. Excluded from such conveyance is the subsurface estate to lands in a National Wildlife Refuge (existing on December 18, 1971) or in the National Petroleum Reserve-Alaska (formerly Naval Petroleum Reserve No. 4). As provided in Section 12(a)(1) of ANCSA, the Regional Corporation receives an in-lieu selection right for any such subsurface estate not conveyed.

Subsection (c) directs the Secretary to issue interim conveyance or patent documents confirming the subsection (a) conveyances as of the date of this Act. These documents are to be issued as soon as possible after enactment of this legislation. For those Village Corporations whose eligibility is currently undecided title shall be deemed to have passed on the date the Village is determined eligible rather than date of enactment.

Subsection (d) provides that Village Corporations are obligated to make reconveyances under Section 14(c) of ANCSA upon receipt of either an interim conveyance or patent, whichever is issued first. The legislative conveyance or title document issued under this Act has the same effect as if issued under ANCSA. Disputes between or among Native Corporations over land conveyances, will be resolved through a Board of Arbitrators. The intent of this section is to expand the scope of the arbitration provisions of Section 12(e) of ANCSA to include, for purposes of this Act, other than Village Corporations. "Native Corporation" is defined by subsection (e) below.

Subsection (e) provides that any conveyances made by or pursuant to Sections 901 or 902 are subject to all of the benefits, restrictions, terms, and conditions of the ANCSA as if such conveyances had been made pursuant to that Act.

Subsection (f), for purposes of this Title IX, defines "Native Corporation" to include Village Corporations, Regional Corporations, the four "urban" Corporations formed for purposes of Section 14(h)(3) of the ANCSA, and any Native Group.

#### *Section 902: Other Conveyances to Native Corporations*

This section offers a shortened method of achieving land conveyances to Native Corporations by placing certain commitments on the Corporations and eliminating portions of the Secretary's normal processing of selections under the ANCSA. Selections of land which a Corporation elects not to be included in this process or subsequently removes from the process (see subsec. (e)) are not affected and the Secretary will consider such selections in his normal ANCSA adjudication and conveyance process.

Subsection (a) provides 180 days for the individual Native Corporation to elect to utilize this expedited process. If the Corporation elects the process it must file a list of selected lands to be included and the priority of order that the Corporation wants the individual land parcels considered for conveyance. Changes in the priorities and/or additions to the list after the initial 180 day period are allowed only after a specific action by the Secretary but any such changes will extend the time for validity determination by the Secretary (subsec. (b)).

Subsection (b) sets forth the process for considering the lands placed in the expedited process, the conveyance of validly selected lands, and the consideration or resolution of disputes.

Paragraph (1) provides for the interim and final determination by the Secretary of the acreage entitlements for each Corporation under relevant sections or subsections of the ANCSA.

Within 60 days the Secretary is to publish a list of such acreage entitlements. For some categories of entitlement this will be a final figure; for others it will be his best estimate. Where the published acreage is his best estimate, the Secretary is to update and republish such estimates at least every six months until a final figure can be published.

To allow for changes in selection conditions occurring as a result of changes in the estimated entitlements, Corporations may alter their subsec. (a) priority list as to any unconveyed lands within a 30 day period following the publication of a re-estimation of entitlement by the Secretary. If such a permitted change by one Corporation involves land also selected by another Corporation, the other Corporation may also, during the 30 day period, modify its unconveyed land priority list even though its entitlement acreage may not have changed.

Paragraphs (2) through (7) provide the timing and methodology for publication of selection validity findings, resolution of disputes, and conveyance or non-conveyance of lands in the priority order set by the individual Native Corporation.

In paragraph (2) the Secretary is directed to publish his validity findings for selected and prioritized parcels within one year of the date of this Act, or the date of a revised priority list, or, for those Corporations found eligible after the date of this Act, the date the Corporation is determined eligible and files its priority list. It is not expected that the Secretary will provide for administrative appeals but that in questionable situations he will rule the selection invalid pending the resolution of the question. Procedures provided in paragraphs (4), (5), and (6) would cover these situations. Besides the validity determination, the Secretary would also provide the terms and conditions, including public easements, to which the conveyed land will be subject. No administrative appeal process would be available to dispute the validity finding or the terms and conditions to be imposed.

Paragraph (3) vests title in the appropriate Corporation 45 days after the publication of the validity determination for lands which were found to be validly selected, in the order of priority on the Corporation's list, and the acreage does not exceed the final or most recently published estimate of entitlement, reduced by:

Acreage previously conveyed under sec. 901 or this section,  
Acreage previously conveyed pursuant to the ANCSA, and

Acreage of higher priority lands on the Corporation's list that were found invalid (paragraph (4)) or validly selected by another Corporation (paragraph (5)).

The Committee expects that Village Corporations will list as high priority any land to which it believed it is entitled within the "core" township that was not conveyed pursuant to section 901. In the event it does not, the Secretary is expected to provide for such possible mandatory selection and future conveyance in his validity determinations under this section or his normal processing under the ANCSA procedures.

Paragraph (6) provides for secondary and following conveyances where entitlement acreages were withheld from a conveyance as provided in paragraph (3). Upon the filing with the Secretary of a Corporation's acceptance of the Secretary's decision of invalidity or of a valid filing by another Corporation then the next parcel or parcels in the Corporation's priority listing, up to the acreage of the accepted area, will be conveyed or withheld on the basis of the Secretary's earlier published validity determination. The same procedure will apply to such Secretarial determinations that are subject to litigation or arbitration. Where the Secretary's determination is overturned, the parcel of land will be conveyed to the Corporation as appropriate with the decision or arbitration. This procedure will continue progressively down the Corporation's priority list until the Corporation has received the acreage to which it is entitled or the priority listing is completed.

Paragraph (7) directs the Secretary to issue an interim conveyance or patent document confirming the conveyance of land to the Corporation pursuant to paragraphs (3) or (6) within 90 days of such conveyance.

CONVEYANCE BY PRIORITY PROCESS FOR CORPORATION HAVING ENTITLEMENT OF 70,000 ACRES

Priority	Acres	Cumulative total	Secretarial decision	Legislative conveyance	Native position	Subsequent conveyance	Native position	Subsequent conveyance	Cumulative total conveyed
1	10,000	10,000	Previously conveyed						10,000
2	10,000	20,000	Valid	10,000					20,000
3	10,000	30,000	Invalid		Invalid				
4	10,000	40,000	Valid	10,000					30,000
5	10,000	50,000	Selected by other corporation				5,000 acres each	5,000	35,000
6	10,000	60,000	Valid	10,000					45,000
7	10,000	70,000	do	10,000					55,000
8	10,000	80,000	do			10,000			65,000
9	10,000	90,000	Invalid				Natives—Valid Decision—Invalid		
10	10,000	100,000	Valid					5,000. Reject 5,000	70,000

Subsection (c) provides that land conveyed to a Corporation under Section 901(a) shall reduce, as appropriate, the Corporation's acreage entitlement under the expedited process of this section or under the ANCSA.

Under subsection (d), once a conveyance document is issued to a Corporation pursuant to subsection (b)(7), that Corporation's remaining unconveyed selections, under the entitlement category so conveyed, are limited to 125 percent of its maximum entitlement for that category less acreage previously conveyed together with any selections such Corporation has (1) where the land involved was also selected by that Corporation under another entitlement category and the land is counted toward the 125 percent figure for the other entitlement category, (2) where the land involved is also validly selected by another Corporation, or (3) where the land selected is the subject of litigation or is otherwise in dispute whether such land was validly selected by such Corporation. As to the last point, (3), it is noted that a dispute over the terms and conditions, including public easements, is not a dispute over whether the land was validly selected by the Corporation.

Where reduction in the acreage selected is required to reach the selection limit imposed by this subsection, the Corporation has 90 days from the issuance of the interim conveyance or patent to specify to the Secretary which lands are to be eliminated. Lacking receipt of a Corporation's identity of the lands to be eliminated, the Secretary shall reject selections on the Corporation's priority list beginning with the lowest priority. All lands selected by a Corporation under the specific entitlement category, whether or not on the Corporation's priority listing under Section 902(a)(1), are subject to this selection limitation. Although the Corporation may list lands to be eliminated that are not on the priority list, the Secretary is limited to rejecting only those on the priority list.

Once the Corporation has received the conveyance of acreage to which it is entitled under any one of the ANCSA categories, the Secretary will reject all remaining selections in that same entitlement category.

Subsection (e) allows a Corporation to opt out of the expedited process at any time by advising the Secretary in writing.

#### *Section 903: Easements on "Core" Townships*

Subsection (a) provides a one year period for the identification of and issuance of a decision to reserve, specified needed public easements across any lands conveyed pursuant to Section 901(a). The easements to be reserved are those described in Section 17(b) of ANCSA.

Subsection (b) sets forth certain principles the Secretary is expected to observe in reserving easements across Native lands.

Subsection (c) provides the Secretary with specific authority to acquire easements not reserved at the time of conveyance or pursuant to subsection (a), required for purposes specified in subsection 17(b)(1) of ANCSA. The easements may be acquired by purchase, donation, or exchange under the authority of Section 22(f) of ANCSA. This authority applies to conveyances made under this Act and under ANCSA.

Subsections (d) and (e)—The intent of these subsections is clear.

*Section 904: Tax Moratorium Extension*

The purpose of the subsection of this section relating to taxation on exchanged land is to clarify a situation that might exist when a Native Corporation trades its own undeveloped lands for undeveloped lands owned by the Federal Government, the State government, a municipal government, other Native Corporations, or other private parties. The section provides that the 20 year protection from real estate taxes on undeveloped land will apply to exchanged lands if both the land traded and the land received is undeveloped. The section anticipates that there might be some cash received by either party in the trade. However, if the trade is between the Native Corporation and a private party, the amount of cash received by either party cannot exceed 25 percent if the tax exemption is to be maintained. In addition, the section provides that, if the Native Corporation trades various parcels of land having different ending dates for the tax moratorium because of different dates of conveyance from the Bureau of Land Management, then the tax moratorium on the lands received would be calculated by computing the percentage that the acreage of each tract given up in the trade bears to the total acreage given up by applying the percentage of related periods of tax exemption to the lands received. Thus, the tax exemption on the received lands would be a weighted average of the various periods of tax exemption of the lands given up in the trade.

*Section 905: Alaska Native allotments*

This section approves specified applications for allotments under the 1906 Alaska Native Allotment Act and provides further authority for the amendment and adjustment of such applications.

Section 905(a)(1) approves, subject to valid existing rights and stated exceptions, allotment applications which were pending before the Department on or before the effective date of the Alaska Native Claims Settlement Act and which seek land that was unreserved on December 13, 1968, the day preceding publication of the application for Public Land Order 4582. 33 *Federal Register* 18591. Allotments located in areas reserved prior to the PIO 4582 "land freeze" are thereby excepted from the approval and are to be adjudicated pursuant to the Alaska Native Allotment Act. The use of the December 13, 1968 date is not to be construed as signifying a Congressional determination concerning the segregative date or effect of Public Land Order 4582. The approval is made effective 180 days following the effective date of the Act to allow time adequate for the Department to finish its mineral evaluations of applied-for allotments and for the exercise of protest rights.

Subsection (a)(2) provides for the continuing reservation to the United States of coal, oil and gas deposits underlying Native allotments. Such reservations are made pursuant to the terms of the Act of March 8, 1922, 42 Stat. 415, which was first made applicable to Alaska Native allotments by the 1956 amendments to the 1906 Act. 70 Stat. 954. Applications which the Department identifies by a timely notice or decision as describing land valuable for minerals other than oil, gas or coal are not approved and are to be adjudicated as required by subsection (a)(3) to determine whether the land is in fact mineral

in character. Subsection (a)(3) also clarifies that sand and gravel were not considered minerals for purposes of removing land from availability as "nonmineral" within the meaning of the 1906 Act.

Section 905(a)(4) removes from the general approval lands sought as allotments within the boundaries of National Park System Units established on or before the Act's effective date, with the exception of lands within such units which were withdrawn pursuant to Section 11(a)(1) of the Alaska Native Claims Settlement Act for selection by village corporations. Also excluded from the general approval are applied-for allotments which describe land selected by or tentatively approved to the State of Alaska on or before December 18, 1971. Applications for allotments in "core" townships of villages certified as eligible for land selections under Section 11(b) of the Alaska Native Claims Settlement Act are, however, subject to the statutory approval contained in subsection (a)(1) notwithstanding a State selection or tentative approval of such core township lands prior to December 18, 1971.

Native corporations, the State of Alaska and specified individuals and entities may, under Section 905(a)(5), require that all allotment applications be adjudicated by filing in the Department of Interior within 180 days of the effective date of the Act a protest setting forth the requisite factual statements. A village or regional corporation eligible to select land under the Alaska Native Claims Settlement Act may require adjudication of any allotment application which describes land within an area withdrawn for selection by the Corporation. The State of Alaska may require adjudication of any application which describes land necessary for access to lands owned by the United States, the State, or a State governmental unit, or to resources on such lands, or to public waters used for transportation purposes. All protests by the State must set forth in detail the facts upon which the conclusions concerning interference with access and absence of reasonable alternatives for access are based. Persons or entities claiming improvements embraced by another's allotment application may similarly require adjudication of the application by filing a timely protest.

As provided by subsection (a)(6), allotment applications which have been relinquished by the applicant are not subject to approval pursuant to Section 905. In cases of doubt concerning the effectiveness of a relinquishment, the ordinary legal standards requiring that the relinquishment be given knowingly and voluntarily apply.

Section 905(b) provides continuing authority allowing the Secretary to adjust overlapping allotment descriptions in order to eliminate conflicts. The Secretary's discretion in resolving such conflicts is broad, but is also to be guided by prior land-use patterns and the Secretary's ordinary fiduciary obligation to exercise his discretion in a manner beneficial to the allottees. Additionally, where the concerned allotment applicants present a proposal for adjustment, the Secretary is required to implement it to the extent that it is feasible. An adjustment of conflicting applications which reduces an allottee's land area by less than 30 percent and does not exclude his or her claimed improvements (e.g. cabin, fishracks, fish-wheel or tent site) is not subject to judicial review. The Secretary is further authorized to reduce to 160 acres the land area of an allotment which exceeds 160 acres as described.

A significant percentage of Alaska Native allotment applications do not correctly describe the land for which the applicant intended to apply. Technical errors in land description, made either by the applicant or by the Department in computing a metes-and-bounds or survey description from diagrams, are subject to correction under authority of Section 905(c). In accordance with the Department's existing procedures for the amendment of applications, subsection (c) requires that the amended application describe the land the applicant originally intended to apply for and does not provide authority for the selection of other land. The allotment application, as amended, is subject to statutory approval or adjudication under the terms of Section 905 on the basis of the corrected land description. The Secretary is required, however, to notify the State of Alaska and other interested parties of the requested amendment prior to approving it. Protests submitted pursuant to Section 905(a)(5) in response to allotment amendments are timely if received by the Department within sixty days of the mailing of notice of amendment, even if the 180 day protest period provided in subsection (a)(5) has expired.

In the interest of finalizing plans of survey for Native village and regional corporations, the Secretary, following the required notice, may set a deadline for amendment of applications in a designated area. Allotment applications may not be amended for location following the adoption by the Department of a final plan of survey for the area in which the allotment as originally described or as it would be amended is located.

Section 905(d), which concerns allotments in powersites, constitutes an exception to the requirement of subsection (a)(1) that allotments subject to the statutory approval must describe land which was unreserved on December 13, 1968. Vast expanses of land, most notably in the mid-Yukon River drainage, have been classified and reserved for electrical power projects which in all likelihood will not be constructed. Subsection (d) provides that for purposes of construing the Alaska Native Allotment Act, land withdrawn as powersites will be considered unreserved unless the land is included in a project already licensed under the Federal Power Act or is actually utilized for the generation or transmission of electrical power or for another Congressionally authorized project. The designation of unlicensed and undeveloped powersite lands as vacant, unappropriated and unreserved within the meaning of the Alaska Native Allotment Act does not revoke or otherwise affect classifications or reserves for power-project purposes.

All allotments approved in powersites are further subject to the right of reentry provided the United States by Section 24 of the Federal Power Act, 16 U.S.C. Section 818, if the applicant commenced use of the allotted land after the effective date of the powersite classification or withdrawal. Such reentry rights expires twenty years after the effective date of the Act unless the allotted land has been included in a license or an application for a license under Part I of the Federal Power Act or is actually being utilized or developed as a power project or for another authorized purpose.

Section 905(e) requires the Secretary to identify and to adjudicate any record entry which conflicts with an allotment application prior to approval of the application. The necessity for this provision is to

insure that valid existing rights which may preclude allotment of the claimed land are determined before the allotment certificate is issued. Applications under the Alaska Native Allotment Act, the Alaska Native Claims Settlement Act and the Alaska Statehood Act are excluded from subsection (e) because the relation between an allotment claim and potentially conflicting applications under the excepted Acts is governed elsewhere.

The last sentence in subsection (e) clarifies that the Committee does not intend by Section 905 to resolve legal questions concerning the relationship between actual use of specific tracts of land by Alaska Natives and subsequent executive withdrawal of the same land. The Committee is aware that several classes of allotment applicants have commenced litigation to establish the availability for allotment of certain lands withdrawn from entry prior to December 13, 1968. Such lands are expressly excepted from approval under Section 905(a)(1), and nothing in the section is intended to reflect favorably or adversely on the pending litigation. Finally, subsection (e) provides that Section 905 does not alter the requirements for allotments in national forests.

*Section 906: State Selections and Conveyances*

This section provides for: certain amendments to the Alaska Statehood Act, settlement of certain possible claims under the School Land Grant Act of 1915, confirmation and vesting of title of prior tentatively approved (TA'd) lands, the conveyance of certain prior selected lands, "top filing" of selections on currently unavailable lands, an overselection authority not to exceed 25 percent of remaining entitlement, legislative conveyance of certain listed new lands, continuation of the adjudicatory authority of the Secretary, clarification of "vacant, unappropriated, and unreserved public lands" as that term applies to selections, interim management of lands prior to TA by the Secretary, an escrow account for proceeds received by the United States on selected but not TA'd lands, impression of valid existing rights and Native selection rights under the ANCSA on lands conveyed to the State, protection for specified third party rights, and partial exclusion of the Presidential approval required of selections by the State in certain areas of the State.

Subsection (a) extends the period for Alaska to make general purpose and community grant selections for a period of 10 years beyond that specified in the Alaska Statehood Act. In turn subsection (m) removes the selection extension granted the State pursuant to section 17(d)(2)(E) of ANCSA.

Subsection (b) settles any and all claims of the State arising under the School Land Grant of 1915 by granting the State a selection right of 75,000 acres. The State, by making selections under this authority is deemed to relinquish all such claims.

Subsection (c) confirms all prior selections that had been tentatively approved subject to valid existing rights and Native selection rights under the ANCSA. Title is deemed to have vested with the State as of the date of TA. As future TA's are given to lands selected by the State, title shall vest on the date of such TA. Procedures are provided for the issuance of a patent document.

Subsection (d) conveys to the State, subject to valid existing rights and Native selection rights under the ANCSA, all right, title, and in-

terest of the United States in lands specified in a list entitled "Prior State of Alaska Selections to be Conveyed by Congress" dated July 24, 1978 and on file with the Secretary except the lands specified in a subsequent list, dated October 19, 1979.

Where such listed townships, or portions thereof, fall within a conservation system unit, only lands previously applied for and selected by the State are to be conveyed. Specific listed land within a conservation system unit for which the State did not expressly apply will not be conveyed pursuant to this subsection.

The Committee considered the Secretary of the Interior's objection to the conveyance of certain lands contained in the State's official list. These lands included those filed on by the State in 1976 and 1977 within former section 11(a)(3) withdrawal areas created by ANSCA and certain lands filed on in 1972 which were overlain by a federal utility corridor withdrawal immediately south of the existing Arctic Wildlife Range. With the exception of the selections specified in the October 19, 1979 list which are in an 11(a)(3) withdrawal area within the Alaska Peninsula National Wildlife Refuge, the Committee expressly decided that these lands were to remain in the official list and be conveyed to the State pursuant to this and other applicable subsections. Procedures are provided for the subsequent issuance of TA and patent documents.

Also conveyed are a series of State selections made under the authority of Section 6(a) of the Alaska Statehood Act which have been approved by the Secretary of Agriculture.

Subsection (e) allows the State, subject to valid existing rights and Native selections rights under the ANCSA existing at the time the selection becomes effective, to file selections or amendments to existing selections to cover lands which, at the time, are not available. Such selections would become effective at such time as the land involved in the selection becomes available within the meaning of section 6(a) or 6(b) of the Statehood Act. Such selections may remain of record and become effective even if the time period provided in subsection (a) for making selections has expired.

Subsection (f) allows the State to have selections on file in excess of the entitlement under each grant or confirmation of lands to the State. These "overselections" may not exceed 25 percent of the State's remaining un-TA'd or patented entitlement and must be prioritized. Relinquishment of selections prior to TA is allowed. The Secretary is also authorized to waive the minimum selection size for general grant selections where such a waiver is in the national interest.

Subsection (g) conveys certain listed lands to the State as part of the State's entitlement under the 102,550,000 acre general purpose grant. Listed lands within the conservation system units, certain military areas, or land that is not available within the meaning of section 6(b) of the Statehood Act or subsection (j) of this Act, are not conveyed but are to be considered as having been selected as a "top filing" under subsection (e).

Subsection (h) provides that any land conveyed under subsection (g) is subject to valid existing rights, Native selection rights under the ANCSA, and reservations specified in subsection (1). Procedures for issuance of TA and patent documents are provided.

Subsection (i) continues the Secretary's responsibility to adjudicate conflicting claims prior to the issuance of a TA.

Subsection (j) provides that certain categories of land classifications, designations, and withdrawals, standing alone, do not remove such land from being available for future State selections made pursuant to the Statehood Act and Section 906(b) or for conveyance of lands to the State as provided in Section 906 (d) and (g).

Subsection (k) provides the Secretary with interim management authority of State selected land prior to TA and authorizes him to issue contracts, licenses, rights-of-way, etc., with the State's concurrence. An escrow account is established for proceeds received by the United States from contracts, rights-of-way, etc., on State selected lands and such proceeds are to be paid to the State upon TA being given. The United States retains 10 percent of such proceeds to cover administrative or other costs of the interim management.

Subsection (l) provides that all conveyances to the State are subject to valid existing rights, Native selection rights under the ANCSA, and to any right-of-way or easement reserved to or appropriated by the United States. Prior to this provision, many of these existing conditions prevented the State from obtaining such land. Transfer of jurisdiction over contracts, rights-of-way, etc., from the United States to the State on or after TA provided, as is the right of the United States to continue the administration of certain rights.

Subsection (m) extinguishes any State selection period extension the State might have obtained from Section 17(d) (2) (E) of the ANCSA. The specific 10 year extension provided in subsection (a) is in lieu of this 17(d) (2) (E) extension.

Subsection (n) protects the rights of parties over the State given in the Cook Inlet Land Trade settlement (sec. 12 of the act of Jan. 2, 1976). Subsection 906(n) (4) is intended to limit the effect of Subsection 906(c) and other provisions of this Act with respect to certain litigation. Subsection 906(c) conveys to the State all land previously selected and tentatively approved pursuant to the Alaska Statehood Act. Such conveyance is made effective "as of the date of tentative approval". There are currently pending, however, suits by the United States and Alaska Natives for trespasses that occurred prior to the enactment of ANCSA on lands held by the Natives under aboriginal title but nonetheless tentatively approved for State selection under the Statehood Act. Subsection 906(n) (4) ensures that neither confirmation of State title "as of the date of tentative approval" nor anything else in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages for trespass against, or other interference with, aboriginal interests occurring prior to December 18, 1971. It also ensures that nothing in the bill could be construed as either supporting or impairing any position taken by either plaintiffs or defendants in litigation such as *United States v. Atlantic Richfield Company*, now pending in the United States Court of Appeals for the Ninth Circuit, involving a claim for damages for alleged trespasses against alleged aboriginal interests prior to the Settlement Act. The present legislation has nothing to do with the trespass litigation and is not intended to affect it in any way.

Subsection (o) includes any "17(d)(1)" lands within Conservation System Unit boundaries with the specific unit and all Federal land within such a Unit is to be administered in accordance with applicable Unit laws until conveyed out of Federal ownership.

Subsection (q) eliminates the Presidential approval for certain State selections under the Statehood Act as to lands conveyed to the State pursuant to subsections (c), (d), and (g).

*Section 907: Alaska Land Bank Program*

Section 907 establishes the Alaska land bank program. The program provides that any private landowner is entitled to enter into a cooperative agreement with the Federal Government if his land adjoins or the use of his land would directly affect Federal land, Federal and State land, or State land if the State is not participating in the program. Any native landowner whose land does not adjoin or the use of his land would not directly affect, either Federal or State land also is entitled to enter in an agreement with the Federal Government. Any landowner whose land adjoins, or the use of his land would directly affect only State (or State and other private) land is entitled to enter into an agreement with the State if the State is participating in the program. A private landowner may include all or part of his lands in an agreement. However, lands of a non-native landowner shall not be included unless the appropriate Federal or State agency determines that the purposes of the program will be promoted by their inclusion. If the Federal Government is the contracting party with the private landowner, the State shall be afforded an opportunity to participate in negotiations and become a party to the agreement.

Regardless of whether the parties agree to any additional terms, the private landowner shall be entitled to enter into an agreement within 120 days of the date on which such owner communicates in writing to the appropriate Secretary or State agency head that he agrees to not alienate, transfer, assign, mortgage or pledge lands subject to the agreement (except as provided in section 14(c) of the Alaska Native Claims Settlement Act), or develop or improve such lands except as provided in the agreement (if the private landowner and the Secretary or the State cannot agree on the extent or manner of development or improvements which will be permitted by the agreement, the landowner shall be in compliance with this requirement if he agrees not to develop or improve his lands), and also agrees to manage his lands in a manner compatible with the management plan, if any, for adjoining Federal or State lands, provide reasonable access for purposes relating to the administration of adjoining Federal or State lands, provide reasonable access to officers of the State for the purpose of conserving fish and wildlife, and not withdraw his lands from the program except as provided in section 907(b)(7).

Lands subject to an agreement which are owned by Native corporations, groups or persons who have received lands pursuant to the Alaska Native Claims Settlement Act or sections 901 and 902 of this Act shall be immune from adverse possession, real property taxes and assessments by the United States, the State, or any political subdivision of the State (so long as the lands remain unimproved and undeveloped), or any Federal or State judgment in law or equity to recover sums owned or penalties incurred by any Native corporation or

any officer, director, or stockholder of any such corporation. However, if the State is a party to the agreement and has enacted laws of general applicability which are consistent with the Alaska land bank program and which offer any or all the State (as opposed to Federal) immunities listed in the previous sentence, such State immunities shall be provided to the private landowner pursuant to State law while Federal immunities would continue to be provided pursuant to subsection (c) (2). Except as otherwise set forth above, nothing in the Alaska land bank program is intended to affect the civil or criminal jurisdiction of the State of Alaska.

*Section 908: Protection of Native Lands in Contingency Areas Under Timber Sales*

This section is intended to ensure that no Native Corporation will be deprived of the full value of its land entitlement because lands conveyed to it are within the "contingency area" of existing timber sale contracts. It provides that no Native land can be timbered, merely because it is within such a contingency area, without the consent of the Native corporations involved.

*Section 909: Use of Protraction Diagrams*

This section authorizes the issuance of a patent document based on a protraction diagram rather than actual "on-the-ground" survey where the party to receive the patent and the Secretary so agree.

A protraction diagram is a mathematical extension of the rectangular survey system over unsurveyed areas. Township and section corners are computed and identified by their longitude and latitude coordinates and the diagram becomes the survey plan when executed on the ground. Thus actual location of the corners on-the-ground and boundary lines between corners are the same whether actually surveyed or not. There is some possibility of error in the acreage within a tract shown by a diagram and what would be actually surveyed. This is because of differences between the topographic base map used for protection diagrams and actual ground conditions when actually surveyed; generally this is caused by water areas—streams, lakes, and coastal shore lines.

Since there is this possibility of error in the acreage of an area, any such loss or gain is born by the patentee. To prevent misuse of this authority where it is known that substantial error exists, both the receiving party (Native Corporation or the State) and the granting party (Secretary) must agree on the use of the protraction diagram. Thus it is anticipated that the Native Corporation or State will not request this method where the possible error would result in a substantial shortage of actual acreage and the Secretary would not agree where the possible error would result in substantial overage of actual acreage.

*Section 910: Statute of Limitations*

Due to the interwoven nature of entitlements, decisions, and conveyances concerning land under this Title or the ANCSA, it is desirable that administrative decisions be absolutely final in minimum periods of time. This section provides that judicial review be instituted, if at all, within two years of the date a Secretarial decision becomes

effective, or within one year of the filing of a map of the ANCSA section 14(c) reconveyance decisions by a Village Corporation.

The Secretary is expected to review his procedures and regulations to determine if public notice of the filing of the map by the Village Corporation should be provided in order to protect the public interest.

*Section 911: National Environmental Policy Act*

This section provides that the National Environmental Policy Act (NEPA) shall not be construed as requiring the preparation of an environmental impact statement in the implementation of the Alaska Native Claims Settlement Act, as amended, or implementation of this Title. This section is intended to cover every possible action which has and will be necessary for the Secretary to take in the process of conveying land title to the Alaska Natives. It is intended that there will be no ambiguity as to the intent of this section and it should be liberally construed in order to expedite the implementation of the ANCSA, as amended, and this Title.

Actions taken by the Secretary under the ANCSA that may be interpreted as major Federal actions under the National Environmental Policy Act have principally been at the direction of Congress in the ANCSA or amendments thereto. It is imperative that the Natives receive their land as quickly as possible. Time is of the essence. Preparation of an environmental impact statement under the NEPA is unnecessary and not warranted where implementation of the ANCSA of this Title is involved.

*Section 912: Technical Amendment to Public Law 92-204*

As suggested by the Administration, this section amends Public Law 92-204 to correct a number of typographical errors which appeared in that law's legal description of certain lands.

**TITLE X—NORTH SLOPE LANDS STUDIES, OIL AND GAS LEASING, AND MINERAL RESOURCE ASSESSMENT PROGRAMS**

*Section 1001: Overall Study Program*

The Secretary is directed in this section to initiate and carry out a study of all Federal lands east of the western boundary of the National Petroleum Reserve-Alaska (NPR-A) and north of 68° north latitude other than the NPR-A and those lands included in conservation units which were established by this Act. The Secretary shall use an interdisciplinary approach in assessing and making recommendations on the energy potential of these lands and how they might be managed and used in the future. The study shall also review the wilderness characteristics of the regions and make recommendations for protection of wildlife resources.

The Committee directed the Secretary to make findings on the following subjects at the completion of the study:

- (a) The potential oil and gas resources of these lands,
- (b) the impact of oil and gas development on the wildlife resources,
- (c) the national need for development of the oil and gas resources,
- (d) the national interest in preservation of the wilderness characteristics of the lands,

(e) the national interest in preservation of the wildlife resources.

The Committee in requiring the Secretary to make findings, imposed a higher burden on the Secretary at the completion of these studies because of the critical importance of these areas to the nation's future and because of the need to completely open these issues to public review and discussion.

To coordinate these studies with all other interested parties on the North Slope, the Secretary is directed to consult with Federal agencies, State agencies and local and regional units of government.

The results of the study and his findings must be transmitted to the Congress in no more than 8 years. The Secretary is also directed to submit reports yearly on the progress of the study.

*Section 1002: Arctic National Wildlife Range Coastal Plain Resource Assessment*

In this section the Secretary is directed to begin special study measures for the coastal plain of the Arctic National Wildlife Range.

The first phase of the program is a baseline study of the fish and wildlife of the coastal plain. The results of the study are to be published within eighteen months and shall be updated on a continuing basis.

The second phase is an oil and gas exploration program, culminating in a report to the Congress, 5 years after enactment, on the resources and recommended uses of the coastal plain. Within 2 years the Secretary is directed to establish guidelines for exploration activities, based upon the results of the baseline study. The guidelines shall insure that exploration does not significantly affect fish, wildlife or their habitats, or the environment, with special consideration given to caribou calving and post calving seasons. An environmental impact statement will be prepared on exploration activities.

Section 1002 further provides that exploration plans may be submitted to the Secretary for approval by any person, including the U.S. Geological Survey (USGS). A USGS plan may be approved only if no other person submits an equivalent plan and if the Secretary determines that the information to be derived from the exploration is necessary for his final report. A public hearing on each plan is required before approval.

All data and information obtained from exploration must be submitted to the Secretary and shall be made available to the public. However, the Secretary shall hold processed, analyzed and interpreted data confidential for 2 years following any lease sale which includes the area from which the data was obtained.

The Secretary may suspend exploration activities or modify an exploration plan at any time if he determines that continuation would adversely affect fish, wildlife, their habitats or the environment. Civil penalties of up to \$10,000 may be assessed against any person who is found to have violated the guidelines, a plan or permit issued under this section.

The report to Congress required under this section shall identify those areas within the coastal plain which have oil and gas potential and estimate the volume of oil and gas concerned; describe the fish and wildlife within those areas; evaluate the adverse effects further

exploration and production and development of oil and gas would have on the fish and wildlife; describe how oil and gas would be transported to processing facilities; evaluate the national need for such oil and gas; and recommend to the Congress whether further exploration, development and production should be permitted on the coastal plain.

*Section 1003: Prohibition on Development*

In this section, any production of oil and gas from the Arctic National Wildlife Range is prohibited until such development and production is specifically authorized by an Act of Congress.

In establishing this provision, the Committee intended that the Congress review all of the relevant energy and environmental data to determine whether opening up the Range to the production of oil and gas would be in the national interest.

*Section 1004: Wilderness Portion of Study*

Because the vast bulk of lands encompassed in this study are prime candidates for wilderness designation, the Committee was concerned that no degradation of those wilderness values take place other than such impacts which might result from activities which are permitted under existing private rights or the oil and gas exploration activities which are mandated by this Act. The Committee directs the Secretary in this section to review the suitability or non-suitability of lands involved in the study for preservation as wilderness and report his findings to the President at such time as the final study results are sent to the Congress. In the interim, he is directed to manage the areas so as to maintain the existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Already established uses are permitted to continue but they are subject to such restrictions as the Secretary deems desirable. The Committee did, however, restrict such uses to the manner and degree to which they are being conducted now.

*Section 1005: Wildlife Resources Portion of Study*

From information supplied to the Committee, the most serious apparent conflict is between development of oil and gas resources and the maintenance of important wildlife habitat. The Committee therefore requires the Secretary in this section to work closely with the State of Alaska, the Native Villages and the Regional Corporations in evaluating the impact of oil and gas exploration and development activities, wherever they occur in the State, on the wildlife resources of the affected lands. The Committee also, in recognition that the Porcupine herd spends a good deal of time in Canada, directs the Secretary to consult with the Government of Canada in evaluating impacts on the Porcupine herd.

*Section 1006: Transportation Alternatives Portion of Study*

The primary long term conflict between oil and gas development and maintenance of wildlife habitat is the improper placement of oil and gas transportation facilities. In order to minimize the effect of these facilities, if they are to be built, the Secretary is directed to consult with the Secretary of Transportation in considering the establishment

of environmentally and economically feasible alternative routes and how they could best serve each producing area, their costs and other values. The Secretary is also directed to integrate this study to the extent applicable with the rights of way study required in section 1108 of this Act.

*Section 1007: Arctic Research Study*

This section would require the Secretaries of Energy, Interior, and Defense, to study the future use of the Naval Arctic Research Laboratory (NARL) located at Point Barrow, Alaska. The Navy Department has slated this facility for conversion to standby status. Shutting down NARL would leave the country with no installation for carrying out applied research on the Arctic environment. With increased pressure on Arctic Alaska to provide a growing portion of this Nation's energy needs, the Committee considers it essential that we maximize use of available scientific resources to insure that oil and gas exploration and production be done in a manner most compatible with the unique Arctic environment. This study would examine the mission of NARL and consider its role in expanding scientific knowledge of the Arctic; developing better Arctic exploration, production, and transportation equipment; and techniques in creating a comprehensive Arctic policy to direct and coordinate Federal activities in the Arctic.

*Section 1008: Oil and Gas Leasing Program for Non-North Slope Federal Lands*

This section directs the Secretary to establish an oil and gas leasing program pursuant to the Mineral Leasing Act of 1920 on Federal Lands in Alaska. This does not apply to lands where applicable law prohibits such leasing, units of the National Wildlife Refuge System where the Secretary determines that these activities would be incompatible with the purposes for which such unit was established, the National Petroleum Reserve—Alaska, or lands included in the North Slope Study required in section 1001.

The Committee was concerned that all Federal lands in Alaska where mineral entry is permitted be reopened in order to relieve some of the pressure which might be placed on lands which are involved in the study mandated by section 1002. Oil and gas potential exists in other areas of the State than the North Slope; the better the resource base is understood in these areas, the better the national need for developing the reserves that might exist on the North Slope can be determined.

In order to obtain the best return to the Federal Government of oil and gas resources on Federal lands and also in order to guide somewhat the wildcatting activities which the Committee hopes begin on these lands, the Secretary is directed to either conduct a study, or to analyze information collected by permittees authorized to conduct studies, of oil and gas potential of those lands which he considers to be favorable for the discovery of oil and gas. In addition, the Secretary is also directed to study the environmental characteristics and wildlife resources of these lands which would be affected by the exploration for and development of oil or gas.

To obtain this information, the Secretary can issue permits for study, if those activities can be carried out in a manner consistent with

the purposes for which such area was established. And he is directed to consult with the Secretary of Energy regarding the national interest involved in developing oil and gas from such lands. He is also directed to seek the views of State and local governments, Native Regional and Village Corporations, and the industry and conservation groups who have an interest in such activities.

The Secretary is directed to encourage the State to undertake similar studies on its lands to better coordinate management of environmental or wildlife resources.

The Secretary is also directed to report yearly on the results of these efforts.

The Committee considered and adopted a change in the Mineral Leasing Act procedures as they apply to Alaskan lands. Under the Mineral Leasing Act, competitive leasing is allowed only for lands on a known geological structure of a producing oil and gas field. The Committee was concerned that this was too limited a definition and adopted a modification of this concept.

Under this modification, the Secretary is required to identify what would be termed favorable petroleum geological provinces. These are areas which the Secretary determines are favorable for the discovery of oil or gas. The Committee intends that the Secretary, in designating such areas, be convinced that from the available evidence, obtained either by the presence of an oil or gas bearing structure which has already been discovered, or by other indirect evidence, such as seismic or other geological or geophysical activities, that such area is more likely to contain oil or gas than surrounding areas.

Within these favorable petroleum geological provinces, the Secretary is required to issue all leases only by competitive bidding. On all areas outside such provinces, the Secretary shall lease the lands by non-competitive bidding.

At such time as oil or gas is discovered under a noncompetitive lease, the Secretary is required to suspend further leasing in the area and determine the favorable petroleum geological province around that discovery. All further leasing within that province shall then be by competitive bidding. All leasing outside that province would continue to be by non-competitive bids.

Because of the unique character of much of Alaska and the proximity of much Federal land to conservation systems, the Committee directed the Secretary to require lessees to describe their exploration activities in an exploration plan which he must approve prior to the start of any exploration activities.

In addition, prior to any development activities, the lessee is again required to submit a plan for development and production, which the Secretary must approve prior to the start of any development of the lease. The Secretary is authorized to require modifications of the plan if necessary and he is authorized to cancel a lease and provide appropriate compensation.

#### *Section 1009: Oil and Gas Lease Applications*

Under existing law the Secretary has the discretion in the wildlife refuge to allow oil and gas leasing. However, in 1956, by regulation, the Secretary determined and further limited his discretion by stating that oil and gas leasing would only be permitted on drainage

tracts, i.e., tracts that were being drained from a reservoir that was discovered outside the refuge.

The Committee was concerned that with the large amount of land contained within wildlife refuges in Alaska under this Act, and with the varied surface and environmental conditions within such refuges, including very significant seasonal variations, the Secretary should be required to fully disclose the reasons why he either grants or does not grant a permit for exploration and or development of oil or gas which are within Alaskan wildlife refuges.

Consequently, each lease application that the Secretary receives to explore for and develop oil and gas within a refuge must be either issued or rejected within 6 months (except in cases where NEPA must require an environmental impact statement) and the Secretary must in each case explain fully why such a decision has been made.

*Section 1010: Alaska Mineral Resource Assessment Program.*

In this section the Committee directs the Secretary to conduct a study of all of the mineral resources of all public lands in Alaska. The Committee is concerned that in making key decisions on the disposition of lands in Alaska, not enough is usually known about either the hardrock minerals or the oil, gas or other leasable minerals under the Mineral Leasing Act, the properly evaluate the national interest in the minerals on these lands. The Committee intends for the Secretary to enter into contracts with public or private entities to carry out all or any portion of this program. This study shall not apply to the lands involved in the North Slope Study, section 1001.

In addition, the Secretary is directed to permit access by air to such Federal lands to conduct such mineral assessments. The Committee was concerned that programs such as the National Uranium Evaluation Program and any other contemplated by this Act not be thwarted by uncertainty about how the Congress views the importance of this activity. The Committee intends that access be granted and that controls be imposed on such access in order to protect the resources of areas under study, especially when it is most important to do so. The Secretary is authorized to impose requirements which prohibit such access when wildlife are especially vulnerable to such activities such as when nesting, calving, spawning or other such times.

*Section 1011: Presidential Report*

The President is directed to transmit a report on all pertinent public information relating to minerals in Alaska gathered by all Federal Agencies no later than October 1, 1982.

Also, before that same date, the President is directed to study the advisability of private mineral exploration extraction on conservation system units where such activities would otherwise be prohibited. He shall by that time also make recommendations and describe under what circumstances, procedures and conditions such activities might occur.

**TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS,  
AND ACCESS INTO, CONSERVATION SYSTEM UNITS**

*Section 1101: Findings*

The purpose of and need for this title are expressed in this introductory section.

*Section 1102: Definitions*

Terms used throughout the title are defined in this section.

*Section 1103: Effect of Title*

The provision makes it clear that other applicable laws govern with respect to issues relating to transportation or utility systems which are not covered in this title.

*Section 1104: Procedural Requirements*

This section, provides for: (1) development of a consolidated application by the Secretaries of the Interior, Agriculture and Transportation; (2) decisionmaking responsibilities of Secretary of Transportation limited to those systems for which he has programmatic responsibility (i.e., pipelines, roads, railroads, airports, etc.); (3) preparation of a joint environmental impact statement within one year; and (4) a decision on the application based on statutory criteria, within 4 months after publication of the EIS.

*Section 1105: Standards for Granting Certain Authorizations*

Provides standards for the decision on an application where there is no applicable law (for example, there is no applicable law providing for oil and gas pipelines across National Parks.) The system must be compatible with the purposes for which the unit was established and there must be no economically feasible and prudent alternative route for the system.

*Section 1106: Agency, Presidential, and Congressional Action*

This section divides the applications into 2 categories and provides different procedures for each as follows:

A. Applications which do not involve wilderness areas or for which there is applicable law:

1. If all concerned agencies approve the application, it is approved;
2. If one or more agencies disapprove, the applicant may appeal to the President.
3. If the President denies the application, the applicant may seek judicial review.

B. Applications which involve wilderness areas or for which there is no applicable law.

1. All concerned agencies submit recommendations for approval or disapproval to the President;
2. President approves or disapproves;
3. If the President disapproves, the applicant may seek judicial review;
4. If the President approves, his approval is subject to Congressional approval by joint resolution under expedited procedures.

*Section 1107: Rights-of-Way Terms and Conditions*

(a) All rights-of-way issued pursuant to this title are to include terms and conditions, established by the land managing agency, to ensure certain specified protections are afforded the unit and its surrounding environment.

(b) Specific conditions are to be included in rights-of-way within a unit of the National Wild and Scenic Rivers System to ensure stream

flow of and transportation on such rivers are not impeded and that the environment is adequately protected.

(c) A right-of-way for a pipeline as described in 28(a) of the Mineral Leasing Act of 1920 is issued in the same manner as under section 28.

*Section 1108: Rights-of-Way Study*

No right-of-way is to be issued unless the need for it has been identified in a study conducted by the State in consultation with the Secretaries of Transportation, the Interior, Agriculture, and the Alaska Land Use Council.

*Section 1109: Expedited Judicial Review*

Any proceeding before a Federal court which challenges an administrative action pursuant to this title, including compliance with the National Environmental Policy Act shall be expedited under the terms of this section. The court shall render its decision within 120 days and shall not have jurisdiction to grant a temporary injunction longer than 90 days.

*Section 1110: Special Access Rights and Access to Inholdings*

Rights for the general use of snowmobiles, motorboats, airplanes which may land on snow, ice, water or designated sites, are specifically provided for. Non-motorized surface transportation methods for travel to and from villages and homesites and for subsistence activities are also specifically provided for in all conservation system units, national recreation areas, national conservation areas, and wilderness study areas.

These are rights subject to reasonable regulation by the Secretary to protect the values of the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists. The Secretary's authorization to establish regulations to protect the values of the conservation system units under section 1110 includes the authority to close entirely to these uses certain areas within the units upon his determination after notice and a hearing that such closure is necessary to protect the values of that unit.

Adequate and feasible access for economic and other purposes is given to owners of land, including subsurface rights, valid mining claims or other valid occupancies, which are within or effectively surrounded by the areas listed above. The access rights shall be subject to reasonable regulations issued by the Secretary.

*Section 1111: Temporary Access*

Temporary access is specifically provided for to state and private lands over conservation system units, NRA's, National Conservation Areas, the National Petroleum Reserve, and the public lands designated as wilderness study areas or managed to maintain wilderness character for survey, geophysical, exploratory or other temporary uses where the Secretary determines that no permanent harm to the resources of the unit will result from the access. The state or private landowners could obtain this access even if alternative access routes are available to them. The Secretary may place conditions on such access to ensure that the private use is in such a manner that it is not inconsistent with the purposes for which the public lands are reserved

and to ensure no permanent harm will result to the resources of the unit.

This section is intended to authorize only temporary, short-term access, requiring no permanent facilities, to undeveloped State or private lands. It allows only very limited access, and not successive entries, or access on a regular basis, even if no permanent facilities are required. The private use access on which the Secretary is authorized to include stipulations and conditions includes state use, since it is intended to include all access uses but Federal use.

*Section 1112: North Slope Haul Road*

All restrictions contained in Title 23 of the United States Code are removed from the section of the North Slope Haul Road specified as long as the state keeps the road closed to the public under the terms of this section. The State of Alaska's obligation to repay to the United States any Federal-aid highway funds paid on account of this section of the Haul Road is released.

*Section 1113: Valid Existing Rights*

Any valid existing right of access is not adversely affected by this title.

*Section 1114: Stikine River Region*

Within 5 years of enactment, the President shall consult with the Government of Canada concerning the need, if any, to provide for access in the Stikine River Region and submit a report to the Congress containing his findings and recommendations.

## TITLE XII—FEDERAL-STATE COOPERATION

*Section 1201: Alaska Land Use Council*

Subsection (a), (b), and (c) establishes a 16-member Alaska Land Use Council, comprising a Federal Co-Chairman, appointed by the President and confirmed by the Senate, a State Co-Chairman who shall be the Governor of Alaska, the head of the Alaska offices of the Federal National Park Service, Fish and Wildlife Service, Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation, and the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, Transportation, and Community and Regional Affairs, and two representatives selected by the Alaska Native Regional Corporations.

Subsection (d) provides for a Federal Council if the State chooses not to participate.

Subsection (e) provides for compensation for the Federal Co-Chairman and travel expenses for Federal members. State members shall be compensated in accordance with applicable State law.

Subsection (f), authorizes the Co-Chairmen, acting jointly, to procure staff, supplies, and equipment; provides that the office of the Council shall be located in Alaska; limits Federal expenses of the Council to 50 percent in any fiscal year; authorizes the Council to use, with their consent, services, equipment, personnel, and facilities of Federal and other agencies; authorizes the Council to accept donations,

gifts, and contributions; and requires the Council to keep accounts and records.

Subsection (g) requires the Council to meet at the call of the Co-Chairman, but not less than 6 times each year; authorizes the Council to hold hearings, take testimony, and print reports; requires the Co-Chairmen to submit a report of each meeting or hearing to the Secretary of the Interior, the head of each Regional Corporation, and the Committee on Interior and Insular Affairs of the House and the Committee on Energy and Natural Resources of the Senate; by February 1 of each year the Co-Chairmen are required to submit to the Congress an annual report, together with recommendations for legislation in furtherance of the purposes of this section.

Subsection (h) provides for the adoption of internal rules of procedure, open meetings, and advance public notice of Council meetings.

Subsection (i) sets forth functions of the Council: To conduct studies and advise the Secretary of the Interior, other Federal agencies, the State local governments, and Native Corporations with respect to land and resource uses in Alaska. Specific functions are—

(A) Make recommendations with respect to proposed Federal and State regulations and management plans and studies;

(B) Review resource inventories and management plans prepared by Federal and State managing agencies and by the U.S. Geological Survey and the Bureau of Mines;

(C) Make recommendations with respect to ways to improve coordination and consultation between Federal and State governments;

(D) Make recommendations with respect to ways to insure orderly economic development;

(E) Make recommendations with respect to changes in laws, policies, and programs relating to public lands and resources;

(F) Make recommendations with respect to the inventory, planning, classification, management, and use of Federal and State lands, and provide such assistance to Native corporations upon request;

(G) Make recommendations with respect to modifications in existing withdrawals of Federal and State public lands;

(H) Make recommendations with respect to programs and budgets of Federal and State public land administering agencies; and

(I) Make recommendations with respect to land exchanges.

Subsection (j) directs the Council to recommend cooperative planning and management zones; authorizes and encourages Federal members to enter into cooperative agreements with Federal, State, and local agencies and Native corporations. As part of a cooperative agreement the Secretary is authorized to provide technical and other assistance to landowner with respect to fire control, trespass control, law enforcement, resource use, and planning, which may be without reimbursement.

Subsection (k)—The intent of this subsection is clear.

Subsection (l)—The intent of this subsection is clear.

Subsection (m) directs the Council to establish a public participation program which shall include a broadly based committee of land use advisors.

*Section 1202: Federal Coordination Committee*

Establishes a Federal Coordination Committee composed of the Secretaries of Agriculture, Energy, Interior, and Transportation, the Administrators of the EPA and NOAA, and the Federal and State Co-Chairmen. The Committee is required to meet at least quarterly to coordinate programs and functions of the respective agencies. The Federal Co-Chairman shall be the Chairman of the Committee and provide staff support. A summary of each meeting shall be published in the Federal Register.

*Section 1203: Wildlife Refuge or Range Cooperative Management Agreements*

Section 1203 directs the Secretary to attempt to enter into cooperative management agreements with the State or any person owning land within or adjacent to a proposed refuge. Many of the proposed refuges contain a significant amount of land that will ultimately be conveyed to village and regional corporations under the Alaska Native Claims Settlement Act and to the State under the Statehood Act.

Because of the reliance of many Native groups and individuals on fish and wildlife resources for maintenance of their subsistence lifestyle, some Native selections are being made in areas of high wildlife values. These wildlife resources do not recognize property lines and will be associated with more than one land management regime. It behooves the Secretary to actively seek to coordinate management of these wildlife and their habitats for both the Native or State land manager to whom these resources are immediately valuable and for the greater public benefit in protecting their wildlife heritage.

This section, therefore, is intended to give the Secretary sufficient authority to enter into cooperate agreements with the State and with private landowners in order to insure that the purposes for which the refuge was established are achieved.

Any cooperative agreement developed under this section shall provide that the land subject to the agreement shall be managed by the owner in a manner compatible with the major purposes of the adjacent refuge. In exchange for entering into such an agreement the Secretary is authorized to provide services such as fire control, trespass control, technical assistance and land and resource planning. The Committee can envision, particularly in areas with large numbers of inholdings or adjacent owners of sensitive habitats, that the Secretary should develop and offer training in land and resource management for such private owners.

*Section 1204: Bristol Bay Cooperative Region*

Subsection (a) defines terms used throughout the section. The boundaries of the Bristol Bay Cooperative Region are referenced on a map entitled "Bristol Bay-Alaska Peninsula."

Subsection (b) sets forth five purposes for the cooperative plan agreed to by the United States and the State.

Subsection (c) provides for notification by the Governor of Alaska within 3 months, if he wishes to participate in the plan preparation. The subsection lists five provisions which are to be included in the plan and also requires that the plan specify those elements which may or may not be modified without approval of the Secretary and the Governor.

Subsection (d) sets forth the requirements for a Federal plan if the State elects not to participate.

Subsection (e) provides for the taking effect of the plan or for the submittal of necessary legislative proposals within 3 years.

Subsection (f) withdraws for a period of 3 years all Federal land within the region from all forms of appropriation under the public land and mining laws, and from State selection. The Bureau of Land Management shall manage all Federal lands not included within conservation system units.

### TITLE XIII—ADMINISTRATIVE PROVISIONS

#### *Section 1301: Management Plans*

As in H.R. 39 as passed by the House, the Committee amendment requires the preparation and submission of conservation and management plans for units of the National Park and Wildlife Refuge System. The Committee amendment requires the submission of the plans within 5 years from the date of enactment.

Those private lands, and those public lands owned by the State of Alaska or a subordinate political entity, are not to be construed as subject to the management regulations which may be adopted to manage and administer any national conservation system unit which is adjacent to, or surrounds, the private or non-Federal public lands. Federal laws and regulations of general applicability to both private and public lands, such as the Clean Air Act, the Water Pollution Control Act, U.S. Army Corps of Engineers wetlands regulations, and other Federal statutes and regulations of general applicability would be applicable to private or non-Federal public land inholdings within conservations system units, and to such lands adjacent to conservation system units, and are thus unaffected by the passage of this bill.

#### *Section 1302: Land Acquisition*

The section provides that land owned by the State of Alaska and Native corporations with a majority of stockholders who are Natives shall not be subject to condemnation. Owners of property who have received the land pursuant to Sections 14(c)(1) or 14(h)(5) of ANCSA shall be immune from condemnation for one generation so long as the use for which the land is utilized is consistent with the conveyance under that section. Other landowners are subject to condemnation but the Secretary is to make a good faith effort to find suitable Federal land for an exchange prior to any condemnation proceeding. Declarations of taking may be utilized under existing agreements with the Committee, but the Secretary is directed to attempt to accomplish an exchange prior to final judgment.

The Committee is aware of the small amount of private land which exists today in the State of Alaska. Exclusive of the 44 million acres of lands which will be conveyed to Native corporations under the Alaska Native Claims Settlement Act, and while the State of Alaska will receive 103.5 million acres some of which will be conveyed into private status, there is at this time less than 1 million acres of private land in Alaska even though the total land mass in Alaska encompasses 375 million acres. The acreage of private land existing in the units established in this Act is even smaller, and the Committee understands the

concerns of Alaskan residents that Federal condemnation authority not be used to unnecessarily diminish the private land base in Alaska.

The Committee has adopted a unique approach to land acquisition because of the special nature of the Alaskan situation. The intent of this approach is to maximize the use of exchange authority and minimize the use of condemnation authority wherever possible. On those private lands subject to condemnation, the Secretary is to make a good faith effort to find other lands within the State of Alaska (as near to the existing land as possible) for which he can exchange the land desired to be acquired. It is the intent of the Committee that exchange authority be used as the major tool of acquisition authority and that condemnation be used only as a last resort. Following the conveyance of lands to the State and Natives (a total of 149 million acres), the Federal Government will still own a large amount of land in Alaska and that land base exclusive of lands located within conservation system units after enactment of this Act, should provide ample opportunity to exchange rather than condemn lands desired to be acquired.

In certain instances, there may be an imminent danger to conservation system unit resources and the use of a declaration of taking may be necessary. It is the intent of the Committee that the use of declarations of taking occur only where necessary to protect such resources and not as a short cut to solve a difficult acquisition problem. Even then, the Committee has provided authority to effect an exchange prior to final judgment rather than force the landowner to accept monetary compensation for his land.

*Section 1303: Use of Cabins and Other Sites of Occupancy on Conservation System Units*

This section provides the Secretaries with authority to permit the continued use of cabins in Alaska even though the occupants may not hold legal title to these cabins.

The Committee is familiar with the use by Alaska residents of cabins and other sites of occupancy on lands which are located in the various units established by this Act. The use of such cabins has become known nationwide because of the descriptions of John McPhee in his book "Coming into the Country." The types of occupancies described in this book provide a difficult question for the Committee because in many instances it appears that the occupants do not hold any legal interest in the land on which they occupy. Nevertheless, the Committee believes these residents carry on a unique lifestyle which may further the purposes of or may not necessarily endanger the units established by this Act.

While recognizing that many of these occupants hold no legal interest in these sites, it is the intent of the Committee that the Secretary be fair and equitable in his administration of the permitting authority granted under provisions of this Act. In some cases, the residents of Alaska have lived on these site of occupancy for a number of years but were unaware of the legal requirements of filing under the various public land laws. The Committee intends that the Secretary utilize this permitting system to permit the continuation of this life style wherever possible and where there is no real conflict or danger to the resources for which the units have been established.

The Committee adopted an amendment which provides for the continuation of valid leases or land use permits for cabins, homesites, or similar structures on Federal lands. The Secretary is directed to renew existing valid permits or leases unless he determines the use of the lease is a direct threat or significant impairment to the values of the units.

*Section 1304: Archeological and Paleontological Sites*

Like the House, the Committee adopted a provision that would ensure protection of some significant isolated archeological and paleontological sites located outside the boundaries, but near the Bering Land Bridge National Preserve, Yukon-Charley National Preserve, Kobuk Valley National Park, and Cape Krusenstern National Monument. The regions including these areas were not glaciated during the last Ice Age, and, thus, have high potential for contributing knowledge about life in the Arctic at the time man entered the New World.

Unlike H.R. 39 as passed, the Secretary does not have the authority under the Committee amendment to condemn lands for these purposes. The Secretary's authority in this regard is extended to the Cape Krusenstern National Monument by the Committee amendment. Nothing in this legislation is intended to preclude appropriate archeological or other studies whether by DOI or other agencies, the Smithsonian Institution, universities, or any appropriate person or group. In carrying out archeological studies in the sites referred to in this section, in conservation system units, in the National Petroleum Reserve, and in Alaska generally, the Secretary should actively cooperate with appropriate Federal and local government agencies and nongovernmental persons or entities, including Native Village and regional corporations, and educational institutions.

*Section 1305: Cooperative Information/Education Centers*

The Committee directed that studies be conducted of possible future information/educational centers in Alaska, whereas such centers are authorized to be constructed in H.R. 39 as passed by the House.

*Sections 1306-1309*

Both versions contain almost identical language relative to establishment of administrative sites and visitor facilities (Sec. 1306); revenue-producing visitor services (Sec. 1307); local hire (Sec. 1308); and the Klondike Gold Rush National Historical Park (Sec. 1309). Like the House, the Committee expects the agencies to make a concerted effort to hire local residents when possible and to take advantage of the special knowledge and expertise that local residents often possess.

The Committee recognized that there are many people engaged in offering services to the general public within the conservation system units. Section 1307 provides that these individuals shall be granted a preference to continue to offer these services if they so choose. It is intended however, that operators of such services operate in conformance with established standards and practices for the management agencies, for example the standards and requirements for concessioners for units of the National Park System must be met for operations

within the park system units. The Secretary in enforcing this section should use his flexibility to not be unduly restrictive on operators. Any existing operations that are not in compliance with established practices should be given a reasonable period of time to modify their operations to meet established requirements and standards.

The Committee also provided that any new revenue producing services first be offered to existing local residents and native corporations. The two categories listed in the statute are equal in status under the section.

When more than one native corporation could qualify for the native preference granted under this section, the Committee intends that to the extent possible the Secretary not be put into a position of having to choose between equally qualified corporations. It is recognized that village corporations generally will have the manpower to implement operations while the regional corporations will have the finances to provide needed capital. Thus the Secretary could provide qualified native corporations the opportunity to develop a joint venture to operate the concession operation.

The Committee adopted two amendments to Section 1307 to clarify the intent of the Committee. These amendments insure that the provisions of Section 1307 do not affect the existing authority of the State of Alaska to license and regulate transportation services under State law and clarify that guiding for sport hunting and fishing is not subject to the general local hire and preference provisions of the section.

The Committee also adopted an amendment to insure that Section 1307 would not prevent the Secretary from offering the Cook Inlet Region a right of first refusal on certain new revenue-producing services as outlined in the Cook Inlet Land Exchange (referenced in Public Law 94-204).

#### *Section 1310: Navigation Aids*

Like H.R. 39, as passed by the House, the Committee amendment makes it clear that existing air and water navigation aids and existing weather, climate, and fisheries research and monitoring facilities will be permitted to remain in place and be operated and maintained, even where such aids or facilities may be within units designated by the Act, including wilderness areas.

The Committee amendment also provides for the establishment of new facilities under certain conditions.

#### *Section 1311: Scenic Highway Study*

Both versions provide for the Secretary to cooperate with the local Native corporations and the State in studying whether the existing road approaches to Mt. McKinley and the proposed Wrangell-St. Elias National Parks should become a scenic highway linking the two areas.

The Committee does not intend that this study affect existing businesses, residences or other occupancies along the study route. It is the intent of the study that a scenic highway serve to promote tourism between the two park system units. The withdrawal during the study relates only to mining and mineral leasing and will not affect existing residences, businesses or other occupancies.

The Committee did adopt two clarifying amendments which insure that the State can carry out necessary road maintenance and improvement during the study and provide that the views of all members of the study team shall be part of the report transmitted to the President.

*Section 1312: Administration of National Recreation Areas*

Unlike the House-passed bill, the Committee amendment designates several national recreation areas under the administration of both the Secretary of the Interior and the Secretary of Agriculture. The Committee establishes these areas in an effort to provide significant recreational opportunities and preserve scenic and natural values while insuring some additional management flexibility. The Committee expects both Secretaries to manage their respective areas with a multiple-use concept in mind. A variety of uses including recreation, mining, hunting, fishing, timber harvesting, etc., may be permitted in these areas consistent with the management framework outlined in Section 1311.

*Section 1313: Administration of National Preserves*

Both versions establish several national preserves to be administered by the National Park Service. Like the House-passed bill, the Committee amendment directs that a preserve be managed as a national park except that all forms of hunting be permitted to continue. This includes sport, subsistence, and guided hunting. The Committee expects that some hunting guides with guiding areas located within proposed park units may be shifted by the State guiding board to the various Preserves. The Committee expects the Park Service to work with the State in making this transition as smooth as possible. Additionally, the Committee is informed by the Park Service that guided hunting will not necessarily conflict with management of the Preserve and expects the Park Service to work to insure that guided hunting can continue to be a viable part of the Alaska hunting scene.

The Committee adopted a separate amendment, Section 1317, which clarifies that activities incidental and necessary to allowed uses, such as guided hunting within conservation system units including preserve units shall be permitted subject to reasonable regulations.

The Committee also adopted an amendment clarifying that trapping shall be allowed in national preserves and that the statutory requirement that the taking of fish and wildlife be allowed does not deprive the Secretary of his traditional authority to close public lands located within conservation system units to the taking of fish and wildlife under statutory criteria.

In allowing trapping to continue within preserves, it was not the intent of the Committee to allow exploitative forms of commercial trapping to occur. The intent of the Committee is to allow individual Alaskans to continue to operate their own trap lines within the preserves, even though those individuals might not qualify as subsistence users. The Committee clearly does not intend that the preserves would be a place where more extensive forms of commercial trapping would be allowed where, for example, the trapping itself becomes a business with employees paid to support the trapping operation. The Secretary, through the National Park Service is expected to monitor trapping operations within the preserves and the associated wildlife popu-

lations and issue appropriate regulations to insure that exploitive forms of trapping do not take place and that there is no substantial or permanent harm to the wildlife populations.

*Section 1314: Taking of Fish and Wildlife*

This section, adopted as a Committee amendment, preserves the status quo with regard to the responsibility and authority of the State to manage fish and wildlife, and reconciles this authority with the Act, including the subsistence title. At the same time, the section confirms the status quo with regard to the authority of the Secretary to manage the wildlife habitat on Federal lands.

The section also clarifies that fishing shall be permitted in national parks and monuments and that subsistence uses shall be permitted where specifically provided by the Act.

*Section 1315: Wilderness Management*

In considering wilderness designation in Alaska, both the House-passed bill and the Committee amendment adopt several special provisions relating to wilderness management in Alaska.

Of particular interest to the Committee is the future of fish enhancement and aquaculture activities in the State. The Committee adopted language making it very clear that various fisheries enhancement activities could be permitted by the appropriate Secretary within wilderness or wilderness study areas, subject only to reasonable regulation.

Access into wilderness and wilderness study areas for aquaculture purposes is permitted—including the use of motorized equipment. The Committee intends that any surface access—especially road access—which might be granted pursuant to this section be used solely for the fishery enhancement purposes for which the access was required. Although this language specifically applies only to wilderness and wilderness study areas, the Committee expects Federal land managers to work with the State cooperatively on fish enhancement projects in non-wilderness areas also.

The Committee also concurs with the views expressed by the House Interior and Insular Affairs Committee relative to wilderness management generally. (See pages 175–176 of the House Committee Report 95–1045; Part I.)

The Committee adopted an amendment to emphasize its support of scientific research as an activity which shall be allowed in wilderness areas. The amendment directs the Secretary to permit scientific research activities in accordance with the provisions of the Wilderness Act of 1964.

It is recognized that some uses which are allowed within wilderness areas designated by this bill, most notably guiding and trapping, may in some areas require the use of rudimentary line cabins, shelters, caches and other minimal support facilities. Without recognition of these incidental uses and facilities, guiding, trapping and other allowed uses, while technically allowed, would be impossible to conduct as a practical matter. Therefore, the Committee intends that those related uses and facilities required to accomplish uses otherwise allowed within wilderness areas shall also be allowed, consistent with the allowed use and the purposes of the areas designated as wilderness.

*Section 1316: Allowed Uses*

This section, adopted as a committee amendment, clarifies that activities incidental and necessary to allowed uses within conservation system units, including wilderness areas, shall be permitted, subject to reasonable regulations. The amendment provides that equipment and facilities, which would be utilized in carrying out permitted activities such as guided hunting, sport hunting, and commercial fishing, shall be permitted, but the Secretary may through reasonable regulations ensure these activities are made compatible with administration of the area. This amendment applies to the continuing use of existing facilities and equipment and to the use of new facilities and equipment.

*Section 1317: General Wilderness Review Provision*

The Committee amendment directs the Secretary of the Interior to conduct a wilderness review of those lands within National Parks, Monuments, and Wildlife Refuges not designated as Wilderness by the Act. This review is to be made pursuant to the Wilderness Act and completed within 5 years.

The Committee expects that the affected units will be managed and administered in accordance with the provisions of this Act and applicable law during the study period.

*Section 1318: Statewide Cultural Assistance Program*

This section authorizes the Secretary to provide assistance to Native corporations or groups to the preservation and interpretation of cultural resources.

*Section 1319: Effect on Existing Rights*

This section clarifies that the Act does not affect the jurisdiction of the State of Alaska and the Federal Government as such jurisdiction relates to the appropriation, control, or development of water resources.

*Section 1320: Bureau of Land Management Reviews*

This section provides that Section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska.

*Section 1321: Small Hydroelectric Facilities*

This section provides that the location or construction of small hydroelectric facilities shall be permitted in accordance with existing law and that nothing in this act or other existing law shall be construed as necessarily prohibiting or mandating such location or construction.

*Section 1322: Authoriation for Appropriations*

This section authorizes such sums as may be necessary to carry out this Act. It is the intent of the Committee that such funding be at a level commensurate with levels of funding for other existing national conservation system units of comparable size and resource value.

*Section 1323: Effect on Prior Withdrawals*

The section rescinds specific withdrawals made by President Carter and by the Secretary of the Interior in November and December, 1978 and in June 1979. The section provides that the boundaries of this Act

govern the areas covered by the legislation and that the provisions of existing law govern the other federal lands in the State of Alaska. The section becomes effective upon the relinquishment of specified State selections made on November 15, 1978.

*Section 1324: Access*

This section is designed to remove the uncertainties surrounding the status of the rights of the owners of non-Federal lands to gain access to such lands across Federal lands. It has been the Committee's understanding that such owners had the right of access to their lands subject to reasonable regulation by either, the Secretary of Agriculture in the case of national forests, or by the Secretary of the Interior in the case of public lands managed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976. However, a recent District Court decision in Utah (*Utah v. Andrus et al.*, C79-0037, October 1, 1979, D. C. Utah) has cast some doubt over the status of these rights. Furthermore, the Attorney General is currently reviewing the issue because of differing interpretations of the law by the Departments of Agriculture and the Interior.

The Agriculture Department believes that non-Federal land owners have the right of access to national forest lands subject to reasonable rules and regulations. They find nothing in the Organic Act of 1897 (16 U.S.C. 473-478, 479-482, 551) or the Wilderness Act which precludes such access. In fact, they interpret Section 5(a) of the Wilderness Act (16 U.S.C. 1131-1136) as mandating access to non-Federal in holdings within national forest wilderness.

The Interior Department on the other hand, interprets Section 5(c) of the Wilderness Act as expressly authorizing denial of access to such inholders in wilderness areas. Based on that interpretation, Interior then concludes that the provisions for wilderness review of public lands organized by BLM in section 603(c) of the Federal Land Policy and Management Act also authorized denial of access across public lands subject to wilderness review.

The Committee amendment is designed to resolve any lingering legal questions by making it clear that non-Federal landowners have a right of access. National Forests and public land, subject, of course, to reasonable rules and regulations.

#### TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND RELATED PROVISIONS

*Section 1401: Stock Alienation*

This section is intended to allow Native Corporations the option of giving their shareholders and Corporations additional protection after 1992 when stock can be alienated. The section is also designed to limit the possibility of take over of Native Corporations by outside interests. This is accomplished by allowing the Corporations the option of amending their bylaws to provide for a right of first refusal before the culmination of a sale or other transfer of the stock and also to limit voting in Native Corporations to Alaska Natives or their direct descendants. In addition, this section allows Alaska Native members of professional organizations to alienate their stock in cases where holding Native stock may interfere with their ability to conduct their business.

### *Section 1402: Selection Requirements*

Grants discretionary authority to the Secretary to waive the requirement of section 12 of the ANCSA that Village Corporations select land in whole sections where waiver of the whole section requirement and use of natural features (such as meanderable bodies of water) as selection boundaries is justified and appears to be beneficial to the landowners—Native, State, or Federal. A waiver may also be granted where another Corporation is to receive title to a portion of the whole section.

### *Section 1403: Retained Mineral Estate*

Under many of the Public Land Laws, the United States retained all or a portion of the mineral estate when it conveyed lands to individual entrymen. This section would allow a Regional Corporation (1) to have included within its existing selection or selections certain contiguous retained mineral estates that were not withdrawn pursuant to Section 11(a) (3) of the ANCSA, (2) to exclude certain retained mineral estates from the mandatory selection requirements of Section 12(c) (3) of the ANCSA, and (3) provide in lieu surface estate rights when such certain retained mineral estates are conveyed to Regional Corporations.

Where a Regional Corporation has selected received subsurface estate rights pursuant to Section 12(a) (1) or 14(h) it would have to exercise any in lieu surface estate rights in such areas first.

### *Section 1404: Vesting Date for Reconveyances*

Subsections (a) and (b) make it clear that December 18, 1971, the date the Alaska Native Claims Settlement Act (ANCSA) became law, is the vesting date of rights of individuals, businesses, and nonprofit organizations to receive reconveyance of land from Village Corporations under Sections 14(c) (1) and (2) of the ANCSA. An exception is made for Village Corporations on the Pribilof Islands.

Subsection (c) amends Section 14(c) (4) of the ANCSA to make it clear that the Village Corporation is obligated to reconvey lands for airport sites, runways, facilities associated with the operation of airports, and land or easements necessary to maintain safe approaches to airports, based on the manner in which airports and related facilities were in existence on the date of enactment of the ANCSA.

If new airports have been constructed since December 18, 1971, on lands selected by Village Corporations, or if airports or airport facilities have been improved or expanded since that date, it is understood that such uses of selected land have been properly authorized by the Department of the Interior and as such are considered valid existing rights which will be recognized by the Village Corporation at the time they receive conveyance to their lands. This subsection also amends Section 14(c) (4) of the ANCSA to make it clear the Village Corporation's conveyance obligations at airports are limited to those lands associated with the provision of services by governmental entities and do not extend to the conveyance of lands associated with the provision of services by nongovernmental entities.

### *Section 1405: Reconveyance to Municipal Corporations*

Amends Section 14(c) (3) of the ANCSA to provide that less than 280 acres may be reconveyed by a Village Corporation to a Municipal

Corporation or the State in trust, if there is agreement to do so. Conveyance of 1,280 acres may not be necessary in certain communities but this should be determined on an individual basis by the local municipal government and the Village Corporation or in the absence of a municipal corporation, by the Village Corporation and the State in consultation with the local community. This subsection also amends Section 14 (c) (3) to make it clear that it is the intent of ANCSA for the Village Corporation to receive the financial benefit from the sale of surface resources on lands reconveyed by them but that utilization of surface resources for local governmental purposes is not precluded.

*Section 1406: Conveyance of Partial Estates*

This section amends the ANCSA to make it clear that the subsurface estate in lands located within National Wildlife Refuges will not be conveyed to a Regional Corporation under Section 14(h) (1), (2), or (5) of the ANCSA and will be retained in United States ownership. An exception is made for the subsurface estate underlying cemetery or historical sites of 640 acres or less in size conveyed under section 14(h) (1). In lieu rights are provided where the Regional Corporation does not receive the subsurface estate. Also, criteria are provided for the withdrawal for and selection of such in lieu rights. This section also amends Section 14(h) (6) of the ANCSA to make it clear that the retained mineral estate underlying allotments approved during the four year period following enactment of the ANCSA is to be conveyed to the appropriate Region Corporation unless the allotment lands are located in a Wildlife Refuge or, as provided in section 12 of Public Law 94-204, in the Lake Clark area.

Provisions is made in subsection (e) for a 180-day period for Regional Corporations to assert any claim to the subsurface estate of lands in a Wildlife Refuge other than the 640-acre exception for 14(h) (1) selectable under 14(h) of the ANCSA. If such a claim is submitted, that Regional Corporation would not be entitled to the benefits provided by this section and Section 1403.

*Section 1407: Shareholder Homesites*

Amends section 21 of the ANCSA to provide that if land is conveyed by a Village Corporation to a Village Corporation shareholder for the purpose of providing a homesite, that conveyance will not be considered a distribution of corporate assets provided certain restrictions and covenants are observed. The land conveyed to the shareholder may not exceed one and one-half acres in size and for a period of not less than ten years may only be used for single-family residential occupancy. If the shareholder ever subdivides the land, he becomes liable for all Federal, State, and local taxes which he would have had to pay were it not for the protection provided by this section.

*Section 1408: Basis in the Land and Reserves from Land*

The Settlement Act originally provided that the basis in land should be the fair market value of land at the time of receipt of such land.

This provision defines time of receipt as "the time of the conveyance" by the Secretary of the Interior, regardless of whether the title document is a patent or an interim conveyance. The amendment further provides that the basis of mineral deposits and timber shall be the fair market value at the time of first commercial development.

*Section 1409: Fire Protection*

Makes it clear in Section 21 of the ANCSA that there is only one criterion for the continuation of fire protection of Native lands by the United States—lack of production of substantial revenues. The section also changes the adjective used in Section 21 to describe the kind of fire protection provided from “forest” to “wildland”. The term “wildland fires” has a particular meaning as it applies to the Department of the Interior’s operations in Alaska and is understood to cover the entire spectrum of fires, i.e., those occurring in tundra, brush, or timber areas, but does not include developments (mineral developments, oil rights, sawmills, etc.) or improved areas (towns, communities, groups of buildings, etc.).

*Section 1410: Interim Conveyance and Underselections*

This section amends Section 22(j) of ANCSA to authorize the Secretary to convey lands by “interim conveyance” when the lands have not been surveyed. The interim conveyance shall convey the same right, title, and interest in and to the lands as a patent. After the survey, a patent shall be issued, and if necessary, the lands may be redescribed in reference to the plot of survey. The terms “Patent” and “Interim Conveyance” are made interchangeable throughout the Settlement Act. All interim conveyances issued prior to enactment of this Act are retroactively validated.

As amended by the Committee, Section 22(j) also gives the Secretary of the Interior the necessary authority to withdraw available lands for Village Corporation selection in those instances where it is determined a Village Corporation has not selected sufficient land to obtain its full entitlement. The Secretary is to make every effort to rewithdraw available land for underselected Villages from the original Village and deficiency withdrawals. Lands considered available for rewithdrawal would include all lands with those withdrawals which was considered public land and available for withdrawal at the time the ANCSA was passed in 1971, irrespective of classification of the land subsequent to passage of the ANCSA. If sufficient land to correct these problems is no longer available in the Village or deficiency withdrawals of the underselected Village, the Secretary is expected to locate other available land as close to the Village as possible for withdrawal and selection by the Village. Upon withdrawal and notification by the Secretary, the appropriate Village Corporation would make its selection within 90 days.

*Section 1411: Escrow Account*

Section 2 of Public Law 94-204, the Act of January 2, 1976, provides for the payment into escrow, funds received after January 1, 1976, from leases, rights-of-way, etc., on lands withdrawn for Native selection. The escrowed funds are held pending conveyance or non-conveyance, and paid, upon conveyance, to the appropriate Native entity.

This section amends and clarifies Section 2 of Public Law 94-204 to:

- (1) Include within the types of receipts covered by the escrow account, funds received by the United States as a result of trespasses occurring on public lands after they were withdrawn for Native selection;

(2) Provide for proportionate payment of escrowed funds where the conveyed land does not include all of the area involved in the lease, right-of-way, trespass, etc. and;

(3) Change the date for identification of funds derived from leases, rights-of-way, etc., for deposit in the escrow account from January 1, 1976, to the date of withdrawal of the lands for selection. To avoid delays in the conveyancing process, receipts due the Natives for the period between date of withdrawal and January 1976 would be identified within two years of conveyance of the land from which the receipts were derived or within two years of the date of this Act, whichever is later. These funds are then to be paid, subject to appropriation with interest to the appropriate Native entity.

#### *Section 1412: Limitations*

This section is a savings clause which provides that except as specifically provided in this legislation, the provisions of the ANCSA are fully applicable to this legislation and nothing herein shall be construed to alter or amend those provisions.

#### *Section 1413: Supplemental Appropriations for Native Groups*

This section authorizes the payment of grants to Native Group Corporations established pursuant to Section 14(h)(2) to the ANCSA. These grants are to be no more than \$100,000 or less than \$50,000 and are to be paid only after the Native Group receives final certification and has incorporated under Alaska State law. The Secretary's regulations specify that Native Groups are to have at least three but no more than 24 enrollees; therefore, it is intended that the difference between a minimum and maximum grant will be paid in proportion to the population of each Group. For example, a Group of three would receive the minimum grant of \$50,000, while a Group of 24 would receive \$100,000; Groups larger than three but less than 24 would receive the minimum grant of \$50,000 plus \$2,380.95 (or  $\$50,000 \div 21$ ) for each member over three. It is intended that these funds are to be used by the Native Group Corporations for such purposes as planning and development of their lands and organizational expenses of the corporations. These funds are granted in recognition of the fact Native Group Corporations as corporate entities do not receive a share of the Alaska Native Funds as do Village Corporations.

#### *Section 1414: Fiscal Year Adjustment Act*

This section would require deposit in the Alaska Native Fund of the payments due under the ANCSA on the first day of the fiscal year and immediate investment of those deposited funds by the Secretary of the Interior. It would require him to distribute Alaska Native Fund deposits at the end of the first quarter in all fiscal years except 1979, and would require the Treasury to return and deposit in the Fund for distribution to the Native Corporations interest actually earned by the Secretary of the Interior through the Investment of funds appropriated for fiscal year 1977 and invested from October 1, 1976, to June 30, 1977.

This section is to make certain that payments due to be made under the ANCSA are deposited into the Alaska Native Fund on the first day of the fiscal year for which the monies are appropriated. Under exist-

ing law, the appropriations are being deposited in the Alaska Native Fund in the fourth quarter of the fiscal year. (See Section 38, Act of April 21, 1976; 90 Stat. 375, 380-381). Deposit of the payments in the Fund immediately upon the first day of the fiscal year will insure immediate investment of these funds by the Secretary of the Interior for the benefit of the Natives. By distributing the appropriated funds and interest earned to the Natives at the end of the first quarter rather than at the end of the fourth quarter, as is presently being done, the Natives will obtain the funds earlier and assume responsibility for their prudent investment. The Committee considers this important since the purchasing and general economic power the Natives were to have had under the ANCSA has already been seriously eroded by inflation, a delay in completion of the Trans-Alaskan Pipeline, and delays in conveyancing which were not fully anticipated by either the Congress or the Department of the Interior. Investment of appropriations to the Fund from the first day of the fiscal year and distribution of appropriations and interest at the end of the first quarter will help stem the erosion.

With this purpose in mind, this section is also intended to correct a problem with the fiscal year 1977 appropriations for the Alaska Native Fund. Notwithstanding the language in section 38 of the Fiscal Year Adjustment Act (90 Stat. 380), the Department of the Interior was of the opinion that the Secretary was authorized to invest these appropriations immediately upon receipt. The Department based its opinion on the unique circumstance of those appropriations as more fully set out in a letter of September 28, 1977, from the Deputy Solicitor to the Comptroller General. By an opinion of April 13, 1978, (File: B-108439), the Deputy Comptroller General rejected the position taken by the Department and directed that the interest earned by the Secretary's investment of these appropriations for the three quarters of fiscal year 1977 be deposited in the Treasury as Miscellaneous Receipts. This section would require retroactive distribution to the Native Corporations of the interest earned by the Secretary's investment of those funds after October 1, 1976.

*Section 1415: Relinquishment of Selections Partly Within Conservation Units*

In drawing the boundaries of conservation system units, the Committee adopted, wherever possible, watershed and natural boundaries. The intent of this section is to provide for a means to resolve the problem of overlapping boundaries caused by Native and State selections being made on township and section lines and conservation system units having natural boundaries. In many instances, Native and State selections overlap conservation system units by partial townships and sections. The intent of this section is to allow the State and Natives, at their discretion, to drop any part of or all of a valid selection that lies within a conservation system unit and retain the remaining portion of the selection outside of the unit. This would not result in invalidating the remaining selection and would provide for common natural feature boundaries between land owners. Without this new authority, the Natives and the State will have difficulty making selections using natural boundaries without violating compactness, size, contiguity, and section line requirements.

*Section 1416: Alaska Townsites*

Closes all remaining townsite lands in Alaska to further occupancy and entry. All unoccupied lands in the townsites for which the Townsite Trustee still retain title, are to be conveyed to the city in which the townsite is located, or if a city has not been incorporated or does not wish to receive the townsite lands, conveyed to the State. The State shall administer such lands in the same manner as lands conveyed to the State under Section 14(c)(3) of the ANCSA. The unoccupied townsite lands are to be conveyed to the city or the State without charge and shall be credited toward the reconveyance requirement of Section 14(c)(3), as are previous conveyances under the townsite laws. The Townsite Trustee is expected to hold sufficient lands or funds to complete all pending actions with respect to the townsites such as completion of subdivisional surveys, settlement of claims against the trust account, etc. In recognition of the repeal of the Alaska Townsite laws (Acts of March 3, 1891, and May 25, 1926) by the Federal Land Policy and Management Act of 1976 (Public Law 94-579), subsection (d) of this section makes it clear that the Secretary shall act on pending townsite petitions and applications and the Townsite Trustee shall discharge his trust responsibilities on all tracts lawfully occupied on the date this section becomes law, notwithstanding the 1976 repeal of the Alaska Townsite Acts. Discharge of this trust includes issuance of restricted deeds to qualified Alaska Native occupants of townsite lands.

*Section 1417: Pribilof Acquisition Authority*

This section would facilitate negotiation and acquisition by the United States of the bird cliffs of the Pribilof Islands, a natural wildlife habitat now under native ownership.

*Section 1418: NANA/Cook Inlet Regional Corporation Lands*

Open lands that are currently classified under Sections 17(d)(1) or 17(d)(2) of ANCSA to selection by the NANA Corporation and, with the permission of NANA and the State of Alaska, the Cook Inlet Regional Corporation. The area withdrawn contains about 70,000 acres and is outside the NANA Section 11 withdrawals.

Subsection (a) describes and statutorily withdraws the lands that are made available for selection by NANA and Cook Inlet.

Subsection (b)(1) provides that the NANA corporation may file selections on the withdrawn lands within 180 days. The Cook Inlet Region may also file selections on the lands withdrawn by subsection (a) if the approval of the State of Alaska and the NANA Corporation is obtained. The NANA Corporation is to have first choice of all of the lands within the block, up to the limit of their entitlement under Section 14(h)(8) of the ANCSA. Any lands that the Cook Inlet Region is to obtain are to be considered as part of their entitlement under the "Terms and Conditions" of the Cook Inlet land exchange, Public Law 94-204, as amended.

Subsection (b)(2) sets forth the standards for Native selections within the withdrawal area. The remaining subsections provide that all of the selections are to be treated as selections made under the terms of the ANCSA; the land entitlements of the two regions are not increased or decreased by this provision. However, lands selected in the

withdrawn area and conveyed to either of the Regions are to be charged against their existing entitlements; lands not selected by either of the two Native corporations are to be made available for conveyance to the State of Alaska, to the extent that the State interest lands overlap the lands withdrawn for Native selection; and any remaining lands within the withdrawal area that are not conveyed to NANA or Cook Inlet or the State are to remain in Federal ownership.

*Section 1419: Doyon Regional Corporation Lands*

This section as well as Sections 1420, 1421, and 1422 authorize a land exchange among the Secretary of Interior, the Doyon Regional Corporation and the State of Alaska. The exchange serves to reduce Native inholdings within two conservative system units; provide the State and Doyon lands they would like to own; and consolidate land ownership patterns in interior Alaska. The following chart summarizes the exchange, all acreage calculations are estimates:

KEY TO LANDS TO BE RELINQUISHED BY DOYON

Area	Name	Receiving	Acres
A	Yukon-Charley National Preserve.....	National Park Service.....	190,080
B	Kanuti National Wildlife Refuge.....	Fish and Wildlife Service.....	28,800
C	Lower Yukon River.....	State.....	48,000
	Total.....		266,880

KEY TO LANDS TO BE RELINQUISHED FROM D-2 PROPOSALS TO STATE

Area	From	To	Acres
A	Yukon-Charley Preserve.....	State.....	46,720

EXCHANGE SUMMARY

To—	From State	From D-1	From H.R. 39/D-2	From Doyon	Total
Doyon.....	94,720	81,800	79,160	-----	255,680
State.....	-----	-----	46,720	48,000	94,720
Conservation units.....	-----	-----	-----	218,880	218,880
Total.....	94,720	81,800	125,880	266,880	569,280

Section 1419(a) authorizes the Doyon Regional Corporation to relinquish certain described lands which they have previously selected within their region. For the described lands, Doyon is to relinquish all of their rights and interests in the lands so that they may be added to conservation system units. The lands described include all of the Native selections within the Charley River watershed; other selections within the Yukon-Charley Rivers National Preserve but outside of the Charley River watershed in the vicinity of Mount Sorenson; selections which lie within the Kanuti National Wildlife Refuge; and selections which are along the Yukon River near the Innoko National Wildlife Refuge. All of the lands relinquished under paragraphs (A), (B), and (C) are to be added to their respective conservation system unit without regard for the acreage figures indicated for the units in Titles

II and III. The lands in paragraph (D) are to become available to the State of Alaska for selection under the terms of the Alaska Statehood Act. At such time that the Doyon Corporation relinquishes all of the selections described in the paragraph then the rest of this section as well as sections 1420, 1421, and 1422 become operative. This relinquishment of the Natives selections is mandatory before these sections may be implemented. Once the exchange is initiated by the Natives, then the remainder of these sections must be implemented. Doyon shall relinquish their selections within 90 days of enactment of the legislation. Should the Doyon Corporation not relinquish these selections within 90 days, then these sections are to be considered null and void.

Since some of the lands being relinquished by Doyon will result in their lands having natural boundaries rather than township and section lines, the Secretary and Doyon will have to work together in determining the exact acreage that was relinquished. Doyon is to receive, on an acre for acre basis, replacement lands for those relinquished. These can come from either the lands made available for Doyon in this section or through existing valid selections that might otherwise be overselections. The final decision is to be made by Doyon. The relinquishment of their lands on natural boundaries should not result in the lands they retain being ruled invalid due to requirements in existing regulations.

Section 1419(b) provides the lands that the Doyon Regional Corporation may be allowed to select in exchange for the lands relinquished. The action further provides for the minimum size and selection requirements that Doyon must meet in its final selections.

These selections by Doyon are to be treated as selections made under the terms of the ANCSA, thus all sections of ANCSA, such as easements, that apply to Native selections shall also apply to these selections, except for the necessary waiver of regulations described in 1419 (a). All of the lands identified for selection by Doyon are withdrawn from all forms of appropriation under the public land laws by this Act in order to protect them until such time as Doyon receives conveyance to the lands. The Secretary is empowered to terminate the withdrawal one year after the enactment of this Act for those lands not actually selected by Doyon. The Secretary may also terminate the withdrawal anytime Doyon relinquishes a selection, or at such point that Doyon has received its full entitlement under ANCSA. The Secretary shall allow reasonable surface and mineral studies of the withdrawn lands by Doyon or its assigns. The Secretary shall develop regulations that govern such studies which serve to provide necessary environmental protections for the lands while the studies proceed. The development of such regulations are exempt from all of the provisions of NEPA so as to facilitate early completion of the regulations.

Section 1419(c) provides that Doyon may select the lands withdrawn for their selection in this section under the provisions of either sections 14(h)(8) or 12(c) of ANCSA. Doyon shall inform the Secretary at the time of selection under which authority they are making the selection. Once the lands have been selected under this section, the Secretary shall adjudicate the selection and issue an interim conveyance decision within 180 days of the time the Department receives the selection from Doyon.

Recognizing that Doyon will most likely not receive its full 14(h) (8) entitlement from the lands withdrawn under this section, the section provides Doyon the authority to file 14(h) (8) selections elsewhere within their region, within 6 months after the enactment of this Act, but only on those lands which were earlier validly selected under 12(c) of ANCSA. Doyon may not file any selections on lands they have relinquished either through this Act or any other action. The intent of the section is to allow Doyon the right to convert existing 12(c) selections to 14(h) (8) selections. However, Doyon may not file any 14(h) (8) selections on lands that were withdrawn under section 11 of ANCSA and are included within the boundaries of a conservation system unit.

The section further recognizes the need of Doyon to have access from the Kandik Basin to the existing highway system in the State. Thus the section provides that the Secretary shall grant a right-of-way for Doyon across the Yukon-Charley Rivers National Preserve. More than one right-of-way may be granted by the Secretary. However, the Secretary is prohibited from granting any right-of-way within or through the Charley River Watershed.

*Section 1420 : Hodzana River Study Area*

Section 1420 establishes a study area within the Yukon Flats National Wildlife Refuge from which Doyon may be entitled to select up to one township of land. The land descriptions in this section are meant to describe the area on watershed lines and natural boundaries. The Secretary has the flexibility to modify the description as is necessary and in cooperation with Doyon to properly describe the watershed boundary should there be an error in the legal description in this section.

Doyon shall be allowed the rights to explore for minerals and investigate surface values within the study area. Surface disturbances must be held to a minimum, however, such techniques as core drilling shall be allowed. The Secretary shall develop regulations which serve to protect the natural values of the study area during the study period. Of particular concern, the regulations should address the need to protect the water quality and quantity of the Hodzona River. The Fish and Wildlife Service should also undertake such studies as are necessary which would identify any actions needed to protect the water quality and quantity of the Hodzona River should the Doyon Regional Corporation exercise its rights to select up to one township of lands within the study area. To this end the Secretary is urged to seek cooperative agreements with Doyon concerning research, uses and management of the study area should selections be conveyed. Doyon shall receive the title to both surface and subsurface within the township. If Doyon and the Secretary agree, the study period may be extended up to two years beyond the original termination date.

*Section 1421 : Conveyance to the State of Alaska*

Section 1421 provides for conveyance to the State of Alaska certain described lands. This section is part of the overall land exchange approved by the Committee and is activated only at such time as the agreement in section 1419 becomes operative through the relinquishment of lands by Doyon, Ltd.

*Section 1422: Doyon Site Specific Amendment on Fortymile River  
(d) (1) Former (d) (2) Lands*

Section 1423 authorizes Doyon Regional Corporation to receive conveyances to lands that were selected by them but are the subject of litigation. As part of the overall exchange authorized by the Committee and in order to consolidate land ownership patterns in the region, this section allows Doyon to receive certain of those lands. Doyon does not have to refile selections. Rather they only have to identify to the Department which of the selections, within the lands and limits described within this section, that they would like to receive title to. Under this section, Doyon may select only those lands that are not included within the Fortymile Wild, Scenic, and Recreation River as established in this Act, and any expanded corridor associated therewith. This section can also only take effect after Doyon, Ltd. has executed and filed a stipulation consenting to the dismissal, with prejudice, of the lawsuit pending against the Department of the Interior, *Doyon v. Andrus*, Civil Action No. 78-1148 filed in the U.S. District Court, Washington, D.C. The stipulation must be filed within 60 days of the enactment of the Act. Failure by Doyon to file the appropriate stipulation shall nullify this section only and shall not affect the other sections, 1421, 1422 or 1423.

*Section 1423: Ahtna Regional Corporation*

Withdraws approximately 80,000 acres of land in the Cantwell area outside the Ahtna section 11 withdrawals for selection by the Regional Corporation under Section 14(h)(8) of the ANCSA. Subsection (b) (1) gives Ahtna 180 days to file selections on the withdrawn lands; subsection (b) (2) sets forth standards for the selections made. The remaining subsections provide that all sections are to be treated as selections made under the terms of the ANCSA; the land entitlement of Ahtna is not increased or decreased by this provision, however, land selected in the withdrawn area and conveyed to Ahtna is to be charged against its existing 14(h) (8) entitlement; and any remaining lands within the area withdrawn by subsection (a) that are not conveyed to Ahtna are to return to the public domain.

*Section 1424: Bering Straits Regional Corporation Lands*

Withdraws approximately 34,000 acres of land in the Bering Straits Region outside the section 11 withdrawals for selection by the Bering Straits Regional Corporation under Section 14(h) (8) of the ANCSA. Subsection (b) (1) gives Bering Straits 180 days to file selections on the withdrawn land and subsection (b) (2) provides standards for Bering Straits selections pursuant to Section 14(h) (8) in the areas withdrawn by this section. In addition, it provides that the Secretary may waive these standards for good cause or when it can be shown that a hardship is created by the standards set forth. The blocks of lands withdrawn are of varying size, ranging from approximately 30 acres to over 6,900 acres. The minimum size which the Bering Straits Corporation may select is eight sections, or 5,120 acres, or the size of the tract withdrawn, whichever of them is the smallest in size. Obviously if the tract withdrawn for selection is smaller than eight sections or 5,120 acres, it may be selected.

Subsection (c) makes it clear that conveyance of lands selected will be made pursuant to the provisions of the ANCSA. Subsection (d)

provides that the land entitlement of Bering Straits is not increased or decreased by this section, however, those lands selected in the areas withdrawn by subsection (a) and conveyed to Bering Straits are to be charged against the corporation's existing 14(h)(8) entitlement. The intent of subsection (e) is clear. Subsection (f) is intended to make it clear that when withdrawn lands are selected under section 14(h)(8) of the ANCSA, those selections will be superior to any existing selections. For example, if any of the lands withdrawn for selection under subsection (a) were selected under Section 14(h)(1) as cemetery or historical sites prior to the date of this legislation, the Bering Straits Region is still allowed to make a Section 14(h)(8) selection on those same lands. Similarly, if lands withdrawn by subsection (a) are not selected under Section 14(h)(8) for any reason by Bering Straits' corporation, existing 14(h)(1) selection on those lands, if any, are to be allowed to stand and be adjudicated in the normal manner.

*Section 1425: Eklutna Village Corporation Lands*

This section is designed to solve severe land selection problems regarding the Native Village of Eklutna.

*Subsection (a)* declares the need for a special settlement and the goals of that settlement.

*Subsection (b)* empowers the Secretary and further obligates him to implement any agreement executed by the State of Alaska, the Municipality of Anchorage, and Eklutna, Inc. respecting those lands located within Eklutna's 11(a) withdrawal area and which are described in subsection (b)(1). The parties are authorized to relinquish selections previously made and to agree as to the future disposition of acreage or interest in lands withdrawn by subsection (b). These relinquishments and conveyances will serve to facilitate land management with the Eklutna withdrawal area. If no agreement is reached, the legislation will be of no force and effect.

*Subsection (b)(1)* withdraws from all forms of appropriation under the public land laws with the exception of PL 94-204, section 12 as amended before this Act, those lands within the Eklutna 11(a) withdrawal area which are owned by the United States and which were not previously withdrawn by the Alaska Native Claims Settlement Act. The withdrawal is intended to preserve the subject matter of the contemplated negotiations between the State, the Municipality, and Eklutna, for the period authorized for negotiations, and further to require implementation of any agreement, if and when executed. If no agreement can be reached by the parties, the withdrawal will expire March 15, 1982.

*Subsection (b)(1)* makes it clear that the withdrawal is intended to permit the agencies currently administering the lands described therein to continue to administer those lands to the extent that they may lawfully do so. The United States is authorized to dispose of the lands to the parties in accordance with the agreement after the agreement has been signed and as soon as the federal property has been declared excess, provided that the land has not also been surplus prior to July 15, 1979. Before July 15, 1979, Cook Inlet Region, Inc. may be offered the property in accordance with the document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area as clarified August 31, 1976", as amended November 15, 1977 (PL 95-178).

*Subsection (b) (1)* further provides for a recognition of the prior vested rights of Cook Inlet Region, Inc. to any lands located within the region which are surplus and placed in the "in-Region pool" pursuant to Public Law 94-204 as amended before this Act, prior to July 15, 1979. After July 15, 1979, the parties will be entitled to any land that is declared excess in accordance with the terms of the agreement.

*Subsection (b)* revokes PLO 5187, as it pertains to the lands withdrawn by subsection (b) (1). PLO 5187 was a blanket withdrawal of all federal defense withdrawals to permit classification pursuant to subsection 17(d) (1) of the ANCSA after termination of the original withdrawal. This subsection also revokes power project withdrawals as to the lands described in subsection (b) (1), other than the Eklutna power project 350, Eklutna, Inc. and the Department of the Interior being in agreement that no others would ever be activated.

Certain other provisions of subsection (b) were developed to meet the concerns of the Department of the Interior. The parties' agreement is not intended to reach fixtures and personal property located on the Federal withdrawals at the time they are excessed, and such classes of property are to be disposed of pursuant to existing law. Subsection (b) also makes plain that the parties cannot by their agreement impose any procedural requirements or require the reassignment of additional personnel, however the agreement can impose obligations and outlays of funds where reasonable in the ordinary course of business. Subsection (b) further exempts the lands from section 14(c) (3) of the ANCSA because the participation of the Municipality of Anchorage in the negotiations will protect those interests.

Lands conveyed to the State of Alaska, the surface estate of lands conveyed to Eklutna and the subsurface estate of lands conveyed to Cook Inlet Region, Inc. pursuant to the subject agreement are to be charged against their respective entitlements under the Statehood Act and section 12 and 14 of the ANCSA.

*Subsection (c)* authorizes the State and Eklutna, to reach a second agreement dispositive of certain other lands located outside Federal installations. Subsection (c) is not intended to have any effect upon vested third party rights not upon the rights of Eklutna in the event that no agreement is reached.

*Subsection (d)* authorizes the State and Eklutna to relinquish their prior selections, in whole or in part, pursuant to the agreements contemplated by subsections (b) and (c). This subsection is also intended to make the lands affected by the relinquishment part of the withdrawal under section 11a() (1) of the ANCSA. The relinquishments by the State of its selections will relate back to the date of the passage of the ANCSA. Declaring any relinquished State selection as public land will mean the relinquished land will not count against the 69,120 acre limitation on State selections in subsection 12(a) of the ANCSA.

*Subsection (e) and subsection (f)* require the dismissal of the litigation which the agreements will compromise and settle. However, the obligation to dismiss does not arise before the settlements have been implemented.

*Subsection (g)* was requested by the Department of Interior to clarify the relationship between the subject agreements and Eklutna's

existing selection rights and entitlement under the Settlement Act. Because the actual conveyance to Eklutna of acreage or interests in lands withdrawn by subsection (b) (1) is dependent upon a number of factors outside the control of the parties, Eklutna's entitlement under existing law will not be reduced. However, to safeguard the interests of the parties, Eklutna is required to subject to the land bank provisions of the Act, land of at least equal acreage to that which may at some future date be conveyed to Eklutna pursuant to the subject agreements. The lands subject to land bank provisions will remain available to be disgorged by Eklutna in the event of any oversatisfaction of its entitlement under the Settlement Act by reason of conveyances to it pursuant to the subject agreements. The State of Alaska is the intended recipient of these disgorged lands. In the event of any resulting oversatisfaction of the State's entitlement, the State is required to reconvey lands to the United States accordingly. The mechanism set forth in subsection (g) is designed to insure that neither Eklutna nor the State receives more than their respective entitlements under existing law.

*Subsection (h)* is intended to make clear that Cook Inlet Region, Inc. or its grantee can be the owner of the subsurface estate in those lands conveyed to Eklutna, Inc. pursuant to the agreement. The mechanism adopted is as follows: (a) the Secretary will patent to Cook Inlet Region, Inc. or its grantee the subsurface estate in those lands conveyed to Eklutna, Inc.; if (b) the Region or its grantee disgorges to the State the subsurface estate in any lands the surface estate in which is disgorged by Eklutna to the State. Any disgorgement of the subsurface estate in those lands conveyed to Eklutna shall take place only upon the consent of the Region or its grantee; if that consent is not received, then the subsurface estate in those lands conveyed to Eklutna under the agreement shall be conveyed to the State.

*Section 1426: Eklutna-Anchorage Agreement*

Ratifies an agreement which is nearing final execution between the Eklutna Village Corporation, the Municipality of Anchorage, and the State of Alaska regarding Eklutna's, the State's and Anchorage's duties and rights under section 14(c) (2) and (3) of the ANCSA. If the agreement between the parties is not executed by the State of Alaska, Eklutna is not discharged from its obligations under section 14(c) (3) of the ANCSA and this section shall have no force and effect.

*Section 1427: Koniag Village and Regional Corporation Lands*

*Subsection (a)* defines pertinent terms.

*Subsection (b) (1)* identifies the Native corporations to receive title to the lands on Afognak Island to be conveyed pursuant to the section, and provides that such conveyances shall be in full satisfaction of the rights of each such corporations to conveyance under the Alaska Native Claims Settlement Act of lands and interests therein on the Alaskan Peninsula.

*Subsection (b) (2)* identifies exceptions to the conveyances provided for in subsection (b) (1).

*Subsections (b) (3) and (b) (4)* provide the mechanics of effectuating the extinguishment of certain Koniag Native corporation deficiency selection rights on the Alaska Peninsula in exchange for which the conveyances of land on Afognak Island are to be made.

*Subsection (b) (5)* provides for public access for recreational purposes to the lands on Afognak Island except in areas where commercial activities, such as logging, are taking place. Cooperative management agreements between the appropriate Koniag Native corporations and the Department of the Interior, appropriate state agencies and appropriate local political subdivisions (to the extent that the Department and such state and local agencies wish to enter into such agreements) may further define the lands to be so opened, the conditions under which they will be opened, and will establish appropriate limits and conditions upon the recreational uses.

*Subsection (c)* provides that the surface estate on Afognak Island to be conveyed under subsection (b) (1) is to be conveyed to a joint venture consisting of Koniag deficiency village corporations, Koniag 12(b) village corporations and Koniag, Inc. Provision is made, at the election of any of the Koniag Native corporations involved, to be represented in the joint venture by a wholly owned subsidiary corporation. The subsection prescribes the share each of the participants is to have in the joint venture. The patent will name all the grantees of the surface estate but it will not set out their relative shares. Simultaneously with the conveyance of the surface estate to the joint venture, the subsurface estate in the lands conveyed is to be conveyed to Koniag, Inc. Finally, the joint venture and Native corporations involved are prohibited from taking or permitting actions inimical to bear denning activity on the Tonki Cape Peninsula on Afognak Island.

*Subsection (d)* provides the means of resolving a dispute between Ouzinkie Native Corporation and Koniag, Inc. on the one hand and the Kodiak Island Borough on the other, over rights to the land on Kodiak Island described in the subsection. The dispute would be resolved by requiring the Secretary of the Interior to convey the surface and subsurface estate of the lands on Afognak Island described in the subsection to Ouzinkie Native Corporation and Koniag, Inc. respectively, in the event Ouzinkie Native Corporation and Koniag, Inc. enter into an agreement to convey to the Kodiak Island Borough their interests in the described Kodiak Island land which the Kodiak Island Borough desires as watershed.

*Subsection (e)* will, when implemented, resolve in favor of the Native villages listed therein, all disputes concerning their eligibility for ANCSA benefits and prescribes limits upon the ANCSA land benefits to which these villages shall be entitled. The time limits stated in this and other subsections are intended to be directory rather than mandatory.

*Subsection (f)*. The intent of the subsection is to assure the applicability of the provisions of the Alaska Native Claims Settlement Act to conveyances to Native corporations made under this section to the extent that such provisions would have been applicable were the conveyances made pursuant to ANCSA. As one example, the applicability of otherwise applicable provisions of ANCSA are not to be affected by the fact that the conveyance provided for in subsection (c) is to be made to a joint venture rather than directly to the Alaska Native corporations that are the joint venturers.

*Subsection (g)* is a savings clause designed to preserve the rights of Koniag, Inc. on the Alaska Peninsula as therein provided.

*Subsection (h)* withdraws, subject to valid existing rights, public lands on Afognak Island to be conveyed to Native corporations within the Koniag region under this section, and provides for the opening of such lands, in the event any are not conveyed, to the extent the Secretary of the Interior deems appropriate.

*Subsection (i)*. The right of access and use of surface estate preserved for Koniag, Inc. under this subsection are restricted to the purposes of prospecting for, extraction and removal of subsurface resources retained under the section by Koniag, Inc. on the Alaska Peninsula. The rights of access and use preserved are those now provided for in existing regulations of the United States Fish and Wildlife Service (50 C.F.C. § 29.32) dealing with the rights of persons holding mineral interests in lands conveyed to the United States for wildlife refuge purposes. These regulations do not provide for permits but set forth standards designed to minimize, so far as practicable, adverse impact on other surface values.

*Subsection (j)* deals with one of the incidents of the settlement of the village eligibility dispute which is the subject of subsection (e). Its effect is, with the minor exception therein provided for amounting at the most to 1920 acres, to preclude diminution of land allocations to other Alaska regional corporations under subsection 12(b) of ANCSA because of resolution of the village eligibility dispute.

*Subsection (k)* is a corollary of subsection (f). The first sentence of subsection (k) makes it clear that Koniag, Inc.'s interest in the timber resources of the joint venture is to be deemed Koniag's timber resources for purposes of applicability of the revenue sharing provisions of ANCSA section 7(i). Subsection (k) also sets out the rules for determining the portion of Koniag's share of the proceeds from the timber resources of the joint venture which is to be distributed under section 7(i).

*Subsection (l)*. By section (l) Koniag, Inc. surrenders all of its subsurface mineral rights on the Alaska mainland other than for oil and gas (which is to be understood as including minerals, for example, sulfur, found in solution or mixed with oil or gas) and sand and gravel used in prospecting for, extracting, storing and removing oil and gas in the event sand and gravel is judicially determined to be a part of subsurface estate as that term is used in ANCSA. This question is now in litigation before the United States Court of Appeals for the Ninth Circuit. Subsection (l) also restricts Koniag, Inc.'s exercise of its subsurface mineral rights similarly to the restriction effected by subsection (i) described above. In the event sand and gravel is determined to be an element of surface estate under ANCSA, subsection (l) requires the Secretary of the Interior to make available at far market value, sand and gravel needed for oil and gas operations.

*Subsection (m)* incorporates within the Kodiak National Wildlife Refuge all remaining public lands on Afognak Island, including submerged lands below the line of mean high tide, within the present boundaries of the Chugach National Forest and not otherwise disposed of or dealt with in the section. It saves to the Native joint venture, however, the timber resources on two islands, Delphin and Discoverer,

subject to management and harvest in accordance with management plans jointly developed between the joint venture and the Secretary of the Interior.

*Subsection (n).* The exclusions in subsection (n) are made because the section itself makes them unnecessary.

*Subsection (o)* is a savings clause designed to preserve existing Forest Service timber contracts and Forest Service Cabin leases on Afognak Island.

#### *Section 1427: Chugach Village Corporation Lands*

Permits three villages in the Chugach Region to select their land entitlement pursuant to section 12(b) of ANCSA from lands within the Chugach National Forest notwithstanding that the limitations on village selections from National Forest land contained in section 12(a) of ANCSA are applicable to section 12(b). Subsection (a) reaffirms this applicability but permits an exception for three villages.

Subsection (b) exempts from selection pursuant to this section certain environmentally sensitive areas in the Copper River Delta and the Southwestern Prince William Sound Area. Further, subsections (b) and (c) establish a 90-day selection period for the villages and a 90-day period for the Chugach Regional Corporation to provide the Secretary with the number of acres to which each village is entitled under 12(b). Under subsection (d), National Forest selection applications filed by the State in certain named areas under section 6(a) of the Statehood Act are determined to be in areas of high public interest, and, therefore, if the State's applications are rejected, the Chugach Villages will still not be allowed to make 12(b) selections in these areas. However, in other named areas, village selections will be conveyed notwithstanding selection applications filed by the State. The Village selections are also restricted to areas formerly withdrawn for village selection pursuant to Section 11(a) of ANCSA.

Subsection (f) provide that any relinquished 12(b) selections within a conservation unit automatically becomes part of the unit.

#### *Section 1429: Chugach Regional Corporation Lands*

Permits the Chugach Regional Corporation to select its land entitlement under section 14(h) (8) of ANCSA from lands within the Chugach National Forest. Subsection (a) establishes this selection right but in recognition of certain key national values does not extend it to certain areas in Western Prince William Sound or the Copper River Delta areas within the Chugach National Forest. Subsection (b) authorizes the Secretary to consider selections made under this section as though they were timely and properly filed pursuant to section 14(h) (8) of ANCSA. In recognition of certain key public values important to the State, subsection (c) establishes the priority of State selection applications filed under section 6(a) of the Statehood Act which overlap Chugach 14(h) (8) selections, but only if the State selection applications were filed before September 1, 1978. Through subsection (d), Chugach is allowed to relinquish its 14(h) (8) selections made outside of the National Forest and to replace them with regional selections under section 12(c) of ANCSA. Subsection (e) has the land selection made under this section subject to the proposal or legislation implemented pursuant to the study mandated in section 1430.

*Section 1430: Chugach Regional Corporation Lands Study*

Establishes a one year study to identify adequate and appropriate lands to be made available to the Chugach Regional Corporation for selection pursuant to Section 12(c) of the ANCSA.

Subsection (a) directs the Secretary of the Interior, the Secretary of Agriculture and the Alaska Advisory Coordinating Council, in conjunction with the Chugach Regional Corporation and the State of Alaska, to study land ownership and use patterns in the Chugach Region and identify lands in the Region or out of the Region for conveyance to the Chugach Regional Corporation. In addition, the study participants may consider cash in lieu of land and any other option that may achieve the purposes and objectives of the study.

Subsection (b) is intended to provide standards for identifying lands suitable for Section 12(c) selection by the Regional Corporation. Recognizing that the Chugach Natives are coastal people, it is intended that the lands identified should be coastal lands. The study participants efforts to comply with the terms of this section should not be impeded by the Wilderness Study provided for in Section 704.

Subsection (c) reflects the desirability of public review and comment in the study process and directs that at least three public hearings be held. The study participants should not be limited by this however, and are encouraged to sponsor additional public forums in or out of the region if they feel they would be useful.

Subsection (d) mandates that the study shall be completed and the President shall submit a report to Congress within 1 year of the date of this Act. It is the intent of the Committee that the report shall include an analysis of all alternatives considered during the study, including but not limited to social, economic and environmental factors. However, in view of the comprehensive nature of the study, the Committee intends that the National Environmental Policy Act of 1969 (83 Stat. 852) shall not be construed, in whole or in part, as applying to the preparation or submission of the study report or recommended legislation accompanying such report.

Subsection (e) extends section 12(c) selection deadlines for Chugach now scheduled to expire in December, 1978 and those 14(h) (8) selection deadlines established by this Act, until one year after the Secretary's report is submitted to Congress or until six months following the date of enactment of any legislation necessary to implement the study. The objective for the extension is to preclude any action having to be taken by Chugach which would result in elimination of an option the study participants want to pursue.

Subsection (f) (1) reflects agreement by the State to forego further selection under the Alaska Statehood Act in the Chugach National Forest until Congress acts on the study recommendations or until the study is implemented administratively by agreement of the parties. However, this section does not apply to State selections filed before July 21, 1979 or to aquaculture sites identified before July 1, 1979.

Subsection (f) (2) authorizes the Secretary of the Interior to withdraw lands identified in the study for possible selection and conveyance to or exchange with the Chugach Regional Corporation. All Federal lands, including National Forest Lands, are included except lands within a conservation system unit or lands identified for wilderness

study. These lands are excluded because they have already been withdrawn and are therefore already protected from appropriation or disposal, and because subsection (g) of this section mandates that interim management of these lands and all other lands identified in the study for possible selection and conveyance to or exchange with the Chugach Regional Corporation shall be conducted so as not to adversely affect or preclude options considered in the study.

Subsection (f) (3) provides that, prior to conveyance, lands selected by the Chugach region pursuant to the study, will be administered by the appropriate Federal agency under applicable law and in close consultation with the Chugach Regional Corporation, and that any lands selected by the Chugach Regional Corporation pursuant to the study shall not be subject to contract, lease, permit, right of way or easement without prior consent of the Chugach Regional Corporation.

Subsections (f) (4) and (f) (5) provide that lands withdrawn pursuant to this section are not "lands held for the benefit of Indians, Aleuts and Eskimos" pursuant to section 103(e) (2) of Public Law 94-579 and that lands withdrawn pursuant to this subsection are subject to Section 2 of Public Law 94-204.

Subsection (g) is intended to insure that during the term of the study and during the time Congress is considering legislation necessary to implement the study recommendations, or if legislation to implement the study is not necessary during the time it is being done administratively, the Departments of Interior and Agriculture will manage lands under their respective jurisdictions in such a way as to not adversely affect any option being considered by the study participants or any course of action recommended by them. The direction to consult with the Chugach Region is to be closely adhered to.

Subsections (h) and (i) provide that any land relinquished by the Chugach Regional Corporation within a conservation unit system automatically becomes part of the unit and that, should Chugach desire to receive conveyance to previously selected lands, nothing in this section prohibits them from so doing.

#### *Section 1431: Arctic Slope Regional Corporation Lands*

Subsection (a) sets forth the purposes of Section 1431 and incorporates by reference the "Terms and Conditions" agreed to by Arctic Slope Regional Corporation (CASRC) and the Department of the Interior.

Subsections (b) and (c) confirm an administrative land exchange pursuant to the provision of Section 33(f) of ANCSA, as amended. Under the "Terms and Conditions," and as confirmed by subsection (b), ASRC relinquished its selection identifications in the John River and Kurupa Lake areas amounting to 115,000 acres. This relinquishment was a condition precedent to the exchange confirmed under subsection (c) whereby ASRC transferred 42,000 acres of land in the area south of Chandler Lake to the United States in return for a conveyance from the United States to ASRC of 19,000 acres of land at Kurupa Lake and 32,000 acres of subsurface lands (excepting sand and gravel) near Itkilik Lake. The Kurupa Lake lands will be subject to provisions requiring environmentally sound oil and gas operations as specified in the "Terms and Conditions" and will also be subject to reserved public easements of access to and from Gates of the Arctic National Park and the lake area as provided in the same document.

In consideration for the interests in land ASRC received in the Kurupa Lake area, conservation easements are granted to the United States to protect the endangered Arctic peregrine falcon along the Colville River. These easements are in lieu of conservation easements or similar land use restrictions along the Killik River on other ASRC-owned lands. This marks the first time that a private landowner has agreed to protect an endangered species in this manner and is in conformance with ASRC's continuing desire to protect the Arctic peregrine falcon.

Subsection (c) also confirms an ANCSA 22(f) exchange between ASRC and the United States in the Anaktuvuk Pass area to consolidate the pattern of village and regional corporation ownership into a cohesive pattern. An important element of this land consolidation is an agreement between the parties (including the Nunamiut Corporation) to establish non site-specific easements on Native owned lands (including rights of overnight camping) to provide access to federally owned lands in this area. It is not necessary that the easements be restricted to specific corridors. These easements, which shall give due consideration to the cultural and other concerns of the Anaktuvuk people, will be in lieu of the normal site specific easements reserved under section 17(b) of ANCSA. Easements for roads and other rights-of-way also are not appropriate, as the affected lands are within Gates of the Arctic National Park. The Committee expects the National Park Service to take the lead in conducting easement negotiations with the Native corporations involved.

The Committee notes that the foregoing exchanges are consistent with the intent of Congress in amending section 22(f) of ANCSA in Public Law 94-204 to permit the exchange of Native selection rights and to allow exchanges for other than equal value when the Secretary has determined it is in the public interest.

*Killik River Lands.*—Subsection (d) directs the Secretary to convey to ASRC lands north of Gates of the Arctic National Park and along the Killik River to its confluence with the Colville River. As with the Kurupa Lake lands in subsection (c), these lands were identified for selection by ASRC pursuant to section 17(d) (2) (B) of ANCSA. The FLPMA 204(e) emergency withdrawal of a portion of these lands has been modified to permit conveyance of the lands to ASRC.

Subsection (e) provides authority for a later exchange of the lands that ASRC will own in the Kurupa Lake and Ikillik Lake areas. The Secretary may acquire such lands by exchange or purchase, but only with the consent of ASRC. If any such lands are so acquired they Arctic National Wildlife Refuge shall not be available for such a National Park. If a future exchange takes place, the Secretary would be authorized to make available to ASRC lands, or interests therein, from public lands within the Arctic Slope Region, including lands within the National Petroleum Reserve in Alaska in the event lands within the reserve are made subject to leasing under the Mineral Leasing Act of 1920, as amended, or are otherwise made available for purposes of development of oil, gas or other minerals. Lands within the Arctic National Wildlife Refuge shall not be available for such a future exchange.

To facilitate the delivery of oil or gas, should a discovery of commercial accumulations be made in the Kurupa Lake area or nearby,

subsection (j) requires the Secretary to grant a right-of-way for oil and gas pipelines, related transportation facilities, and such other facilities as are necessary for the construction, operation and maintenance of the pipeline. This provision will ensure east-west access to the Trans-Alaska Pipeline corridor, but is not intended to provide southerly access through the Brooks Range other than by the existing corridor.

In addition to any rights of access that ASRC may have under common law, subsection (1) governs the access rights that ASRC will have to subsurface lands the corporation receives in the Itkillik Lake area within Gates of the Arctic National Park. Any exploration for and removal of oil and gas from these lands will be subject to rules and regulations applicable to such activities within the National Park system. In identifying sand and gravel sites, it is intended that the Secretary will bear any administrative costs involved with supervision of the site selection.

*Other Land Exchanges and Transfers.*—Subsection (f) provides for a land exchange between ASRC and the United States respecting certain lands north of Gates of the Arctic National Park. As a condition precedent to the exchange, ASRC agrees to accept an interim conveyance to certain lands previously selected so that these lands and the lands that the corporation receives in the exchange will form compact and contiguous tracts to permit the practice of sound land management. For its part of the exchange, ASRC will relinquish its rights to other nearby lands it has selected.

Subsection (g) provides for a land exchange that will allow Kaktovik Inupiat Corporation to receive its full entitlement at 92,160 acres within the National Arctic Wildlife Refuge instead of the 69,120 acres of lands village corporations are entitled to select within wildlife refuges under ANCSA. To effectuate this exchange, Kaktovik Inupiat Corporation and ASRC would give up the surface and subsurface lands already conveyed to them immediately west of the Canning River. ASRC would then receive title to an equivalent amount of subsurface lands from lands previously selected by ASRC pursuant to section 12(a)(1) of ANCSA. To fill out its entitlement, Kaktovik Inupiat Corporation would first receive title to all lands on Barter Island outside the reduced defense withdrawal and then the remainder of its entitlement from lands within, or within six miles of, the lands withdrawn under section 11(a)(1) of ANCSA. The land ownership pattern following the exchange would comply with the compact and contiguous requirements of section 12(a)(2) of ANCSA.

Two other land transfers involving smaller tracts of lands are provided for in subsection (h) and (i). Subsection (h) provides for conveyance to ASRC of a small tract near the former village site of Wevok that is of cultural significance to the people of Point Hope. Although this exchange is subject to the concurrence of the Secretary of Defense, the Committee expects the Secretary to be liberal in releasing lands that have no present national defense purpose. It should be noted the term "Wevuk" in the land description refers to the same place as Wevok. Subsection (i) provides for the transfer of certain lands within the Naval Arctic Research Laboratory withdrawal that are in excess of the laboratory's needs.

All of the exchanges or transfers provided for in subsections (f), (g), (h) and (i) are voluntary on the part of the Native corporations

involved and no implication of a taking of property by the United States should be made.

Subsection (m) provides that the lands that ASRC and the village corporations will receive pursuant to the exchanges and transfers provided in Section 1431 shall be charged against their ANCSA acreage entitlements. Correspondingly, the acreage charges against the corporations will be reduced by the acreage of the lands that the Native corporations give up in the exchanges.

Subsection (p) requires that all conveyances shall be subject to valid existing rights and will be treated as conveyances in accordance with, and subject to, the provisions of ANCSA, except as otherwise expressly modified by this section and the "Terms and Conditions."

*Reserved Submerged Lands in the Colville River Delta.*—Subsection (n) resolves an impediment that is presently delaying conveyance of lands that Kuukpik Corporation previously selected on or adjacent to the delta of the Colville River. The village corporation does not wish to receive title to the submerged lands in the bed of the Colville River or in the bed of any of the channels of the river named in subsection (n). Ownership of the submerged lands in the river and these channels is in dispute between the United States and the State of Alaska. Subsection (n) does not resolve that dispute or in any way prejudice the lawsuit, *State of Alaska v. Warner* (U.S.D.C. Alaska, Civil No. J75-13), or any other litigation that may arise concerning this issue. Subsection (n) does, however, provide that Kuukpik Corporation will not receive title to or be charged with the submerged lands in the river and the named channels, nor will AGRC receive title to or be charged with the corresponding subsurface estate.

*Future Option Exchange.*—Subsection (o) provides for a future exchange, at the option of ASRC and subject to the concurrence of the affected village corporation, whereby ASRC will be entitled to acquire the subsurface estate of lands within the National Petroleum Reserve in Alaska or the National Arctic Wildlife Refuge as appropriate, beneath lands that the village corporations have previously selected. The exchanges would be conditioned on commercial development (rather than exploration) taking place within 75 miles of the affected village corporation lands and such development taking place within 40 years of the date of enactment of this Act. If the Secretary takes action to open any of such lands in the reserve or refuge for commercial leasing with the intent that development take place, the option to exchange would be triggered prior to the issuance of any leases. The exchanges would be on an acre-for-acre basis from other in lieu subsurface lands that ASRC would identify. ASRC will not be entitled to identify lands for exchange which it has already developed unless the Secretary determines such an exchange would be in the public interest. Finally, if an exchange takes place under this subsection, the Secretary will be authorized to promulgate such regulations as may be necessary to protect the environmental values of the reserve involved and are consistent with the regulations governing the development of lands within the reserve that have been opened for development.

#### *Section 1432: Cook Inlet Village Settlement*

This section would implement an agreement among the Salamatoff Native Association, Inc., Cook Inlet Region, Inc., and the Secretary

of the Interior. The agreement settles the issue of Salamatoff's village eligibility under ANCSA and establishes the amount of lands to be conveyed to Salamatoff including lands from the Kenai National Moose Range.

The section also provides for implementation of a settlement agreement among Alexander Creek, Cook Inlet Region, Inc., and the United States, should such an agreement be reached prior to December 18, 1979. Alexander Creek, Inc., has an application for village status under ANCSA, pending before the Department of the Interior.

*Section 1433: Bristol Bay Native Corporation Lands*

Subsection (a) withdraws five sections of land (approximately 3,200 acres) within township 14 south, range 56 west.

Subsection (b) provides that Bristol Bay Native Corporation (BBNC) may select the withdrawn lands.

Subsection (c) provides for the conveyance to BBNC of selected lands.

Subsection (d) provides that the acreage entitlement of BBNC is not changed by the amendment.

Subsection (e) provides that the lands withdrawn under (a) but not conveyed under (c) shall return to their status prior to enactment.

*Section 1434: Shee Atika-Charcoal and Alice Island*

This section directs the Secretary to convey to Shee Atika, Inc. and the Sealaska Corporation lands comprising Charcoal and Alice Islands, which have been declared excess to Federal agency needs. In exchange, Shee Atika, Inc. (and Sealaska, Inc.) shall relinquish land of equal acreage selected by or conveyed to it under Section 14(h) (3) of ANCSA.

*Section 1435: Amendment to Public Law 94-204*

This section amends Section 12(b) of Public Law 94-204, the Cook Inlet land exchange statute. It (1) authorizes Cook Inlet Region, Inc. (CIRI) to bid for surplus property in accordance with existing General Services Administration (GSA) regulations, (2) authorizes the Administrator to tender to the Secretary of the Interior surplus property to be offered to CIRI, (3) prohibits any disposition of property over the objection of State or local governments, (4) provides for the establishment of a CIRI surplus property account by the Secretary of the Treasury, (5) insures that GSA is credited, in accordance with existing law, for any dispositions of surplus property to CIRI, (6) establishes the basis of the land conveyed to CIRI, and (7) provides for a report to Congress on January 15, 1981.

*Section 1436: Bristol Bay Group Corporation Lands*

The seven members of Tanalian, Inc. reside within the boundaries of Cook Inlet Region, but are registered at large to Bristol Bay Native Corporation (BBNC). This section would:

1. Validate the roll prepared by the Secretary of the Interior, thereby confirming the status of the Native members of Tanalian Incorporated as shareholders at large within the Bristol Bay Region.

2. Provide that if Tanalian Incorporated is certified as a group under ANCSA, it and BBNC shall be entitled to make selections according to the terms of the section.

3. Describe the lands from which the selections may be made.

4. Permit BBNC to select an amount of acreage of subsurface estate within its boundaries equal to that which BBNC would be entitled to if Port Alsworth were located within the boundaries of the region.

5. Provide that neither the respective 12(c) entitlements to acreage nor the boundaries of BBNC and CIRI shall be affected by the agreement.

#### TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

##### *Section 1501: Areas Subject to the National Need Recommendation Process*

This section specifies that all public lands in Alaska are subject to the Presidential recommendation process except areas of the National Park System and the Arctic National Wildlife Range.

National Park System lands were excluded because the Committee believes that the regular legislative process should be followed if these lands are to be opened to mineral development where such development is prohibited by law. The Committee notes that mineral development is authorized in national recreation areas.

The Arctic National Wildlife Range lands were excluded because they are subject to the special provisions of Title X, including the oil and gas exploration program in Section 1002.

##### *Section 1502: Recommendations of the President to Congress*

This section sets out the requirement for the President's recommendation. Subsection 1502(a) includes a requirement that a notice of intention to submit a recommendation be published in the Federal Register 90 days before it is sent to Congress in order to give interested persons an opportunity to comment on the proposal before it is made. This could lead to modification of the proposal before its submission. Once submitted, a recommendation cannot be amended.

Subsection (b) sets out the findings which the President must make before he can submit a recommendation. He must find both (1) that there is an urgent national need for the mineral activity and (2) that such need outweighs the other public values of the lands and the potential adverse environmental impacts of the activity.

The Committee recognizes that there would frequently be a long time period between initial exploration and actual production. Thus, a Presidential recommendation could be based on an "urgent national need" anticipated in the future.

Subsection (c) requires that the President include in his report to Congress a "statement of the conditions and stipulations which would govern the activity if approved by the Congress." This requirement authorizes the President to set terms and conditions for mineral development on a case-by-case basis. The Committee anticipates that in most cases mineral activity would be subject to generally applicable law, e.g. oil and gas development would take place under the terms of the Mineral Leasing Act of 1920, as amended. However, this special authority could be used as a substitute for, or a supplement to, the generic laws.

##### *Section 1503: Expedited Congressional Review*

This section sets forth the expedited procedures for Congressional review of any Presidential recommendation.

## VIII. COST AND BUDGETARY CONSIDERATIONS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-150, 91st Congress) the committee provides the following estimate of the cost of H.R. 39, as amended, prepared by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, D.C., November 8, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,  
Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 39, the Alaska National Interest Lands Conservation Act.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ROBERT D. REISCHAUER  
(For Alice M. Rivlin, Director).

### CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

NOVEMBER 8, 1979.

1. Bill No.: H.R. 39.
2. Bill title: Alaska National Interest Lands Conservation Act.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, October 30, 1979.
4. Bill purpose: This bill designates public lands in Alaska for inclusion in the National Park, National Wildlife Refuge, Wild and Scenic Rivers, National Forest, National Trails, and National Wilderness Preservation Systems. A description of each bill title is contained in the basis of the estimate below.
5. Cost estimate: The bill mandates substantial Federal activity associated with the changes in the status of Alaskan lands, and authorizes the appropriation of such sums as may be necessary, beginning in fiscal year 1980, to carry out these activities.

In December 1978, President Carter designated 56 million acres of land in Alaska as national monuments. These lands are being managed under interim regulations and at this time no funds have been appropriated for their administration. As a result, the costs of implementing that designation are not yet clear. For this reason the costs of this bill are estimated relative to the levels of activity that would have occurred in the absence of the President's national monument designation. Therefore, a significant portion of the costs attributed to this bill may be incurred even if this bill is not enacted.

The estimated budget impact of the bill is summarized below:

Estimated authorization level:

Fiscal year:	Millions
1980 -----	\$70
1981 -----	125
1982 -----	144
1983 -----	140
1984 -----	102

Estimated outlays:

Fiscal year:	Millions
1980 -----	25
1981 -----	101
1982 -----	138
1983 -----	144
1984 -----	143

The above costs include \$1.5 million in fiscal year 1980, required to be paid to the Alaska Native Fund pursuant to section 1414 of the bill. It is not clear whether this requires appropriation action.

In addition, section 1414 of the bill will result in the loss of interest income to the Government, with the following estimated budget impact in function 900:

Estimated budget authority:

Fiscal year:	Millions
1980 -----	\$1
1981 -----	2
1982 -----	2
1983 -----	2
1984 -----	2

Estimated costs:

Fiscal year:	Millions
1980 -----	1
1981 -----	2
1982 -----	2
1983 -----	2
1984 -----	2

This estimate is based primarily on preliminary agency projections of likely costs. Possible court costs associated with the judicial enforcement of subsistence management (Title VIII) cannot be estimated at the present time and are not included in this estimate. The costs of this bill except for the loss of interest income fall within budget function 300.

6. Basis of estimate: For the purpose of this estimate, it is assumed that this bill and the necessary appropriations will be enacted by the summer of fiscal year 1980.

*Titles II and III: National Park System and National Wildlife Refuge System*

Titles II and III establish, expand, or redesignate units in the National Park System and National Wildlife Refuge System, respectively. Land designated in these titles covers over 80 million acres in Alaska. While these acreages are substantial, significant acquisition costs are not expected, because the lands involved are primarily in the public domain. Consequently, most acquisition will be accomplished through the transfer of public lands. Costs may be incurred, however, where lands are privately owned and acquisition is viewed as necessary by the National Park Service (NPS) or the U.S. Fish and Wild-

life Service (USFWS) to preserve and protect units of the park or refuge systems. The Department of the Interior does not know at this time to what extent it will be necessary to purchase private lands, but based on agency projections, it is estimated that acquisition costs will approximate \$29 million between fiscal years 1980 and 1984. Monies used for land acquisition are derived from the Land and Water Conservation Fund. The projected spendout of the estimated acquisition costs, based on historical outlay rates for similar acquisition programs, is as follows:

Estimated outlays for acquisition:

Fiscal year:	Millions
1980 -----	\$3
1981 -----	10
1982 -----	10
1983 -----	3
1984 -----	3

Additional staff will be required to formulate plans, administer, maintain and develop the new units and additional park lands established under Title II. Based on NPS projections, salaries and expenses for additional employees are estimated to cost approximately \$56 million in fiscal years 1980 through 1984. The expected spendout is as follows:

Estimated outlays: Salaries and expenses:

Fiscal year:	Millions
1980 -----	\$2
1981 -----	12
1982 -----	13
1983 -----	14
1984 -----	15

In addition, preliminary development plans call for the construction of access roads and facilities, such as visitor centers and park maintenance buildings. The NPS estimates that this development (including utilities) will cost approximately \$48 million in fiscal years 1980 through 1984. The estimated spendout of these costs is summarized below:

Road construction outlays:

Fiscal year:	Millions
1980 -----	*
1981 -----	\$1
1982 -----	6
1983 -----	4
1984 -----	4

Building and utilities outlays:

Fiscal year:	Millions
1980 -----	*
1981 -----	5
1982 -----	12
1983 -----	8
1984 -----	8

Estimated outlays: Development:

Fiscal year:	Millions
1980 -----	*
1981 -----	6
1982 -----	18
1983 -----	12
1984 -----	12

\*Less than \$0.5 million.

The USFWS will be responsible for assisting the Park Service, the Forest Service and the Bureau of Land Management in the environmental analysis on these lands in addition to the expansion of the wildlife preservation system. Based on agency projections, it is estimated that the cost of additional personnel, administration, planning, maintenance, and development required as a result of this bill will be approximately \$200 million between fiscal years 1980 and 1984. These costs are summarized by year below :

Estimated outlays :

Fiscal year :	Millions
1980 -----	\$3
1981 -----	29
1982 -----	45
1983 -----	63
1984 -----	60

*Title IV : National Conservation Areas*

This title establishes four new National Conservation Areas covering approximately 7.4 million acres, and one new National Recreation Area covering 1 million acres of land. These areas are to be administered by the Bureau of Land Management (BLM) for multiple use according to the Federal Land Policy and Management Act of 1976. Administration costs incurred by BLM as a result of enactment of this section are estimated as follows :

Estimated outlays :

Fiscal year :	Millions
1980 -----	\$1
1981 -----	2
1982 -----	3
1983 -----	3
1984 -----	5

*Title V : National Forest System*

The first two sections of this title establish a new national forest of approximately 5.5 million acres of federal lands and add approximately 3.0 million acres of land to existing units of the National Forest System. Section 503 establishes a new national recreation area on 1.2 million acres of federal land. In addition, the Misty Fjords National Monument is established in this title. Based on data from the Forest Service, it is estimated that the expansion and establishment of new units will result in costs of approximately \$17 million between fiscal years 1980 and 1984 for the administration of the additional lands. In addition, the cost of revised cartography is estimated by the Forest Service at \$50,000. No land acquisition costs are expected, because the additional lands are currently in the public domain.

Title V also directs the Secretary of Agriculture to promulgate regulations concerning habitats of anadromous fish and other food fish in cases where such habitats are threatened by mining activities on National Forest lands in Alaska. It is estimated that the promulgation of these regulations will cost approximately \$0.4 million over the next five fiscal years. The costs of this title are summarized by year below :

Estimated outlays :

Fiscal year :	Millions
1980 -----	\$1
1981 -----	4
1982 -----	4
1983 -----	4
1984 -----	4

*Title VI: National Wild and Scenic Rivers System*

This title establishes 13 additional river units in the National Park System, five additional river units in the National Wildlife Refuge System, and seven other additional river units. The Department of Interior is also directed to study ten potential rivers for future designation as scenic or wild river units. The Department estimates that it will cost approximately \$23 million over the fiscal years 1980 through 1984 for the planning, administration, maintenance, and development of the new river units. These costs are summarized by year as follows:

Estimated cost:		
Fiscal year:		Millions
1980	-----	\$1
1981	-----	5
1982	-----	6
1983	-----	6
1984	-----	5

Acquisition costs are unknown at this time, but are not expected to be substantial.

*Title VII: National Wilderness Preservation System*

This title designates approximately 21 million acres of the National Park System as part of the National Wilderness Preservation System. It also directs the Secretary of the Interior to review all lands within conservation units for possible later designation as national wilderness areas. Costs incurred by the Department of Interior for the administration of the newly designated areas and review of potential areas are included in the overall planning, maintenance, and development costs identified under Title II. No acquisition costs are expected, because the land involved is currently under federal ownership.

The title also designates approximately 4 million acres of the National Wildlife Refuge System and 4 million acres of the Alaskan National Forests as part of the National Wilderness Preservation System. Administration costs are included in the overall planning, maintenance, and development costs identified under Titles III and V. The Secretary of Agriculture is directed to study additional forest lands as to suitability for inclusion in the National Preservation System. No additional costs are expected to be incurred as a result of these studies because the areas are included in the Forest Service's current roadless area review.

The Secretary of the Interior is also directed to pay up to \$2 million for court costs and attorneys' and consultants' fees incurred (before, on, or after enactment of this act) by the Shee Atika, Goldbelt, and Kootznowoo corporations in determining the validity of land withdrawals. The majority of these funds will be paid in fiscal year 1980 because payments are retroactive.

Nine special management areas covering approximately 2 million acres are designated within the Tongass National Forest. The timber on these lands will be held in a reserved status while the Secretary of Agriculture studies the timber supply in the southeastern Alaska forests. The timber on these lands will be included in the timber base, however, for calculation of the allowable sale quantity. The Secretary of Agriculture is directed to maintain the timber supply to dependent industry at a rate of 520 million board feet per year through a special

program of construction and maintenance of forest development roads. To carry out this program, the Secretary is authorized to spend up to \$10 million annually from the sale of timber, with a projected budget impact as follows:

**Estimated outlays:**

<b>Fiscal year:</b>	<i>Millions</i>
1980 -----	\$3
1981 -----	7
1982 -----	10
1983 -----	10
1984 -----	10

The cost to the Federal Government of the necessary construction and forest management is dependent on the timber supply available from the state and native corporations. It is assumed for this estimate that 70 million board feet will continue to be available from these sources, resulting in a program cost of approximately \$2 million per year beginning in fiscal year 1982, in addition to the \$10 million shown in the table above. If the Federal Government is required to supply the entire 520 million board feet per year, the cost of the program will be approximately \$23 million per year, beginning in 1989. A program of insured or guaranteed loans is also directed to be established by the Secretary of Agriculture and \$5 million is authorized to be appropriated from National Forest Fund receipts to be deposited in a special fund for this purpose. No substantial outlays are projected from this fund.

The Secretary of the Interior is also directed to complete a study of opportunities to increase timber yields on national forest lands in Alaska. It is estimated that this study will cost the Federal Government approximately \$200,000 in each of fiscal years 1980, 1981, and 1982.

*Title VIII: Subsistence*

This title guarantees Alaska Natives the continued opportunity for subsistence uses of public lands. The Secretary of the Interior is directed either to approve and monitor a subsistence program developed and implemented by the State of Alaska or to develop a Federal program if the State does not establish such a program within one year of enactment of this legislation. In addition, a subsistence resources commission for each national park or monument within which subsistence uses are permitted is established. The costs associated with these commissions are included in the overall administration costs included in titles II and III.

If the State establishes a subsistence management program, the Secretary is authorized to reimburse up to 50 percent of its cost, but in no case more than \$5 million annually. Based on data from the State of Alaska and the USFWS, reimbursement is estimated to be approximately \$2 million in fiscal year 1981, \$2.5 million in fiscal year 1982, \$4 million in fiscal year 1983, and \$5 million in fiscal year 1984. If, after certification of the State program, the Secretary and appropriate State agency are notified by a local committee regional council that the program is not in compliance with this title, and the State fails to improve its program in the appropriate time period, the Secretary is directed to bring an action in the United States District Court. Lawyers' fees and other court costs associated with this provision cannot be estimated at this time.

The Secretary of the Interior, along with the Secretary of Agriculture, is also directed to conduct research regarding subsistence activities on public lands and to provide useful results to the State of Alaska. In addition, periodic reports are to be made to the Congress on the status of subsistence on public lands. Research and report costs to the Department of the Interior are included in the overall administrative costs of the USFWS identified in title III. Similar costs to the Department of Agriculture will be approximately \$150,000 over the fiscal years 1980 through 1984, based on data from the Department.

*Title IX: Implementation of Alaska Native Claims Settlement Act and Alaska Statehood Act*

This title expedites the transfer of public lands to Alaska natives and the State of Alaska. The Bureau of Land Management (BLM) of the Department of the Interior is largely responsible for the conveyance of public lands. The BLM estimates that the procedure directed by this title will not result in significant additional costs.

The title also authorizes the creation of the Alaska Native Land Bank to assist native corporations in preserving undeveloped land. Although the State of Alaska is to administer the bank, the Secretary of the Interior is authorized to perform that function if the State declines. In that event, no significant costs are expected, since no major administrative activities would be required, according to the Department of the Interior.

*Title X: Federal North Slope Lands Study Program*

Title X directs the Secretary of the Interior to carry out a study of all the Federal lands in the North Slope area of Alaska, except for the National Petroleum Reserve and lands included conservation system units, to assess the potential oil and gas resources, review the wilderness characteristics and make recommendations for the protection of the wildlife resources of these lands.

As part of the total study, exploration for oil and gas within the Arctic National Wildlife Refuge Coastal Plan is authorized. Within two years of enactment of this act, the Secretary is to establish guidelines governing the carrying out of exploratory activities. After these guidelines are established plans for carrying out the exploratory activity will be accepted and contracts awarded to private industry (except in the case where there are no suitable private bids—in that case the U.S. Geological Survey would carry out the exploration).

The cost to the Federal Government of carrying out the study of the North Slope lands, preparing the initial guidelines, and overseeing the oil and gas exploration is estimated to be approximately \$61 million over the next 5 years. These costs are summarized by year below:

Estimated cost:		
Fiscal year:		Millions
1980	-----	\$1
1981	-----	12
1982	-----	14
1983	-----	16
1984	-----	18

Five years after enactment of this bill, the Secretary of the Interior is directed to submit a report identifying areas in the coastal plain that have oil and gas production potential; estimating the volume of oil and gas; describing the fish and wildlife and their habitats in these areas;

and evaluating the adverse effects on these fish and wildlife of further oil and gas exploration. Based on estimates from the Department of the Interior, it is expected that preparation of this report would cost the federal government approximately \$200,000 in fiscal year 1984.

In addition, the Secretary of the Interior is directed to establish an oil and gas leasing program on the non-North Slope federal lands in Alaska where such a program is not prohibited by law or expected to have an adverse impact on protected wildlife. Administration of such a program is not expected to have a significant budget impact, because little interest in a leasing program on these lands is anticipated.

*Title XI: Transportation and Utility Systems In and Across, and Access Into Conservation System Unit*

This title provides for the establishment of procedures for the review of right-of-way of transportation and utility systems within conservation system units in the State of Alaska. It is estimated that these procedures will create additional administrative costs of approximately \$1 million per year over the fiscal years 1981 through 1984.

*Title XII: Federal-State Cooperation*

In this title, the Alaska Land Use Council is established, to advise the Federal Agencies on land and resource uses in Alaska. Of the total expenses of this council, excluding Federal salaries, 50 percent is to be paid by the Federal Government. In addition, provisions for cooperative management agreements between the United States and owners of land within or adjacent to any refuge, and for joint development of a comprehensive management plan for the Bristol Bay Cooperative Region between the United States and Alaska are outlined. It is estimated that the provisions of this title will cost the Federal Government approximately \$2 million annually between fiscal years 1981 and 1984.

*Title XIII: Administrative Provisions*

This title clarifies the responsibilities of the Secretary of the Interior for certain activities, including acquisition of lands, the development of management plans, and reports to the Congress. The costs of these activities are reflected in the agency costs identified in the relevant titles.

In addition, Title XIII specifically directs that the Secretary may acquire any significant archeological and paleontological sites not within current conservation units. Costs for such acquisitions are not expected to be substantial and are reflected in the acquisition costs identified in titles II and III.

Title XIII also directs the Secretary of the Interior to establish the Alaska Highway Center and two information and educational centers (one each in Anchorage and Fairbanks). Other administrative and visitor facilities at the various conservation system units are also authorized if necessary. Based on data from the Department of the Interior, the Alaska Highway Center and the information and education centers will result in costs of approximately \$11 million between fiscal years 1980 and 1984. These costs include construction of facilities, rental of office space, and maintenance costs. Administrative costs and costs of other facilities are reflected in the relevant costs identified in title II and III.

The Secretary of the Interior is directed under this title to establish a local hire program. This program is to encourage the hiring of local citizens who have special knowledge or skills relating to the conservation system units. Administrative costs for this program are not expected to be substantial and are reflected in the overall administrative costs identified in titles II and III. The title also directs the Secretary of the Interior to study the desirability of establishing a Denali Scenic Highway. It is estimated that the cost of this study will be approximately \$0.2 million in the next five years.

A statewide cultural assistance program is established in this title under which the Secretary may provide advice and assistance in the preservation, display, and interpretation of cultural resources to a native corporation or native group. The cost of this program is not expected to be significant.

*Title XIV: Amendments to the Alaska Native Claims Settlement Act and Related Provisions*

Title XIV contains 35 sections which amend, clarify or expand the provisions of the Alaska Native Claims Settlement Act (ANCSA); however, only those sections with significant cost consequences are discussed here.

Section 1411 amends Public Law 94-204. Under the provisions of that legislation, all of the funds received from certain uses of lands withdrawn for native selection after January 1, 1976 are to be deposited in an escrow account until conveyance of the land involved, and are then to be turned over to the receiving corporation. Section 1411 provides that funds received from trespass on the withdrawn lands shall also be placed in the escrow account, and that where the conveyed lands do not cover the whole area from which funds were received, an amount proportionate to the size of the conveyance shall be paid into the escrow account. Such proceeds received by the government and not deposited in the escrow account are to be paid with interest to the appropriate corporation or individual to which the land was conveyed, subject to appropriation action. It is estimated that this section will cost the federal government approximately \$4 million in fiscal year 1980.

Section 1413 directs the Secretary to make grants to native groups of an amount between \$50,000 and \$100,000, depending on the population of the group. Based on information available from the U.S. Treasury, it is estimated that these grants will cost the Federal Government approximately \$2 million in fiscal year 1980.

Section 1414 directs that money appropriated for deposit in the Alaska Native Fund for fiscal year 1980 and succeeding fiscal years shall be deposited in the fund on the first day of the fiscal year for which they are appropriate, and shall be distributed at the end of the first quarter of that fiscal year. (In the case of fiscal year 1980, the funds shall be deposited in the fund within 10 days of enactment of this act, and shall be distributed at the end of the next quarter.) Under current law, fiscal year 1977 funds were distributed on the last day of the fiscal year, and the federal government earned approximately \$1.5 million in interest on deposited funds during this time. This section provides for the payment of this amount to the Alaska Native Fund within 30 days after enactment. (It is not clear whether this

requires appropriation action.) In addition, the new disbursement schedule will result in distribution of monies from the Alaska Native Fund nine months earlier each year than under current law, resulting in an interest loss of approximately \$1 million in fiscal year 1980, and \$2 million in each year after fiscal year 1980.

Section 1417 authorizes the Secretary of the Interior to acquire between 6,000 and 10,000 acres of land in the Pribilof Islands at the fair market value, to be included in the Alaska Maritime National Wildlife Refuge. The bill authorizes the appropriation of up to \$11 million for this purpose. Based on information from the offices of the Land and Water Conservation Fund, it is estimated that outlays for this land acquisition will approximate \$1.1 million in fiscal year 1980, \$8.3 million in fiscal year 1981, and \$1.6 million in fiscal year 1982.

In section 1430, the Secretaries of Interior and Agriculture, together with the Chugach Natives, the State of Alaska, and the Alaska Advisory Coordinating Council, are directed to conduct a study of land ownership and use patterns in the Chugach region. Based on historical disbursement rates for similar programs, it is estimated that this section will cost the Federal Government approximately \$50,000 in fiscal year 1980 and \$150,000 in fiscal year 1981.

The costs of this title are summarized below :

Estimated cost:	
Fiscal year:	<i>Millions</i>
1980 -----	\$9
1981 -----	8
1982 -----	2
1983 -----	
1984 -----	

In addition, the loss of interest income resulting from section 1414 has the following projected budget impact in function 900:

Estimated budget authority:	
Fiscal year:	<i>Millions</i>
1980 -----	\$1
1981 -----	2
1982 -----	2
1983 -----	2
1984 -----	2

Estimated outlays:	
Fiscal year:	
1980 -----	1
1981 -----	2
1982 -----	2
1983 -----	2
1984 -----	2

7. Estimate comparison : None.

8. Previous CBO estimate: On March 19, 1979, and April 23, 1979, CBO prepared cost estimates for the versions of H.R. 39 ordered reported in the 96th Congress by the House Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries, respectively. The version ordered reported by the Senate Committee on Energy and Natural Resources is significantly different from those versions of the bill and the cost estimates reflect these differences.

9. Estimate prepared by: Debra F. Goldberg (225-7760).

10. Estimate approved by:

C. G. NUCKOLS,  
(James L. Blum, Assistant Director for Budget Analysis).

## IX. REGULATORY IMPACT EVALUATION

In compliance with paragraph 5 of Rule XXIX of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 39.

H.R. 39, as amended by the Committee, would designate 100 million acres of Federal land in Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers and National Wilderness Preservation System. It also places Federal lands in national conservation, national recreation and national forest units.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. However, the committee recognizes that the designation of Federal lands as conservation system units will necessitate increased Federal regulation of certain uses of those lands. For example, within a National Park a permit may be required for an activity which was formerly unregulated on Bureau of Land Management lands.

No personal information would be collected in administering the programs related to the management of these Federal lands. Therefore, there would be no impact on personal privacy.

The rate of increase in the use of the designated Federal lands in Alaska and the concomitant increase in the regulation of the individuals who use those lands including any additional paperwork which might result from the enactment of H.R. 39, is impossible to fully estimate at this time. However, the Committee believes that, despite the redesignation of these lands as conservation system or multiple use units, their remote location, relative inaccessibility and vast area mean that the level of use of the Alaska lands will increase rather slowly.

## X. EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Departments of the Interior, Agriculture, and Justice setting forth executive agency recommendations are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., July 17, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,  
Washington, D.C.*

DEAR MR. CHAIRMAN: Your committee has requested the views of this Department on S. 9 and S. 222, bills which would designate certain lands in Alaska as units of the National Park, National Wildlife Refuges, National Wild and Scenic Rivers, National Forest, and National Wilderness Preservation Systems.

S. 9 would establish approximately 89.9 million acres in Alaska as units of the four national conservation systems, and designate 8.4 million acres for continued management by the Bureau of Land Management of this Department. In addition it would designate 36.9 million acres of new or existing conservation units as wilderness. S. 222 would establish approximately 116.2 million acres as units of the four conservation systems and designate 86 million acres as wilderness. Inasmuch as we understand that S. 9 will be the vehicle your committee will use in considering this issue, our comments are directed to that bill.

S. 9 is substantially different in key respects from the Administration's recommendations which were presented to your committee on January 19, 1978. Our recommendations were subsequently updated in testimony this year before the House Committee on Interior and Insular Affairs to reflect the administrative actions taken after the 95th Congress adjourned without enacting an Alaska lands bill. We adhere to those recommendations.

The difference in acreage among the various Alaska lands proposals is not the crucial difference. What matters most is how the land and its resources will be managed and that, of course, varies with the designation which the Congress places on the land. A basic premise of our recommendations was that in Alaska we were able to draw boundaries that would be ecologically sound, thus avoiding the costly mistakes of the past and the compromises dictated by trying to salvage remnants of natural systems. We also recognized that Alaska's resources are fragile and will require more sensitive management than in the lower 48 States.

We believe our recommendations appropriately balanced the economic needs of the State and the nation for development of Alaska's

natural resources with the need to protect a substantial portion of the nationally significant scenic, historic, wildlife, and scientific values for all the people. We deleted areas of potential high economic value from the boundaries wherever possible to leave them available for development and made a bottom-line recommendation.

In our view, S. 9 does not adequately protect key areas such as the Arctic Wildlife Range, Yukon Flats, Gates of the Arctic, and Wrangell-St. Elias. While we strongly disagree with these and certain other provisions in S. 9, they were thoroughly debated by your committee in some 44 meetings last year. Based on our discussions and our mutual desire to expedite consideration of this complex issue, we had not planned to recommend amendments to S. 9 in committee but instead would urge the bill be promptly reported to the floor where key amendments could be debated by the Senate.

However, it is now our understanding that amendments will be offered in committee which if adopted will make the bill even more divergent from our recommendations. We hope such weakening amendments will be defeated. While not advocating opening the bill to amendments in committee, we feel we must advise you of our specific concerns with the bill. These are outlined in the attachment. The Department of Agriculture is transmitting its comments under separate cover.

The Office of Management and Budget has advised that there is no objection to the submission of this report and that enactment of S. 9 as presently drafted would not be in accord with the program of the President.

Sincerely,

CECIL D. ANDRUS,  
*Secretary.*

Attachment.

#### ADDITIONAL COMMENTS ON S. 9, U.S. DEPARTMENT OF THE INTERIOR

The Administration continues to stand by the recommendations made to your committee in January, 1978, as updated this year in testimony to the House of Representatives.

#### TITLE II—NATIONAL PARK SYSTEM

S. 9 would designate extensive areas of the existing national monuments as preserves and recreation areas, thus authorizing mining and mineral leasing in particularly scenic and sensitive areas, and directing that sport or trophy hunting take place in some areas where heavy subsistence use occurs or where visitors should have the opportunity to see unhunted wildlife in accessible areas.

The effect of S. 9 on the Gates of the Arctic National Monument, for example, an area long envisioned as America's premier national wilderness park, would be to split half of the monument into a two-unit preserve and a recreation area, with a national park comprising the remaining half. While we also recommend that a substantial portion of Alaska's park caliber lands should be open to sport hunting as national preserves, we believe that the areas open to sport hunting in

S. 9 are excessive in general and inappropriate in the case of the Gates in particular. Despite major boundary cuts by the Administration in recognition of competing resource potentials, the existing Gates of the Arctic National Monument comprises a cohesive, manageable unit. Still further compromise is unnecessary. Yet in S. 9 the same area would be managed under three different classifications. The bill splits the Wrangell-St. Elias National Monument in similar fashion.

**Key Concerns:**

1. *Aniakchak National Monument*.—H.R. 39 and S. 222 redesignate the existing 350,000-acre national monument as a national park and create an adjacent national preserve of 160,000 acres. S. 9 redesignates two-thirds of the existing national monument as a preserve and adds 154,000 acres to that preserve. We prefer H.R. 39 because it would continue protection of the significant resources within the national monument.

2. *Bering Land Bridge National Monument*.—H.R. 39 and S. 9 essentially redesignate the existing national monument as a national preserve. S. 222 would redesignate the existing monument as a national park. We prefer either S. 9 or H.R. 39.

3. *Cape Krusenstern National Monument*.—H.R. 39 and S. 222 redesignate the existing national monument as a national park. S. 9 redesignates the monument as a national preserve to accommodate sport hunting. Insignificant sport hunting occurs here now. We prefer H.R. 39 and S. 222 because they avoid unnecessary future conflicts between subsistence and sport hunting. Our specific recommendation is for a monument rather than park designation because even though park and monument management is essentially the same, the description "national monument" more appropriately characterizes this resource.

4. *Gates of the Arctic National Monument*.—H.R. 39 and S. 222 redesignate the existing national monument as a national park. The segmented designation approach to this resource by S. 9 is outlined above. However, the effect of S. 9 would be to open one-half of the existing monument to sport hunting and about one-eighth of the monument to mining, mineral leasing, and the development, without congressional approval, of significant commodity transportation systems such as coal slurries, roads, and railroads. In order to protect the fragile tundra ecosystem including wildlife and habitat, the extraordinary scenic and recreational potential, and the cultural values, we prefer H.R. 39 and S. 222 which designate the area, in a single unit, as a national park.

5. *Kobuk Valley National Monument*.—H.R. 39 and S. 222 redesignate the existing national monument as a national park. S. 9 would redesignate more than 80 percent of the monument as a national preserve, thus mandating the allowance of sport hunting in an area where subsistence hunting is very intense while sport hunting is light. We prefer H.R. 39 and S. 222 because they would avoid unnecessary conflicts between sport and subsistence hunting.

6. *Wrangell-St. Elias National Monument*.—All three bills address the existing national monument as well as the Nabesna area of 1.23 million acres to total 12.05 million acres for the entire complex. H.R. 39 and S. 222 designate a national park and a national preserve. S. 9 designates 1.23 million acres as a national recreation area, where

mining, mineral leasing, and the development, without further congressional consideration, of significant commodity transportation systems such as coal slurries, roads, and railroads are authorized. With the exception of the two relatively small mineral management zones we have proposed, we recommend that the Nabesna area be protected as a national preserve. For the entire Wrangells complex, we recommend a park/preserve boundary which would have the effect of continuing protection for at least 50 percent of the Dall sheep and their habitat in the park. We believe that Americans who visit this area should have the opportunity to see unhunted wildlife in accessible areas. The national park as designated in S. 9 primarily contains inaccessible regions of rock and ice.

7. *Denali National Monument*.—H.R. 39 would add all but 480,000 acres of the existing monument to Mount McKinley National Park, redesignating the remainder, on the south, as a preserve. S. 222 adds the entire monument to the park. S. 9 adds about two-thirds of the monument to the park and redesignates most of the remainder, 1,169 million acres, as a national preserve, mandating the allowance of sport hunting in an area where bear, wolves, and caribou migrate at certain times in the year. The protection of the entire range of these animals was a primary purpose of the national monument proclamation as well as our national park legislative proposal. We prefer S. 222, because it continues the protection afforded the significant wildlife resources by the existing monument.

8. *Yukon-Charley National Monument*.—All three bills redesignate the existing 1.72 million-acre national monument as a national preserve. We recommend that the 1 million-acre Charley River basin be designated as a national park. In this way the wildlife in the basin, whose natural boundaries include significant numbers of endangered peregrine falcons, will continue to be protected.

9. *Katmai National Monument Additions*.—H.R. 39 adds all but about one-fifth of the existing monument additions to a redesignated Katmai National Park, and redesignates the remainder as a national preserve. S. 222 adds the entire national monument additions to the park, with no preserve. S. 9 adds about three-fifths of the monument additions to the park, and redesignates the remaining two-fifths, or 409,000 acres, as a national preserve. We recommend S. 222. S. 9 would open an area between the State's MacNeill Bear Sanctuary and the park to sport hunting, where significant brown bear populations migrate from one sanctuary to another, thus erecting an artificial "firing line" through which these magnificent animals would have to pass. A self-sustaining population of unhunted brown bear is a major reason for the creation of the national monument and, since 1973, for the expansion of Katmai.

10. *Misty Fjords National Preserve*.—S. 9 designates a portion of Misty Fjords as a part of the park system. The Administration recommends that the entire area be retained in the forest system and be designated a wilderness.

### TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

Instead of wildlife refuges, S. 9 designates several areas containing nationally significant wildlife habitat as BLM national conservation areas, national forests, and recreation areas. In some cases it fails to

designate nationally significant habitat under any classification. A major example of multiple designations for a single resource in S. 9 is the existing Yukon Flats National Monument. Only half of the monument would be designated as a refuge. The remainder, which includes the watersheds necessary to protect highly productive and sensitive waterfowl habitat, would be split into a national recreation area managed by the Bureau of Land Management, a conservation area, and a new national forest. Further, massive deletions are made so that the State may select lands currently unavailable for State selection. Under the existing national monument the resource is managed by one agency, the U.S. Fish and Wildlife Service, under one mission. S. 9, on the other hand, would insert four separate land managers, each with a different mission, to manage waterfowl and other animal habitat. The contribution of these wildlife resources to the natural heritage of the Nation is priceless. Significantly, S. 9 provides that mining and mineral leasing can be permitted in national recreation areas, conservation areas, and in the new national forest.

#### Key Concerns:

1. *Alaska Peninsula*.—H.R. 39 and S. 222 would established a 1.57-million-acre national wildlife refuge. S. 9 institutes instead a land freeze and a 3-year State-Federal study applicable to the entire Bristol Bay area. We believe resource values, landownership patterns, and uses are now sufficiently well defined to obviate the need for further study. We can now recommend establishment of a refuge.

2. *Becharof National Monument*.—H.R. 39 and S. 222 retain the existing 1.2-million-acre monument as part of the National Wildlife Refuge System. S. 9 deletes about one-fourth of the existing monument. The monument contains an extremely significant brown bear population. We prefer H.R. 39, which would continue habitat protection for the entire area.

3. *Copper River Delta*.—H.R. 39 and S. 222 would establish a 1.2-million-acre national wildlife refuge including a portion of the existing Chugach National Forest. S. 9 would retain existing U.S.F.S. jurisdiction and would transfer jurisdiction over part of the area, 690,000 acres, to the Department of Agriculture for national forest purposes. We support the provisions of S. 9. We believe that the outstanding wildlife habitat will be adequately protected by the Forest Service; a change in agency jurisdiction would serve no useful purpose.

4. *National Petroleum Reserve-Alaska*.—H.R. 39 would designate the entire area as a single national wildlife refuge, and S. 222 would designate two areas, of 2.6 and 4.5 million acres, as refuges. S. 9 defers management system classification. We agree with the provisions of S. 9. Designation of management systems in NPR-A should only be in light of the results of studies mandated under the National Petroleum Reserves Production Act of 1976. At the end of the year we will be presenting to Congress recommendations for best uses and specific management system designations, including recommendations for private leasing.

5. *Nowitna Area*.—H.R. 39 and S. 222 establish a national wildlife refuge of 1.56 million acres. S. 9 would include this area within a national conservation area, managed for multiple-use purposes where mining, timber cutting, and other uses inconsistent with habitat protection will be permitted. We recommend H.R. 39 or S. 222. The com-

mittee's report in the 95th Congress referred to "excellent habitat for moose in the Nowitna Flats, and waterfowl habitat. These wetlands support a waterfowl population primarily of ducks and geese. In addition, this is one of the few areas in Alaska where trumpeter swan populations are known to be increasing." We agree with the committee assessment of the wildlife values, and we firmly believe such values ought to be protected in a refuge.

6. *Arctic National Wildlife Range Additions*.—H.R. 39 and S. 222 add 9.9 million acres to the existing Arctic Range. S. 9 adds 5.65 million acres to the Range, and establishes a national conservation area on 880,000 acres of the remainder of the proposed additions. In describing the resources of the national conservation areas, the committee in its report in the 95th Congress, stated, "Of particular importance is the need to protect and conserve the outstanding fish and wildlife resources and their habitats for long term public use and enjoyment, and to protect migration routes and (winter range) of the Porcupine caribou herd." We believe the resources so described ought to be protected in the national system of wildlife refuges, which has been established for just such a purpose.

7. *Togiak Area*.—H.R. 39 would add 3.135 million acres to the existing Cape Newenham National Wildlife Refuge, and S. 222 would add 3.840 million acres. S. 9 would not establish additional refuge lands here, but places the area in the Bristol Bay study area. This area has been extensively studied already, its wildlife values are known, and we recommend the establishment of the national wildlife refuge without further study. We therefore prefer S. 222.

8. *Yukon Flats National Monument*.—H.R. 39 and S. 222 would confirm this 10.6 million-acre national monument as a unit of the National Wildlife Refuge System. As outlined above, S. 9 splits this monument among four different management agencies. Instead of cohesive management of the entire monument, S. 9 would create a 5.48 million-acre national forest and a 1 million-acre national recreation area. The national recreation area would be the first and only such area administered by the Bureau of Land Management. The national forest would be the only land administered by the Department of Agriculture in interior Alaska. We believe strongly that the fish and wildlife values of the Yukon Flats National Monument, including millions of ducks and geese, and significant populations of Dall sheep, furbearers, wolves, and bear, must be managed under a single agency whose whole mission is the protection of fish and wildlife and their habitat. Accordingly, we strongly recommend H.R. 39 or S. 222.

#### TITLE IV—NATIONAL CONSERVATION AREAS

S. 9 would designate five areas for continued management by the Bureau of Land Management. Four would be designated National Conservation Areas, and one a National Recreation Area. These areas would all be managed for multiple use. S. 9 requires no management restrictions beyond those of FLPMA.

The idea of specifically regulated BLM management areas in Alaska has merit; proposals to this end were considered by the Department.

However, we strongly oppose the designation of these units when they substitute for necessary wildlife refuge designation. Unlike the management protection it provides for refuges, S. 9 permits hardrock location in the BLM units, and no specific dominant use management is mandated.

We recommend that all of the White Mountain NRA and the Chandalar NCA and that approximately half of the Nowitna NCA and the Steese NCA be included instead within the National Wildlife Refuge System. Most of the Baird Mountains NCA is not included within our recommended conservation proposal boundaries, although a small portion of waterfowl habitat in the south is included within our Selawik National Wildlife Refuge. The specific statutory protection and wildlife management expertise provided by the Fish and Wildlife Service is clearly required on those portions of these areas which we recommended for refuge designation.

#### TITLE V—NATIONAL FOREST SYSTEM

Since with one exception title V deals with lands currently under the jurisdiction of this Department, we believe comment is appropriate here. Both this Department and the Department of Agriculture are opposed to placing another multiple-use agency (the Forest Service) in a land management role in the interior of Alaska. Because such an action would duplicate the role of the Bureau of Land Management, it is both unnecessary and expensive. (For similar reasons of efficiency and cohesive management, we recommend the additions of certain lands now managed by the BLM to the Tongass and Chugach National Forests.)

Section 501 of S. 9 establishes a new Porcupine National Forest. We strongly recommend that the area be included within the Yukon Flats National Wildlife Refuge; multiple use management is inappropriate here. The primary purpose of the national forest is set forth as "protection of fish and wildlife and their habitat." Further, the bill requires the Secretary of Agriculture to "establish zones adjacent to rivers, water courses, and other areas comprising habitat important for fish and wildlife, including peregrine falcons, waterfowl, the Porcupine caribou herd, and other species, within which no harvesting of timber, mineral development, or other uses and activities detrimental to fish and wildlife species may take place."

The language in the bill clearly contradicts the purposes of national forest as set forth in existing law. While we agree with S. 9 that these lands should be managed with protection of fish and wildlife and their habitat as the primary purpose, we believe the authority to carry out that management purpose is misplaced by S. 9 in its creation of this new national forest. Timber is not nationally significant here; wildlife is. Since local timber harvesting can be permitted in a national wildlife refuge if to do so is compatible with the purposes for which the refuge is established, such activities would not be foreclosed under a refuge. Yet, the significant differences between the refuge and forest systems in management emphasis, policy, and the specific expertise with regard to the primary wildlife values, clearly substantiates that this area should be included within the refuge system.

## TITLE VI—NATIONAL WILD AND SCENIC RIVERS SYSTEM

S. 9 designate seven rivers for addition to the Wild and Scenic River System outside other areas, whereas we recommended that 13 be designated. In recognition of the broad configuration of river courses in Alaska, we recommended that the river corridor be established by line of sight up to 2 miles on either side. In addition to recreation and scenic values, these corridors often contain key wildlife habitat and subsistence resources.

S. 9 would give the Secretary authority to establish river protection zones extending up to two miles from the ordinary high water mark on both sides of wild and scenic rivers. The bill would authorize the Secretary to permit removal of leasable and nonleasable minerals in accordance with the mineral leasing laws both within river boundaries and river protection zones, if he finds that such disposition would not have significant adverse effects on the administration of the component. Such discretionary authority should not be granted because mineral extraction and protection of the natural values of a wild river corridor are not compatible.

In recommending that river corridors extend up to two miles from the ordinary high water mark on both sides, it is important to clarify that this would not mean that all river corridors automatically would be four miles wide. Rather, it would give the Secretary the flexibility needed to protect the expansive vistas found along many of Alaska's rivers and to protect vital fish and wildlife habitat and water quality. There will undoubtedly be many areas along these rivers where the boundaries of river corridors could be constricted well within the two miles limit and even within a quarter mile. This would be the case of a river flowing through a steep-walled canyon or gorge or a heavily vegetated shoreline.

## TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEM

The Department of Agriculture will transmit to the committee the Administration's views with respect to the designation of wilderness on the existing Chugach and Tongass National Forests in southeast Alaska.

With respect to wilderness designation on the areas proposed in S. 9 for administration by this Department, the bill designates 34.06 million acres as wilderness, where as we have recommended 43 million acres. Wilderness is a major distinguishing characteristic of Alaska. Some of the best of this *de facto* wilderness—such as the existing Gates of the Arctic and the Arctic National Wildlife Range—should be designated wilderness very nearly in their entirety. Unfortunately, S. 9 only designates portions of the Gates of the Arctic and none of the Arctic National Wildlife Range. We continue to support the specific recommendations we originally made to your committee.

Section 703(b) (5) directs the Secretary to pay land selection costs, court costs, and attorney's fees incurred by Native Corporations in determining the validity of land withdrawals on Admiralty Island. We note that the Congressional Budget Office estimate for an identical provision in the 95th Congress was approximately 3 million.

The Administration opposes this provision. Other Native Corporations, specifically those to which land is conveyed under the specific provisions of title XVI, may have incurred similar expenses, but S. 9 is silent as to them. Aside from treating some Native Corporations differently than others, the provision creates a precedent that will certainly promote litigation.

#### TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

As much as any provision in this complex bill, the subsistence title has undergone a continuing evolution through negotiations among the various parties trying to achieve a consensus on this important subject.

We continue to be concerned about the administrative workability of this title as it appears in S. 9. Examples include the potentially duplicative and divisive advisory council system of section 805, the separate subsistence management system for parks and monuments, and the requirement that the Secretary seek a federal court order to obtain compliance by the State. Such problems could create an unnecessary series of legal confrontations between the State and the Department, which would complicate enforcement further.

We will continue to work with concerned parties and to provide the committee whatever assistance necessary to resolve issues of the title.

#### TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

This title is intended to speed up conveyances to the Alaska Natives and the State. While we fully endorse the objective, we believe the provisions in S. 9 may frustrate, rather than facilitate this result. In the case of Native conveyances, this Department has spent over two years revising its entire implementation of ANCSA.

As a result of this work the Department has accelerated the conveyance process so that we will convey more than 6.5 million acres to Native Corporations in 1979 and will average between 6.5 and 7 million acres every year until the bulk of the selections are completed. In 1979 alone, the Department will convey 2 million acres more to Alaska Natives than in all years since 1971 combined. We would not object to the S. 9 provision if it aided this process, but it does not. Rather, it adds new and, in many cases, unworkable procedures and deadlines which create a dual system of conveyances. The practical result, we believe, will be a slowing rather than acceleration of conveyances.

In January of this year, the Department made more than 16 million acres available for State selection. This acreage, added to that already selected, brings the State within 10–12 million acres of its complete entitlement.

We have also increased our capability to convey lands to the State by expanding our workforce by 23 positions. This means that 10–13 million acres can be conveyed to the State each year until the State has received patent to the overwhelming bulk of its entitlement. As a result of these administrative actions, we believe the need for the State conveyance section of S. 9 no longer exists.

Section 907 would greatly expand the Land Bank concept by combining it with the concept of assistance pursuant to cooperative agree-

ments. We do not believe these two concepts should be merged since they were originally designed for different purposes. Specifically, the Land Bank was designed to provide a tax incentive to ANCSA to leave their land undeveloped. However, cooperative agreements were intended to minimize land use conflicts between landowners and would allow the Secretary the discretion to provide a landowner assistance in such instances where from an ecological perspective the federal interest in a conservation unit would benefit from such assistance.

Therefore, the Administration recommends that there be two sections in the bill, one for the Land Bank and one for cooperative agreements.

With regard to the Land Bank, as we stated last year, we support the concept of the environmental protection which could be offered by a Native Land Bank, but believe this is basically a matter to be worked out between the State and the Natives. However, this concept should not include a federal trust responsibility toward the Natives or an immunity from Federal taxes.

With the caveats mentioned above, we would recommend using the language of last year's House bill (Section 806) with some revisions relating to eligibility for participation, federal taxation, and the role of the State vis-a-vis the Secretary. We would like to work with the Committee staff to solve these other problems.

#### TITLE X—FEDERAL NORTH SLOPE LANDS STUDY PROGRAM

S. 9 mandates an oil and gas exploration program on what biologists know is one of the most environmentally sensitive and important areas in Alaska, the coastal plain within the existing Arctic National Wildlife Range. There is no disagreement among biologists that this area is a necessary part of the ecosystem for great numbers of waterfowl, polar bear, caribou, and other wilderness species that have evolved over thousands of years without developmental impacts. The Committee's own report in the 95th Congress referred to the "nationally and internationally recognized wildlife and wilderness values of the Range." We believe that intensive oil and gas exploration activities could have an enormous detrimental effect on the wildlife. Any significant impact on the wildlife will in turn hurt the people whose culture and livelihood depends upon these resources. No Secretary of the Interior has recommended oil and gas exploration of the area, although such activity is authorized in existing law if to do so is compatible with the purposes of the area. By mandating oil and gas exploration S. 9 is in effect making the finding, in the absence of persuasive data, that such exploration is compatible with the purposes of the wildlife range. One reason for our concern is that in less than a decade Alaska's caribou population has plunged by nearly two-thirds. The protected caribou of the wildlife range now make up half of Alaska's total; this remnant is the State's and the Nation's last large healthy herd. No adequate accounting for this rapid, extraordinary collapse has been offered.

S. 9 also directs the President by 1981 to recommend to the Congress as to whether private mineral development should be permitted in national parks, monuments, wild rivers, refuges, and wilderness. Another provision authorizes the President to make such recommendations from time to time. A recommendation under the authorization

would take effect upon approval by the Congress of a joint resolution within 120 days. Such provisions merely extend the uncertainty over the classification of these nationally significant lands. Further, the Department will continue to gather level III minerals information on Alaska lands, but it is unrealistic to expect a substantially altered minerals information picture to emerge by 1981. Far more is known about minerals in these areas than that known for the great national parks established in the past.

#### TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO CONSERVATION SYSTEM UNITS

S. 9 provides major new authority for the disposal of public lands in the National Park, Wildlife Refuge, and Wild and Scenic Rivers Systems. It confers new authority over the management of public lands on the Secretary of Transportation by his involvement in the approval of rights-of-way across refuges, wild rivers, and national recreation areas. We note that portions of the existing national monuments are, under Title II, designated as national recreation areas where not only mining and mineral leasing are permitted but where commodity rights-of-way, such as coal slurries, roads, and railroads, may be granted without Congressional approval. We note also that, notwithstanding the process for granting rights-of-way set up in this title, Section 201 of S. 9 also mandates a right-of-way across the Gates of the Arctic National Recreational Area, without regard to the National Environmental Policy Act of 1969. We feel that existing law regarding access should continue to apply to Alaskan refuges and parklands. No demonstrated need for additional corridors exists. In the case of the Gates, not only is the specific need for the mandated corridor unclear, but the most appropriate mode of transportation is not even established. Should a future extraordinary need arise for special exemptions from existing law, we believe the Congress should consider such exceptions on a case-by-case basis. However, we can support provisions more flexible than existing law for Secretarial establishment of rights-of-way across wild and scenic rivers when necessary and compatible.

Section 1109 provides a waiver to the State of Alaska of Federal-aid highway repayment requirements in order to permit the State to close the North Slope Haul Road to certain public uses. As previously noted, we are informed by the Department of Transportation that this procedure is not necessary to achieve the intended result. We recommend that this section be deleted.

#### TITLE XII—FEDERAL-STATE COOPERATION

Currently, our field managers in Alaska and their counterparts in State government and Native organizations meet periodically to discuss issues of mutual concern. S. 9 elevates and expands this process by constituting not only the field managers of this Department but those of NOAA and the Department of Transportation as a Land Use Council. We strongly prefer that the council be comprised of actual land managers as we originally recommended.

Title XII also requires additional study, almost 10 years after enactment of the Alaska Native Claims Settlement Act, of potential land

designations in the Bristol Bay area. Pending the adoption of recommendations arising from the study, Federal lands in the Bristol Bay region are required to be managed as if they were national wildlife refuges. We see no reason for further studies in this area, and recommend instead the establishment of the Togiak and Alaska Peninsula national wildlife refuges now and the continued management by BLM over the public lands not designated for conservation system protection.

#### **TITLE XIII—ADMINISTRATIVE PROVISIONS**

1. Section 1312 provides that a national preserve shall be administered in the same manner as a national park "except as otherwise provided in this Act and except that the taking of fish and wildlife for sport and subsistence purposes shall be allowed in a national preserve under appropriate regulation, and applicable State and Federal law." We assume that "appropriate regulation" may include the designation of zones where and the establishment of periods of when, no hunting or trapping may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Such authority is expressly set forth in the laws establishing the two existing national preserves in the United States.

Three additional sections in this title give us concerns which we would like to reiterate.

1. Section 1307 would waive applicable Civil Service Commission laws and regulations if necessary to enable the Secretary to give full consideration to employing local people whose experience qualifies them for positions for which they would otherwise not qualify under these regulations. While we agree that the expertise of local residents will be a very important and necessary resource, we believe that this new authority is unnecessary. PL 95-454, signed into law October 13, 1978, is intended to provide more responsive personnel management services to Federal agencies and to meet unique staffing needs such as are found in Alaska. We believe that this existing authority should be given a chance to work.

2. Section 1310 mandates a 3-year scenic highway study. The Secretary of the Interior under existing laws already has adequate authority to conduct such a study, and to withdraw Federal lands in furtherance of such a study. We believe that this section is unnecessary.

3. Section 1315, in furtherance of the Historic Sites Act of 1935, grants authority to provide assistance to Native groups in the preservation, display, and interpretation of cultural resources. That Act already authorizes the Secretary to provide adequate assistance in the preservation and display of nationally significant cultural objects. We believe this section is duplicative and unnecessary.

#### **TITLE XIV—AMENDMENTS TO THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND RELATED PROVISIONS**

1. Section 1408 grants Federal, State, and local tax immunity to land or cash received under certain provisions of the Settlement Act. We defer to the views of the Department of the Treasury as to the enactment of this section.

2. Section 1413 directs the payment of from \$50,000 to \$100,000 to certified Native Groups. The Administration does not recommend a change in the method of providing funds to the various entities established by the Settlement Act. For the same reason we are opposed to section 1414.

3. Section 1431, deals with Cook Inlet Region, Inc. The Administration is currently in the process of developing its position on additional language, and we will respond to your Committee on this matter in the near future.

#### TITLE XV—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

This title would authorize, with limitations, the President of the United States to recommend to the Congress that "mineral exploration, development, or extraction" be permitted in the National Petroleum Reserve—Alaska, wild river corridors, and (with respect to nonleasable minerals), wildlife refuges, and in wilderness other than the National Park System. The President needs no such authority, and this title could set a precedent that would lead to opening up wilderness refuges in other States to mineral development. With regard to the NPR—A, we believe the process established by the Naval Petroleum Reserve Production Act of 1976 is the best approach for determining the best uses of the reserve.

#### OTHER CONCERNS:

1. S. 9 contains no fewer than five separate provisions establishing an expedited process for Congressional approval of Executive Branch recommendations, viz:

Section 706—A concurrent resolution approving waiver on timber cutting in national forest special management areas, which must be adopted in 60 days.

Section 1002—A concurrent resolution approving core drilling in the Arctic National Wildlife Refuge, which must be adopted in 60 days.

Section 1103—A joint resolution approving a transportation application across parks, monuments, preserves, and wilderness, which must be adopted in 120 days.

Section 1204—A joint resolution approving the Bristol Bay area plan, which must be adopted in 120 days.

Section 1502—A joint resolution approving Presidential recommendations for mineral development where it is otherwise prohibited by law, which must be adopted in 120 days.

We recommend the deletion of these provisions. We see no need for an expedited approval process to make decisions on these matters. Each provision deals with resource implications of major dimensions, and, if considered in connection with parks, forests, and refuges in the Lower 48 would command extensive Congressional review hearings, and careful consideration. They impart a degree of haste where there is a need for deliberation. In addition, the Justice Department has informed us that in its opinion provisions for Congressional approval of Executive Branch actions by concurrent resolution are inconsistent with the Constitutional principles of separation of powers.

In his June 1978 special message to the Congress the President stated the Administration's strong opposition to legislative vetoes. We understand that the Justice Department will provide a fuller analysis of this issue in a separate letter.

*Specific administration recommendations—Alaska national interest lands as modified in February 1979*

<b>National Park System :</b>	
Aniakchak Monument/Preserve.....	0. 41
Bering Land Bridge Preserve.....	2. 60
Cape Krusenstern Park.....	. 56
Gates of the Arctic Park.....	8. 22
Kenai Fjords Park.....	. 57
Kobuk Valley Park.....	1. 71
Lake Clark Park/Preserve.....	3. 65
Noatak Preserve.....	5. 80
Wrangell-St. Elias Park/Preserve.....	12. 19
Yukon-Charley Park/Preserve.....	1. 72
Glacier Bay Park (addition).....	. 59
Katmai Park (addition).....	1. 37
McKinley (Denali Park) (addition).....	3. 89
	<hr/> 43. 28 <hr/>
<b>National Wildlife Refuge System :</b>	
Alaska Marine.....	. 46
Alaska Peninsula.....	1. 57
Arctic additions.....	9. 50
Becharof.....	1. 20
Innoko.....	2. 84
Kanuti.....	1. 20
Kenai additions.....	. 25
Koyukuk.....	3. 30
Nowitna.....	1. 56
Selawik.....	2. 15
Tetlin.....	. 77
Togiak.....	3. 84
Yukon Delta.....	10. 59
Yukon Flats.....	10. 68
	<hr/> 48. 91 <hr/>
<b>National Forest System :</b>	
Chugach National Forest additions.....	1. 89
Tongass National Forest additions.....	1. 44
	<hr/> 3. 33 <hr/>
<b>National Wild and Scenic River System.....</b>	<b>2. 32</b>
<b>Total .....</b>	<b>98. 84</b>

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., October 24, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: This is with regard to section 1425 of S. 9, the section of the proposed Alaska National Interest Lands Conservation Act that would withdraw for the village of Eklutna certain lands in Alaska.

We support the enactment of section 1425.

Section 1425 of S. 9 would provide for the conveyance to Eklutna of lands held by the Department of Defense and the Department of Transportation (Alaska Railroad) when those lands are declared to be in excess to the needs of those holding agencies. The section, by withdrawing these lands, prohibits their disposition by the holding agency. The section, however, does not affect the administrative jurisdiction over the lands of the holding agency. Therefore, both the Department of Defense and the Department of Transportation may, in accordance with existing law, continue to use the lands involved as they would use them without this amendment. The sale or other transfer of the railroad to private industry or the State for continued operation as a railroad would not trigger Eklutna's claims. Such claims would be triggered only upon abandonment of railroad operations.

Eklutna's efforts to fulfill its entitlement under ANCSA have raised the issue of the disposition of these lands. The ANCSA anticipated that lands were to be withdrawn for the Natives in their traditional use area. The major portion of the traditional use area of the Natives of the village of Eklutna was unavailable to them. The bulk of it is patented to the State and private interests. Another large portion is within Fort Richardson, a military withdrawal. Many of the remaining acres have been selected by, or tentatively approved for patent to, the State under the 1958 Statehood Act.

In recognition of Eklutna's inability to fulfill its entitlement within the withdrawal area, a deficiency withdrawal was made for them to the east. Unfortunately, about 70 percent of the deficiency withdrawal is either land above the treeline, ice-capped mountains or glacial lakes. Additionally, the question of the navigability of the Knik River could mean that Eklutna will receive less lands than currently anticipated, making their situation even more difficult. In short, we believe that equity strongly points to Eklutna's right to regain their traditional use lands withdrawn from their 1936 reserve.

We understand that some consideration has been given to amending ANCSA to exempt entirely the lands of the Alaska Railroad from selection. The Administration would oppose any such amendment to ANCSA. This Department has recently published proposed regulations on section 3 (e) of ANCSA.

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

Sincerely,

GUY R. MARTIN, *Secretary.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., February 15, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your September 21 letter requesting a report on the status of the Administration's effort to come to an agreement with the urban Native corporations regarding off-Admiralty selections.

## STATUS OF NEGOTIATIONS WITH GOLDBELT, INC.

Our estimate of the value of Goldbelt's original selection of 19,618 acres on Admiralty Island, based primarily on a timber volume of 495,370,000 board feet, is \$53,974,590. On August 11 the Department of Agriculture expressed a willingness to convey to Goldbelt 26,944 acres of land in the Hobart Bay and Berners Bay areas. This would convey an estimated 631,000,000 board feet of timber with an estimated value of \$63,740,000. Based on our estimates of value, the offered lands would exceed the estimated value of the Admiralty Island lands by 18 percent.

On August 28, Goldbelt indicated that it would be willing to accept, in lieu of the lands selected on Admiralty Island, a cash payment of \$8,500,000 plus 26,619 acres in the Hobart Bay area and 995 additional acres in the Berners Bay area. Our evaluation of this proposal indicates that the 27,614 acres contain an estimated 653,155,000 board feet of timber with a value of \$70,472,000. The total value of the timber and the cash payment amount to \$78,972,000. Based on our estimates the value of the proposed land and cash payment would exceed the Admiralty Island lands by 46 percent.

On October 13 Goldbelt met with representatives of the Department of Agriculture, Department of the Interior and Department of Justice, and reached agreement on a proposal contingent on its incorporation into the amendment to the Alaska Native Claims Settlement Act in the current session of Congress. The parties agreed that in the event the legislation was not passed, the October 13 agreement would not be binding in future negotiations.

Since the amendment to ANCSA was not passed, the parties are not committed to the October 13, 1978 agreement. However, for your information, the proposal was basically to convey off-Admiralty land to Goldbelt valued at approximately \$70,000,000 based primarily on timber values for relinquishment of Goldbelt's selection rights on Admiralty. This included 995 acres in the Berners Bay area north of Echo Cove and 26,779 acres in the Port Houghton Bay, Hobart Bay and head of Chuck River areas, a total of 27,774 acres.

We received a request from Goldbelt shortly after Congress adjourned, asking that the Secretaries of Interior and Agriculture consider implementing the October 13 negotiated off-Admiralty settlement. On November 27 we, along with Interior and Justice, met with Goldbelt and agreed to an exchange which would implement the October 13 negotiated off-Admiralty selection. The exchange can be made under existing authority, but may be subject to the processes under the National Environmental Policy Act. We also agreed that Goldbelt's request for reimbursement of expenses would not be a condition in the exchange. The sub-surface rights to be conveyed to the Sealaska Regional corporation will not exceed Goldbelt's original 19,618 acres.

## STATUS OF NEGOTIATIONS WITH SHEE ATIKA, INC.

Our estimate of the value of Shee Atika's original selection of 19,910 acres on Admiralty Island, based primarily on a timber volume of 478,300,000 board feet, is \$52,340,370. On August 11, this Department

expressed a willingness to convey to Shee Atika 29,946 acres of land in the Chuck River, Windham Bay, Libby Creek, and Dry Bay areas. This would convey 619,590,000 board feet of timber with an estimated value of \$60,645,000. This exceeds the value of their Admiralty land selections by 17 percent.

On August 19 Shee Atika indicated that it would be willing to accept a cash payment of \$201,252,000 and the immediate conveyance of 5,570 acres of certain lands in Katlian Bay, Charcoal and Alice Islands, and Lindenberg Peninsula, estimated by Shee Atika to be worth \$27,500,000. The total value of the lands and the cash payment is \$228,752,000. Shee Atika, in arriving at their proposal, used a different approach to arrive at an appraised value than that used by the Forest Service. They attempted to determine present worth of the timber on the original Admiralty selection based on a perpetual annual stream of net income. We have a number of concerns with their approach and believe it resulted in a grossly overinflated estimate of value.

We continue to recommend the Conveyance of 29,956 acres of land in the Chuck River, Windham Bay, Libby Creek, and Dry Bay areas less adjustments to accommodate the Corporation's desire for selections at Katlian Bay, Charcoal and Alice Islands, and Lindenberg Peninsula for the relinquishment of Shee Atika's selection rights on Admiralty Island.

In summary, we have reached agreement with Goldbelt, Inc., and will continue negotiations with Shee Atika, Inc. We would be happy to discuss with you and members of your Committee and staff the details of the various proposals to resolve the off-Admiralty selections.

Sincerely,

BOB BERGLAND, *Secretary.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, July 17 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 9, the Alaska National Interest Lands Conservation Act.

The Department of Agriculture recommends the enactment of S. 9 only if amended to incorporate the recommendations of this Department and the Department of the Interior.

Titles II and III would transfer certain existing National Forest System lands to the National Park Service and Fish and Wildlife Service. Title V would establish a new National Forest, add lands to the Chugach and Tongass National Forests and establish a National Recreation Area. Title VI would designate a study river within the National Forest System. Title VII would designate 13 wilderness areas within the Tongass National Forest, authorize the acquisition of timber rights from Kootznoowoo, Inc., provide for alternate land selections for other Native corporations, designate a wilderness study area on the Chugach National Forest, designate 9 special management areas

on the Tongass National Forest and withdraw them from mineral location and entry, establish a 520-million board feet harvest level, authorize a road construction and precommercial thinning program, and establish a special loan program. Title XIII would withdraw the National Recreation Area from mineral location and entry, provide for aquaculture activities within wilderness, permit certain other uses within wilderness, and modify timber contracts. Title XIV would provide for an escrow account for Natives, transfer certain selection rights for two Native corporations, and establish a 1-year study involving the disposition of other land entitlements.

In our letter of February 22, we provided you with our specific wilderness recommendations which would provide 7.6 million acres of wilderness and 2 million acres of wilderness study. We continue to strongly support these recommendations.

We recommend section 201(8) be deleted and that the entire Misty Fiords be designated wilderness to be administered by the Forest Service. We do not support the transfer of National Forest System lands as provided in section 302.

Further, we recommend the deletion of section 501. The establishment of a National Forest in interior Alaska is unnecessary. Those lands can be effectively managed by the Bureau of Land Management without introducing the presence of another agency in the area.

We recommend the addition of 390,000 acres to the Chugach National Forest as a logical addition to the Forest and related Copper River management area. Most of the area is proposed for wilderness study.

We recommend against the establishment of a Seward National Recreation Area. Land uses on the entire Chugach National Forest are being addressed in the land management plan for that Forest which is scheduled for completion in 1980.

We are concerned that sections 703(b) (1) and (2) would provide special treatment to Kootznoowoo, Inc., with regard to their lands on Admiralty Island. While we believe it is in the public interest to work cooperatively with Kootznoowoo, Inc., to preserve the wilderness attributes of Admiralty Island, we do not support the provisions in these sections. They would grant unprecedented selection authority to Kootznoowoo, Inc., to timber rights anywhere within the Tongass National Forest without the approval of, or consultation with, the Secretary of Agriculture. We recommend that the Secretary's authority to exchange lands on an equal-value basis, or to purchase lands or timber, be utilized rather than the special provisions of section 703.

We have completed a land exchange with Goldbelt, Inc., in accord with section 703(b) (4) and recommend legislative endorsement of the agreement. However, we are less optimistic in our negotiations with Shee Atika, Inc. We would like to work with the Committee to develop language to expedite a mutually satisfactory exchange of selection rights.

Sections 705 and 706 designate 9 special management areas on the Tongass National Forest, prohibit timber harvesting until certain conditions are met and withdraw the areas from mineral location and entry. The conditions for management of the special management areas include a prohibition on timber sales but require that timber volumes

on these lands be included in determining the annual allowable sale quantity on the Forest, and mandate a sale level of 520 million board feet per year from the Tongass National Forest. These conditions clearly contradict statutory direction for management of the National Forest System as provided in the Multiple-Use and Sustained-Yield Act of 1960 and the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. Direction to sell 520 million board feet of timber from the reduced Tongass land base would constitute a congressional mandate to overcut the Forest. Under our recommendations which are based on detailed land management planning, we anticipate a sale program at 450 million board feet of timber an amount which will sustain the present level of industry. The special waiver provisions of section 706(e) and interim report provisions of section 708 do not alleviate the negative effects of the special management area provisions. We strongly recommend deletion of sections 705 and 706 and propose that our wilderness recommendations be adopted which would alleviate the need for special management areas. In addition, we are advised by the Department of Justice that the provisions of section 706(e), requiring congressional approval by concurrent resolution of certain executive branch actions, constitute a form of legislative veto which is inconsistent with constitutional principles of separation of powers. We understand the Department of Justice will provide the Committee with a separate analysis of this issue.

We endorse the concepts contained in section 707 to increase timber outputs from lands not designated as wilderness. Our wilderness recommendations for the Tongass National Forest include an investment program needed to achieve a level of timber production to maintain the industry in southeast Alaska. The details of these investments have been approved by the Administration. They will be reflected in annual appropriation processes and need not be contained as a special feature in S. 9. We have no objection to the provision to establish a special loan program; however, we would like to work with the Committee to develop language to make the program more compatible with existing authority for related loan programs.

We strongly recommend modification of the aquaculture provisions of S. 9 to provide for aquaculture without conflicting with wilderness designation.

In a separate transmittal, we will comment on the provisions of sections 1427 through 1430 of Title XIV relating to the Chugach and Koniag village and regional corporation lands.

We will be happy to provide the Committee with additional information regarding our concerns.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program. Enactment of S. 9, unless amended to accommodate the recommendations of this Department and the Department of the Interior, would not be in accord with the program of the President.

Sincerely,

BOB BERGLAND,  
*Secretary.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., July 18, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: As we indicated in our recent report on S. 9, we are now providing you with the views of this Department on sections 1427 through 1430 of Title XIV relating to the Chugach and the Koniag Village and Regional Corporation lands. In addition, we want to provide you with some additional comments on the Kootznoowoo, Inc., and Sheet Atika, Inc. proposed exchange provisions contained in section 703(b) of S. 9.

KONIAG AND CHUGACH NATIVE CORPORATIONS

This Department recommends that sections 1427, 1478, 1428, and 1430 not be adopted and that an alternative approach be specified in the legislation.

Section 1427, 1428, 1429, and 1430 would authorize the Koniag Natives to transfer their deficiency selections from the Alaska Peninsula to National Forest System lands on Afognak Island; the Chugach Village Corporations to obtain their 12(b) entitlements entirely from National Forest System lands; the Chugach Regional Corporation to obtain its 14(h)(8) entitlement from the Chugach National Forest; and establish a 1-year study for relocating other Chugach Regional Corporation land entitlements.

The language of sections 1427 through 1430 would provide special treatment for the Koniag and Chugach Regional Corporations in contradiction with the basic provisions of section 12 of the Alaska Native Claims Settlement Act. While we believe that some special consideration may be in order to accommodate Native desires to receive village entitlements as near their home areas as feasible, we believe that any exchanges should be approached on a value-for-value basis in the manner defined by section 22(f) of the ANCSA. Under the established exchange process, the Secretary with jurisdiction over Federal lands has authority to exchange lands or selection rights for a variety of reasons. We believe that in any exchange, all Federal lands, not just National Forest System lands, should be given consideration for possible exchange. We would also like to point out that those villages with populations of 25 to 300 people have already had selection rights to 69,120 acres each of Wildlife Refuge and National Forest System lands. These selections, particularly those within the Chugach National Forest, may be of higher economic value than land available to other Native groups.

This Department recommends that the Secretaries of Agriculture and of the Interior in cooperation with involved Native corporations and other interested parties be directed to carry out a joint study to identify lands which can be made available for exchange for the purpose of consolidation of land ownership patterns. We would propose that the study be completed within 2 years and that its recommendations be carried out under existing law or, if necessary, additional legislative authority would be requested.

Because of the high public values involved and the need to treat all Native groups with equity under the provisions of ANCSA, we strongly urge the adoption of our proposed alternative to sections 1427, 1428, 1429, and 1430.

#### KOOTZNOOWOO AND SHEE ATIKA NATIVE CORPORATIONS

We are very concerned that if section 703(b)(1) and (2) of S. 9 were enacted they would grant unprecedented selection authority to Kootznoowoo to timber rights anywhere within the Tongass National Forest without the approval of, or consultation with, the Secretary of Agriculture. We find this approach totally unacceptable. Furthermore, the current proposals could potentially result in a three-way split of the property interests: the subsurface with SEALaska, Inc., the surface in Keootznoowoo, Inc., and the timber in the United States. This would make wilderness management impossible and would inevitably cause conflicts in uses in the future.

We believe it is in the public interest to preserve to the greatest degree possible the wilderness attributes of Admiralty Island, and offer an alternative subsection 703(b) to S. 9. In effect, we propose to exchange land with Kootznoowoo on an equal value basis and/or purchase some of their land outright. Our alternative would assure Native retention of aboriginal rights to subsistence hunting and fishing, and the continued use of such lands for all nonconsumptive religious and cultural purposes. It would also assure that the subsurface estate would be transferred off Admiralty Island along with any exchange of the surface estate.

Unfortunately, our efforts to resolve off-Admiralty Island selections for Shee Atika have not resulted in an agreement. A recent revised proposal from Shee Atika would shift their selections from the Hood Bay area in the south end of Admiralty Island to the lands formerly selected by Goldbelt in the northern portion of the Island. Their proposal also contains a set of specific criteria to determine the timber values of the respective areas. We believe those criteria, if applied, would weigh heavily in favor of Shee Atika and would result in a conveyance far in excess of any entitlement contemplated by Congress under section 14(h)(3) of ANCSA.

Application of the proposed criteria would result in conveyance involving far more land than Goldbelt received in exchange for their lands. In addition, the criteria are far in excess of those used in our normal exchange procedures, and implementation would result in substantial cost and manpower expenditures. We are convinced that further negotiations with Shee Atika based on the criteria they have suggested will not result in a speedy off-Admiralty settlement and would not be in the public interest.

In short, our efforts to date to consummate an off-Admiralty selection for Shee Atika have failed. We are not optimistic that satisfactory results can be achieved by continuing further negotiations using the present approach. Therefore, we would propose an alternate to section 703(b)(4) of S. 9 which, if implemented, would result in Shee Atika getting an equitable settlement of land away from Hood Bay and would accomplish the Administration's objective of reducing the quantity of

Native selections on Admiralty Island and thereby preserve the wilderness attributes of the Island to the greatest possible degree.

We would be happy to provide the Committee and Committee staff with additional information regarding our concerns and a more detailed explanation of our proposed alternatives.

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

Sincerely,

BOB BERGLAND, *Secretary.*

DEPARTMENT OF JUSTICE,  
*Washington, D.C., July 9, 1979.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Energy and Natural Resources,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This presents the views of the Department of Justice on S. 9, the "Alaska National Interest Lands Conservation Act". Our comments are confined to §§ 706 and 1002 of the bill, which contain legislative review provisions that are, in our opinion, unconstitutional.

Under § 706(d), the Secretary of Agriculture would be required to monitor timber demand in southeastern Alaska. Should he determine at a future date that timber from a "special management area" as defined by § 705 must be sold in order to maintain timber supply at a rate of 520 million board feet per year, he must transmit a so-called "request for waiver" of the prohibition on timber sales established in § 706(b) to your committee as well as the House Committee on Interior and Insular Affairs. Under § 706(e), this "request for waiver" becomes "effective" only if the Senate and House pass a concurrent resolution approving that waiver within the time frame established in that provision.

As we understand § 706, the intent is not to give the Secretary the power to grant waivers. Rather, it is in essence a requirement that the Secretary report to Congress when and if he determines that a particular set of facts, i.e., the need to sell timber from a special management area to maintain a rate of 520 million board feet per year, exists at a future time. Then, even if that set of facts exists, no waiver may be granted on the basis of that set of facts unless Congress takes action, by a concurrent resolution, to "approve" the waiver "proposed" by the Secretary.

Because conditions calling for a waiver under the substantive standards set forth in § 706(d) may exist but Congress for any reason or no reason at all may decline to "approve" a particular waiver, we think it is necessary to conclude that the concurrent resolution must be viewed as the only substantive authority the Secretary could rely on to overcome the statutory prohibition on such sales which would otherwise be imposed by § 706(b). Viewed this way, § 706(e) presents the question whether Congress may authorize the waiver of a statutory prohibition by a concurrent resolution. We do not believe that Congress may constitutionally do so.

The Presentment Clauses, Art. I, § 7, cls. 2 and 3, set forth the exclusive procedures for Congress' exercise of the legislative power conferred by Art. I, § 1 of the Constitution. Clause 3 of Art. I, § 7, would appear to be particularly applicable to the procedure called for in § 706(e). Under Clause 3, "Every . . . resolution . . . to which the concurrence of the Senate and House of Representatives may be necessary. . . shall be presented to the President of the United States" for his approval or disapproval. As we understand the plain language of clause 3, the resolution called for by § 706(e) must be sent to the President for approval or disapproval unless a simple resolution of either the House or the Senate would itself suffice. In other words the question is whether, under the Constitution, Congress could delegate to one of its Houses and power to authorize the Executive Branch to disregard substantive statutory requirements. If Congress could constitutionally adopt such a procedure, we see no reason, analytically, why Congress could not empower one of its Houses to authorize the Executive Branch to ignore virtually any statutory command. We are aware of no provision in the Constitution that would suggest that the Framers might have intended this result.

Section 1002 of this bill presents a similar problem. Under § 1002(a), core drilling on the Arctic National Wildlife Range is prohibited. Under § 1002(d), the Secretary is to submit a study of the effects which further exploration for oil and gas would have on the environment and a "plan for core drilling" along with his "recommendation as to whether or not such drilling should be carried out". Then, if Congress passes a concurrent resolution within a specified time the Secretary is required to carry out the core drilling plan even though he might have recommended against that plan.

We believe it is elementary to our Constitutional system of separation of powers that an affirmative duty can never be imposed on the Executive Branch by Congress unless the legislation imposing that duty is submitted to the President pursuant to Art. I, § 7. Under § 1002 as drafted, the 96th Congress would clearly not be deciding whether core drilling should or should not go forward. Nor would Congress be giving to the Executive Branch the power to make that decision at a future point based on standards laid down by the 96th Congress. Rather, the 96th Congress in this bill would purport to require the Executive Branch merely to gather data relevant to such a decision and to authorize a future Congress, without the approval of the President, to make that substantive policy decision. As with the procedure set forth in § 706, we do not believe that such a result is supported by any provision of the Constitution.

We would also observe that other provisions of this bill, including § 1103(h) (3), 1204(e) and 1503, apply the same general principles as §§ 706 and 1002 but call for the approval of Congress to be by a joint resolution which would be submitted to the President. We would strongly urge that §§ 706 and 1002 be redrafted to parallel those constitutional procedures if the Congress is convinced that such tight Congressional control over the substantive decisions involved is necessary.<sup>1</sup>

<sup>1</sup> We express no views on the advisability of any of the controls found in §§ 706, 1002, 1103(h) (3), 1204(e) and 1503 of this bill from a policy standpoint.

Finally, we would comment briefly on § 706(g) of this bill. That provision purports to confer "standing" on the "State of Alaska" to secure from a federal district court "an order directing the Secretary of Agriculture to make the finding required by subsection (d) of this section and to transmit a waiver request pursuant to such subsection." Although worded in terms of "standing," the apparent purpose of this subsection is to permit the State of Alaska, but no other entities or no private parties, the right, 10 years after passage of this bill, to litigate in a federal court the question whether timber from a special management area must be sold to maintain the supply at a rate of 520 million board feet per year.

Assuming that Congress as a matter of policy believes it desirable to subject this essentially nondiscretionary judgment of the Secretary to judicial review, Congress may of course do so. We are uncertain, however, whether § 706(g) represents an attempt to limit to the State of Alaska the right to require performance of a non-discretionary duty that would already appear to exist under 28 U.S.C. § 1361 or represents an attempt to confer standing on the State of Alaska which it otherwise might not have to assert legal rights under 28 U.S.C. § 1361.<sup>2</sup>

If the purpose of this section is to foreclose any potential plaintiffs under existing jurisdictional statutes from challenging what is in effect a decision by the Secretary that conditions for granting a "waiver" do not exist, § 706(g) should be redrafted to express that intent. If, however, the intent is to establish the State's entitlement to sue the Secretary under jurisdiction conferred by other existing federal statutes, we would note that the State would have to satisfy the federal courts that it possessed the necessary legal interest to bring such litigation under whatever the prevailing doctrine of "standing" might be ten years or more from now.<sup>3</sup>

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

Sincerely,

ALAN A. PARKER,  
*Acting Assistant Attorney General.*

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<sup>2</sup> Section 1361 gives a Federal district court jurisdiction only if the Federal officer sued owes "a duty . . . to the plaintiff."

<sup>3</sup> We do not know, for example, whether the State of Alaska itself engages in the production or use of lumber sufficient to establish standing to sue the Secretary for his refusal to grant a waiver. See generally *Warth v. Seldin*, 422 U.S. 490 (1975).

## XI. ADDITIONAL VIEWS

### ADDITIONAL VIEWS OF SENATOR JACKSON

#### MISTY FJORDS NATIONAL MONUMENT

In my view, the Committee amendment, for the most part, balances the national interest in preserving large areas of Federal lands in Alaska as units of various conservation systems with the need to meet the country's increasing demands for energy and renewable resources.

However, while respecting the hard work and long hours invested in negotiations by Senators Tsongas, Stevens, and others, I remain concerned about the potential effect of mining operations on the fishery values in the Misty Fjords National Monument. For this reason, I did not vote in favor of the proposal to designate the Monument and encourage the development of the mining operations at Quartz Hill.

From my own experience in the Pacific Northwest, I am aware that natural salmon runs, once destroyed, are almost impossible to reestablish. Mitigation measures and attempts to produce artificial runs with hatchery fish are rarely successful.

There are only 14 major chinook spawning rivers in Southeast Alaska. Three—the Wilson, Blosson, and Keta—are within the Monument and potentially impacted by mining activities at Quartz Hill. Such impacts could have serious long-term implications for the fishing industry in Southeast Alaska. I am concerned about these implications and continue to feel that a viable fishing industry in that area is in the best interest of the nation.

HENRY M. JACKSON.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### OVERVIEW OF THE COMMITTEE BILL

The Senate Energy and Natural Resources Committee has fallen short of creating and confirming an adequate system of conservation units to preserve the finest of the scenic wonders, wildlife habitats, free flowing rivers, and wilderness in Alaska. Such a system can and should be established on federal lands which belong to all Americans—in which we all share an obligation to preserve and protect the heritage of future generations.

The bill the committee recommends is inadequate to meet this great challenge. The executive branch has done its part and done it well. With many years of careful scientific study behind its legislative proposals, the Administration further proceeded to make emergency use of its authorities under the Antiquities Act and the Federal Land Policy and Management Act (FLPMA) in establishing national monuments and other withdrawals to protect many of the key areas under consideration. The House of Representatives has done its part, and done it well. The House spent two and a half years refining its bill—working out the essential and fair compromises needed to define a workable balance between preservation and other needs in Alaska.

Hopefully, the Senate will now rise to the challenge. The Senate should match the scale and spirit of the House-passed bill, but the version reported by the Committee falls short of this goal on issue after issue. For almost every wildlife refuge, park and wilderness area, the committee recommends less adequate boundaries and weakened protective measures.

Many of our colleagues are joining us in proposing a substitute bill which would fulfill this historic opportunity. Originally, at the beginning of this year, S. 222 was introduced with 20 cosponsors. The House adopted a slightly refined version of the Alaska lands bill which reflects careful work and compromise. Both the more moderate House bill and S. 222 have attracted diverse and bipartisan support. Unfortunately, the Committee has chosen a very different course. The legislation it recommends is deficient in numerous areas:

### DEFICIENCIES OF THE COMMITTEE BILL

The committee bill:

Mandates an oil and gas exploration program in the *Arctic National Wildlife Range*, despite recent geological evidence indicating that the prospects for finding a major oil field there are very low.

Deletes key watersheds from the proposed *Yukon Flats National Wildlife Range*—one of the most productive waterfowl areas in the world—for state selections or Bureau of Land Management jurisdiction.

Removes 38 million acres from the National Wildlife Refuge System as delineated in the House-passed bill.

Reduces wilderness designation within wildlife refuges by 23 million acres from the compromise boundaries established in the House bill.

Opens areas in two of the most spectacular proposed parks, *Gates of the Arctic* and *Wrangell-St. Elias*, to mining and mining-related development.

Leaves major portions of *Admiralty Island*, *Misty Fjords* and other key areas of southeast Alaska open to possible clear-cut logging. Denies wilderness protection to numerous areas, contrary to the recommendations of the U.S. Forest Service.

Cuts 5 million acres from national parks as proposed in the House bill and in existing national monuments.

We therefore, find it necessary to develop an alternative and we call upon our colleagues to look to language similar to the bill adopted overwhelmingly by the House as the basis for action on the floor of the Senate. Such an approach maintains ecosystem integrity, facilitates management of the units, and appropriately protects the unique Alaskan wildlife and wilderness values which lie at the heart of the lengthy effort to secure legislation.

#### GEOGRAPHIC AND HISTORIC PERSPECTIVE

In 1959 Alaska was admitted to the Union. Congress provided the state a huge, unprecedented statehood grant of 104 million acres, an area the size of California. The state also received title to 44 million acres of resource-rich tidal and submerged lands. What Alaskans have selected for themselves to date constitutes the largest statehood grant in American history, whether measured in terms of dollar value, acreage per capita, or total acreage. The Alaska Department of Natural Resources states:

The existing state selected lands provide a wide-ranging balance of resource lands which can be used to support the Alaskan economy. In many cases, state selections have high-graded lands for particular resource potentials. This is exemplified by our selection at Prudhoe Bay for oil and gas resources and our selection of much of the best agricultural land in the state in the Matanuska, Susitna, and Tanana River valleys. (November 24, 1977, Alaska Department of Natural Resources).

In 1971, Congress enacted the Alaska Native Claims Settlement Act (ANSCA) settling the aboriginal land claims of the Alaska Natives—the Eskimos, Indians and Aleuts—on terms acceptable to them and with the support and approval of the State of Alaska. Their prior claims were extinguished by a grant of nearly \$1 billion and 44 million acres of land.

Congress can be proud of its record of fairness and generosity to the people of Alaska. The 149 million acres of state and private land that will belong to the Alaskans will be more than an ample land base for whatever uses Alaska's 413,000 people see fit.

## CONGRESSIONAL AND ADMINISTRATIVE ACTION

Following on the mandate of Section 17(d)(2) of ANCSA, Congress has undertaken to identify and set aside the best of Alaska's national interest lands. Unfortunately, despite lengthy Congressional deliberation and the completion of a bill in the House and in this Committee, Congress was unable to produce Alaska lands legislation in 1978.

Section 17(d)(2) of ANCSA provided that the Congress had to act on Alaska lands legislation by December 18, 1978, or the lands would revert to public domain status. In November, 1978, the Secretary of the Interior and Secretary of Agriculture, using the emergency powers of the Federal Land Policy and Management Act withdrew all the federal lands (about 116 million acres) which had been under review by the Congress.

Then, on December 1, 1978, President Carter, using powers granted by the Antiquities Act, established by Presidential proclamation new national monuments. They contain about 56 million acres in National Park, National Wildlife Refuge and National Forest Systems.

H.R. 39 was introduced in the House on January 15, 1979. The bill was drafted to confirm and modify administrative actions of November and December 1978 and was based primarily on Committee and House actions during the 95th Congress.

## CREATING A BALANCE

The currently existing and proposed conservation system units give a long overdue balance to the land cession and development legislation which have been making their mark on Alaska at an accelerating pace. These include the Alaska Statehood Grant of 1959, the Alaska Native Claims Act of 1971, the Tongass Timber Act of 1947, the Alaska oil pipeline authorization in 1973, and the Alaska gas pipeline authorization of 1977. Now is the time for Congress to make a grant of federal land in Alaska to all of the American people—and to generations of future Americans.

This grant of lasting natural legacy for all Americans will be large, but not so large as the grants Congress has already made to the State of Alaska and its residents.

## QUALITY NOT QUANTITY IS THE KEY

How can one judge which among the various Alaska lands proposals best protects the national interest lands? Acreage alone is not a good criterion. It would be possible for Congress to set aside a large amount of area (totalling a very impressive acreage figure for those accustomed to dealing with the smaller scale of the other 49 states) without doing very much to protect the wildlife, rivers and lowlands that should be the focus of this legislation. We must keep in mind that nearly one-third of the acreage now in national park system status is snow-covered mountains and glaciers over which there is no controversy. Although these mountains are spectacularly scenic, placing 15 million acres of peaks in parks will do nothing to protect the valleys and forelands where the wildlife and recreational opportunities of interest to most park visitors are found.

Beyond a mere acreage tabulation, the criteria for judging how well the Committee bill or a substitute meets this historic challenge must include a close examination of how the conservation units will be managed. The Committee bill would carve up these lands into a myriad of subunits under four different federal agencies which fail to make ecological or administrative sense. In some regions national wildlife refuges would be divided up into national forest, Bureau of Land Management, and state, as well as refuge, management. In other areas national wildlife refuges would be deleted altogether. Some of the national parks would be partitioned into subunits designed to accommodate such non-park uses as mining. Watershed and wildlife habitats would be divided up in various land designations with conflicting objectives and regulations.

This balkanization of the federal lands is not the result of any coherent regional or statewide plan of the Committee. Rather, it results from the Committee's apparent attempt to accommodate various parochial interests.

The resultant mixture of administrative units the Committee proposes maximizes the potential for resource conflicts and inflated bureaucracy. It mimics a pattern of land allocation found in some lower 48 states where the federal government has done too little, too late to protect natural resources in a simplified, comprehensive and coherent fashion.

#### MAJOR POLICIES WEAKENED

The Committee approached the Alaska National Interest Lands issue by first agreeing on the broad policy issues to govern federal lands and then delineating the conservation unit boundaries area by area. In the policy deliberations the Committee applied existing public land law, except in those instances where the State of Alaska and development interests sought less restrictive provisions. In many of those instances the Committee agreed to weaken existing law. In the area-by-area designations some of the previously agreed to policies were modified to further accommodate development interests. In virtually every major policy area—e.g., transportation, oil and gas exploration and leasing, hard-rock mining, state land conveyances, and subsistence—the Committee bill does not provide the consistent policies which would ensure the proper management and protection of the national interest lands.

#### CONCLUSION

In Alaska, the Congress has a unique opportunity to create a system of wildlife refuges, national parks, wild and scenic rivers, and wilderness areas whose boundaries are not dictated by urban sprawl or the expense of repurchasing former public lands but by ecological wholeness. We can and should adhere to a pattern of boundary location which better matches the terrain and the needs of wildlife. The Committee's recommendations run counter to this fundamental principle in numerous instances.

The statements which follow focus on some of the specific aspects of the Committee approach which we believe are in need of alteration.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### WILDERNESS IN PARKS AND REFUGES

Of all the inadequacies on the Alaska lands bill being reported by this Committee, none is more unfortunate than the Committee's failure to protect the unsurpassed wilderness values of Alaska.

Wilderness is the very essence of the parklands and wildlife refuges the American people want protected in Alaska. Here, as nowhere else in the country after four centuries of settlement, we have the opportunity to assure strong, statutory protection for truly vast expanses of wild land. We have the means to do this, through specific designation of appropriate portions of each park and wildlife refuge as "wilderness" under the terms of the 1964 Wilderness Act. Yet, the Committee has chosen not to protect much of Alaska's wilderness at all.

### WHY WILDERNESS WITHIN PARKS AND REFUGES

One of the fundamental misconceptions represented in the Committee's bill is the idea that statutory wilderness is an "extra", superfluous land designation within national parks and national wildlife refuges. After all, this line of reasoning goes: if the area is already a park or refuge, what purpose is served by overlaying a further designation as wilderness?

This is an issue which has been long decided. In establishing the Wilderness System through the 1964 Act, the Congress decided that it was necessary and desirable to add this specific, statutory protection for the basic wilderness resource of our parks and refuges. For too long we had seen a tendency for the wilderness beyond the roads in our parks and refuges to be slowly diluted by additional incursions of development—aside from development of valid existing rights.

The means of assuring this kind of protection is for the Congress to draw a line—recognizing the need to extend this form of land protection to the wilderness that is the heart of these parks and refuges.

Indeed, wilderness designation is necessary to protect many species of wildlife. For example, caribou and brown bear require large areas of essentially unaltered habitat. Wildlife biologists tell us that many species of birds require pure waters and undisturbed areas for nesting and molting. For such species the designation of wilderness is the soudest type of wildlife management.

### "STUDY" IS NO SUBSTITUTE FOR PROTECTION

In proposing immediate wilderness designation for additional lands not included in the Committee bill, we take issue with the argument that these lands have not been adequately studied. By a specific directive in the 1971 Alaska Native Claims Settlement Act, these d-2 lands have been subject to as specific, as thorough, and as multi-faceted a

study process as have ever been given to any of the nation's public lands. This has been a balanced study with has looked at all of the resource values. As a result, there is ample information on which to base these decisions.

The Committee bill removes millions of acres from park and refuge protection altogether, turning these lands over to other agencies for management as "national forests", "national recreation areas", and "national conservation areas". For these lands there is no wilderness designation at all, nor any mandate for wilderness study. The wilderness values of these areas simply have been written off, never to be the subject of further evaluation and consideration. Yet, much of this land is already carefully evaluated and chosen for specific protection not only as parks and refuges, but specifically as wilderness, in the Alaska bill passed by the House. The Committee's proposed bill is inadequate for it turns its back on wilderness protection that is so vital to achieving an important objective of an Alaska National Interest Lands bill—to protect large areas representative of the great diversity of Alaska lands in their essentially untrammelled state.

#### NATIONAL PARK WILDERNESS

The National Park System was established to serve two major purposes: to provide permanent protection for the nation's outstanding natural and cultural resources and to provide the opportunity for present and future generations to enjoy them.

We believe that these two missions of the Service are, in fact, compatible with one another—and that the designation of wilderness within the parks, monuments, and preserves is the best way to ensure that the preservation aspect of the National Park Service mission is accomplished.

Wilderness itself adds an important element to the public enjoyment, as has been amply demonstrated through the increased use of existing wilderness and the demands for more. At the same time, we recognize the need for development, where compatible, in certain National Park System areas to afford the opportunity for even greater numbers of people to make appropriate use of the park, monument, or preserve. We also know that such an opportunity can be provided through wilderness exclusions in certain Park System units.

Indeed, one of the great wilderness experiences in Alaska is the ability to look out over vast distances and see the land entirely unaltered by human activity. The non-wilderness exclusions within our proposal would afford many people this experience—people who otherwise, because of age or lack of physical ability, would be unable to walk long distances to get into the wilderness itself. (An example is the northern area of the Wrangell-St. Elias National Preserve, where the National Park Service has suggested placing an overlook in the non-wilderness portion, providing easy access for visitors who wish to view the spectacular mountains and glaciers in the wilderness area to the south.)

#### NATIONAL WILDLIFE REFUGE WILDERNESS

Wilderness designations in units of the National Wildlife Refuge System should be designed to further the purposes and management

objectives of each specific unit. Wilderness classification provides the United States Fish and Wildlife Service with a legislative mandate to preserve wildlife habitat in a natural condition for those species requiring a wilderness condition.

A wilderness within a unit of the National Wildlife Refuge System although not considered to be a recreational area, can allow wildlife-oriented public uses (hunting, fishing, photography, viewing).

All allowable public uses of a wildlife area are, by law, secondary to the primary purposes for which such unit is established and administered. Preservation of natural habitat for fish and wildlife benefit is the primary function of wilderness in a wildlife area. Indeed, according to professional wildlife biologists, numerous wildlife species in Alaska require a natural wilderness condition for survival in an increasingly mechanized and rapidly changing world.

#### ARCTIC NATIONAL WILDLIFE RANGE WILDERNESS

The committee-reported bill not only does not designate as wilderness the most vital part of the Arctic Range wilderness, it mandates private oil exploration there. Under the reported bill, oil exploration on the coastal plain—with its caribou calving grounds, polar bear dens, and habitat for numerous other arctic species and migratory birds—would be mandatory rather than discretionary with the Secretary. Under the terms of Title X of the Committee bill, protection is subordinated to oil exploration, rather than *vica versa*. Both the Administration and the House-passed bill call for wilderness designation for the entire Arctic National Wildlife Range with no special provisions for oil exploration.

There is no question that the area fully qualifies for wilderness designation. The 1973 Environmental Statement prepared on additions to the wildlife range notes: "... the Arctic National Wildlife Range has been studied to determine its suitability for inclusion in the National Wilderness Preservation System. Preliminary findings indicate the entire wildlife range has high wilderness values, but an act of Congress is necessary to designate the range as a wilderness area." Testifying before the Federal Power Commission, Alaska Department of Natural Resources Commissioner Robert LeResche stated that the wilderness proposal for the Arctic Range "is the one I think that almost epitomizes the purpose of the Wilderness Preservation Act." Indeed, the range was established in 1960 by Public Land Order "for the purposes of preserving unique wildlife, wilderness, and recreational values."

As was highlighted in the exhaustive hearings on the Alaska gas pipeline routing, the Arctic National Wildlife Range is the last large portion of the Alaskan North Slope that has been, and can continue to be, spared from extensive industrial activities. Prudhoe Bay lies to the west and development there is expanding. Oil exploration has been ongoing in the National Petroleum Reserve-Alaska. Further, Native regional corporation selections in the North Slope area were made on the basis of potentially developable energy resources. This is the only portion of the Arctic lowlands not scarred by vehicle tracks. The value of this area for future scientific studies and baseline data analysis is of major importance.

During hearings on the Alaska gas pipeline, Alaska officials spoke eloquently of the need to protect the wildlife range in its natural state:

The wildlife range possesses a spectacular combination of flora and fauna and is the best remaining example of an ecosystem that runs from the Brooks Range to the Arctic shore. It is the calving grounds for one of the world's major caribou herds . . . The wildlife range is also the only portion of the Arctic coast not already committed to mineral exploration and development. Given the alternatives, Alaskans feel that this precious national resource should be preserved intact.—Lt. Gov. Lowell Thomas, Jr., State of Alaska.

With development of the Naval Petroleum Reserve No. 4, this area will become even more vulnerable. In fact, it will be the last relatively unblemished example of the Arctic Coastal Plain occurring in Alaska. Given that this is the last example of this land form and plant and wildlife assemblage, its value is beyond calculation.—Dr. Robert LeResche, Commissioner of Natural Resources, State of Alaska.

. . . An intrusion upon an untouched area is irreversible, whatever steps are taken to mitigate its effects, and an intrusion into the wildlife range would be a tragedy.—Statement of position of the State of Alaska to the Federal Power Commission.

*Every* community in Alaska which depends upon the Porcupine caribou herd for subsistence, as well as the people of Old Crow in the Yukon Territory, support wilderness designation for the Arctic National Wildlife Range—especially the coastal plain with its vital caribou calving grounds. In Testimony before the House Merchant Marine and Fisheries Committee on March 10, 1979, Mr. Jonathan Solomon, mayor of Fort Yukon, Alaska, and president of Gwitcha-Gwitchen-Ginkhye (an organization of Native villages in the region) stated:

“Mr. Chairman, the people of our 3-G’s region and the people of Kaktovik want to have the Arctic National Wildlife Range—and especially the coastal calving grounds of the Porcupine caribou herd—to be made Wilderness. We strongly object to any oil and gas exploration or development in this area. This is our number one priority.

You must allow us to continue our way of life, to preserve our culture and the life of our villages and the villages of our Canadian neighbors. Please give Wilderness protection to the Porcupine caribou calving grounds.”

The main reason advanced for not designating wilderness in the range is the speculative oil potential of the area. Of all the Alaska National Interest Lands units, only the proposed wilderness designation for the Arctic National Wildlife Range poses a significant conflict between potential petroleum development and protection of outstanding, internationally important wildlife and wilderness resources. According to the U.S. Geological Survey and the State of Alaska, most of Alaska’s oil potential is offshore. The Geological Survey has identified 38.4 million onshore acres as “favorable” or “high potential” for oil

and gas (USGS Circular 725 and State of Alaska Open File Report 50). Of this total, 1.9 million acres or approximately 5% are within the sensitive habitat of the Arctic wildlife range's coastal plain. Fully 90-95% of the "favorable" or "high potential" onshore petroleum areas could be open to exploration and development under our recommendations.

With fully 90 to 95 percent of the "high potential" or "favorable" oil and gas areas outside the national interest lands or otherwise available for exploration and development, we consider it unwise and unnecessary to permit oil exploration in the Wildlife Range at this time. Any decision to open up this area to oil and gas exploration should be made, if at all, only after other areas with high and favorable potential have been explored and developed.

As Deputy Secretary of the Department of Energy John O'Leary observed in testimony before the House Merchant Marine and Fisheries Committee on February 14, 1979:

We still have enormous opportunities in Alaska, and elsewhere, that will keep us heavily occupied for many, many years to come. If in thirty years we get to the point where all of our opportunities are gone, are behind us, where we have drilled up all the major structures, and (the Arctic National Wildlife Range) is the only one left, and we desperately need the oil, then I think it is fair that we ask the Congress, if the situation at that time demands, to reconsider. But for now, the Wildlife Range has a higher claim to be set aside as a wilderness area, as a refuge, and not touched.

The decision of whether or not to place the wildlife range in a Congressionally protected wilderness strikes at the very heart of the Alaska National Interest Lands legislation.

#### THE COMMITTEE BILL AND THE HOUSE-PASSED BILL COMPARED

The House-passed bill has 67 million acres of designated wilderness for units of the park and refuge system in Alaska. Now the Senate Committee is recommending a wholesale reduction in the wilderness acreage. Examples abound in the committee bill:

In the Arctic National Wildlife Range the House designated 13 million acres of wilderness. *The Committee proposes none at all.*

In the Aniakchak National Monument and Preserve, the House designated 290,000 acres of wilderness. *The Committee bill protects no wilderness at all.*

In the Becharof National Wildlife Refuge the House designated 400,000 acres of wilderness. *The Committee bill protects no wilderness at all.*

In the Kenai Fjords National Park the House designated 340,000 acres of wilderness. *The Committee bill protects no wilderness at all.*

In the Innoko National Wildlife refuge the House designated 1,240,000 acres of wilderness. *The Committee protects no wilderness at all.*

In Yukon Charley National Preserve the House designated more than a million acres. *The Committee bill protects no wilderness at all.*

In the Kanuti National Wildlife Refuge the House designated 300,000 acres of wilderness. *The Committee bill protects no wilderness at all.*

In the Kobuk Valley National Park the House designated one million acres of park wilderness. *The Committee bill recommends only 200,000 acres,*

In Mt. McKinley National Park, the Committee recommends *cutting the wilderness from the 2,800,000 acres in the House bill, to just 1,860,000 acres of wilderness.*

#### CONCLUSION

The protection needed to assure the pristine condition of wilderness areas was not given adequate attention and concern during the Committee's considerations. In many cases, areas were not thoroughly deliberated or sometimes even discussed. Many deletions have no logical basis. The Committee has failed to designate wilderness in those areas where it is needed most—in critical wildlife habitat such as caribou calving and wintering grounds, pristine river valleys and lowlands vital to wilderness recreation. We do not condone this disregard for America's greatest wilderness lands. We urge the Senate to restore wilderness protection to those areas which should have the benefits of such designations.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### NATIONAL PARK SYSTEM INTEGRITY UNDERMINED

We believe that the Senate Committee has seriously weakened the level of protection for the existing National Monuments which would be redesignated National Parks and Preserves in Alaska.

There is general consensus about how much land in Alaska should be included in the National Park System. In December, the President established 40 million acres of National Park Monuments. The Committee bill and the 1978 and 1979 House-passed bills all recommended approximately 43 million acres for the Park System in Alaska. Where the Committee bill radically differs with the House and the Administration is on the critical question of activities that would be allowed on these 43 million acres. The reported bill divides up the existing National Park System Monuments and additional proposed areas into an array of subunits to accommodate a host of non-park uses including mining.

The almost 43 million-acres Park System total in the Committee bill is a vast amount of land; however, nearly one-third of this acreage is snow-covered mountains and glaciers over which there is no controversy. Although these heights are spectacularly scenic, placing 15 million acres of lofty peaks in parks will do nothing to protect the valleys and forestlands where the wildlife and recreational opportunities of interest to most park visitors are found. It is primarily in these critical areas that the Committee bill has weakened levels of protection.

### COMMITTEE BILL WOULD CUT PARKS IN HALF

The committee bill would cut into the heart of the proposed National Parks. The bill would place 43 million acres under the administration of the National Park Service; however, only about half of this acreage (acreage 22 million acres) would be in National Parks and Monuments proper. This is an 8- to 10-million acre cut from the Administration's proposal, the House-passed bill, and what we believe is adequate.

What is most striking about the Committee bill's park system proposals are the arbitrary boundaries and designations. There is no overall rationale, no consistent criteria governing the national park, preserve, or recreation area designations. For example, "national recreation area" is a classification normally used in areas with high density recreation use, such as the Golden Gate National Recreational Area in San Francisco or the Gateway NRA in New York City. Yet the designation "national recreation area" is, in this bill tagged on to the remote northwestern Arctic Noatak River Valley.

In contrast, we would like to see a carefully selected system of National Park System units in Alaska with appropriate classifications for each area. The Presidentially-proclaimed monuments are the starting point for building such a balanced proposal. They should not be the

starting point, however, for an inexorable series of cuts into boundaries which the executive agencies, after years of study found to be the smallest areas necessary for proper protection and administration of the resources.

### CONGRESS SHOULD REFINE THE PARKS AND MONUMENTS, NOT CARVE THEM UP

We strongly oppose excising portions of the monuments or greatly diminishing the basic protection afforded the land within them. The reported bill represent an attempt to carve up existing units of the National Park System.

The President, of course, did not have the authority or flexibility under the Antiquities Act of 1906 to designate either national preserves or wilderness areas in appropriate portions of the national monuments. While we strongly oppose any weakening of the protection afforded the land within the national monuments, we do support making appropriate National Park System preserve and wilderness designations within the monument boundaries. These congressional designations serve as a legislative directive on how certain areas should be managed. They serve as a refinement, rather than a weakening of the basic protection afforded the national monuments.

We would like to see three types of Park System classifications in Alaska: national park, national park system preserve, and within portions of the parks and preserves, wilderness areas. Both national parks and national preserves are areas that would be closed to mining, mineral leasing, and other types of development which would mar the natural landscape and disturb habitat upon which wildlife depend. The same laws that govern the granting of rights-of-way across national parks apply with equal force to the granting of rights-of-way across national preserves. In view of the cultural and economic importance of subsistence hunting, gathering, and fishing activities, these users are allowed to continue at present levels in those portions of National Park System units where currently practiced.

### NATIONAL PRESERVES

In our view, national preserves in Alaska are areas that fully qualify as national parks, but where sport hunting is allowed. By far the greatest number of Park System visitors in Alaska will continue to be nonhunters. We need to provide areas for these people to enjoy wildlife unimpacted by sport hunting. We can and should, however, also designate appropriate portions of the National Park System units as national preserves to allow for the continuation of sport hunting.

The national preserve boundaries we support have been carefully delineated to meet the concerns of sport hunters, provide some ecologically sound wildlife sanctuaries, and accommodate other Park System uses such as hiking, photography, research, and subsistence. In contrast to these balanced proposals, the Committee bill recommends a pattern of preserves which does not fit into any overall plan for the National Park System in particular, or the public lands in Alaska, generally.

## ROBBING PETER TO PAY PAUL

Although the amount of national preserve acreage in the Committee bill may superficially appear on the surface to benefit sport hunting interests—in fact, the Committee bill does great violence to sport hunting and sport fishing concerns.

To inappropriately redesignate national parks as national preserves as a gesture toward compensating sport hunters for the piecemeal approach the Committee took toward protecting certain refuges and forest wilderness areas is “robbing Peter to pay Paul.” Major park access and visitor sites have been cut from the parks. The resultant boundaries make no management or ecological sense.

The Committee bill also uses the “national recreation area” classification which is not found in the House-passed bill or the Administration position. It is a misnomer: the purpose of this designation is to promote *mining* and road construction, *not recreation*.

Under the terms, of the Committee bill, the Secretary of the Interior could grant rights-of-way for any purpose across national recreation areas. This is different from national parks generally, where certain types of rights-of-ways such as an interstate highway or pipeline, could only be granted by an act of Congress. Thus, a major rationale behind NRA designation in the Committee bill is to ease restrictions on the construction of industrial rights-of-way. The Committee bill designates national recreation areas in the Gates of the Arctic, Noatak, and Wrangell-St. Elias proposals.

## GATES OF THE ARCTIC

In the Gates of the Arctic, an area which the Administration and the House propose as the foremost example of a primeval wilderness park, the Committee carved out two national recreational areas totaling 1,034,000 acres, which were created to allow mineral leasing and assure access across the area in a manner which circumvents the transportation process which the Committee bill also establishes. In addition, the Committee bill states that the vital “boot” of the Gates of the Arctic Park “shall be considered to be a national recreation area” for the purpose of granting rights-of-way.

The areas in the existing Gates of the Arctic National Monument that the Committee has redesignated as National Recreation Areas are unquestionably of National Park caliber. The two National Recreation Areas carved out of the Gates of the Arctic National Park are part of the very essence of the Park. The name of the Park derives from a pair of peaks flanking the broad valley of the North Fork of the Koyukuk River which explorer Robert Marshall named “Gates of the Arctic.” One of the NRAs lies in the southern half of this valley. It is an important area for hiking, river-running, and wildlife. A National Recreation Area here presents the specter of mining right on the doorstep of the Gates of the Arctic.

The other NRA slices out of the Park an area encompassing the headwaters of the Kobuk River, a major scenic attraction and access point for the Park. The Kobuk is also a major arctic fishery of great subsistence and recreational importance. The designation of these two National Recreation Areas does great violence to the integral park unit which was envisioned as the ultimate wilderness park.

## WRANGELL-ST. ELIAS

One of the most serious shortcomings in the Committee bill is the lack of proper protection for the Wrangell-St. Elias region. This area has long been recognized as an outstanding area for addition to the national park system.

Over half of the proposed 12 million acre Wrangell-St. Elias National Park/Preserve is a region of high mountains and glaciers accessible only to the hardest mountaineers. The Committee bill's proposal for the Wrangell-St. Elias undermines the integrity of this park system unit by carving out a 1,235,000 acre national recreation area in the northern part of the area to allow hard rock mining. The 1.2 million acre National Recreation Area cut out of the Park/Preserve leaves much of the Park's most important wildlife and recreation country open to mining development. Low passes and brush-free valleys make this excellent back packing, horse packing, and camping territory. The area the Committee would open to mining also forms the upper watershed of the Tetlin National Wildlife Refuge, the highest density waterfowl nesting area in Alaska.

In addition, the Committee bill goes well beyond the action taken by the Committee in the last Congress in defining the portion of the area open to sport hunting in the Wrangells. Although we recognize the importance of hunting, especially for Dall Sheep, in this area of Alaska, and support an equitable division of the area between hunting and non-hunting sections by designating portions of the area national preserves or national park, the Committee bill goes too far in opening additional areas to sport hunting. The Committee's boundaries for the Wrangells now *places about 80% of the Dall Sheep population of the Wrangells in the preserve—open to sport hunting—and only places about 20% of the sheep population in the park—as a sanctuary closed to sport hunting.* The Committee has tipped the balance well in favor of the sport hunters by removing 250,000 acres in the Barnard Glacier area, 115,000 acres in the Jacksina Creek drainage area, and 132,000 acres near the Malaspina Glacier in Yakutat Bay, from the national park classification and converting these areas to national preserve status—open to sport hunting. There was already 2,455,000 acres of national preserve in the Wrangells proposal that was in the bill as reported by the Committee last Congress and the additional 497,000 acres of national preserve acreage goes too far.

Much of the accessible lowlands which are of interest to most park visitors are excised from the Committee bill's park proposals. Thus, the park proper boundary is nearly an outline of the regions massive ice fields and peaks. Since this would limit major park activity to mountain climbing, the Committee bill's proposal could more appropriately be called "Crampon National Park." Major hiking routes on the north side of the Wrangells have been left out of the park. Large numbers of hikers will be using the region during hunting season (late August–September) because that is when glacial run-off subsides and streams and rivers can be crossed. Boundary changes can and should be made in the Jacksina and White River region so that the potential for recreational user conflicts in these areas is minimized.

Some aspects of where to draw the park/preserve boundary in the Wrangell-St. Elias unit have been controversial. Yet, two areas of consensus, up until now, have been that the Barnard Glacier Area and

the Malaspina Glacier Foreland should be in the national park. S. 9 (last years Committee bill), the 1978 and 1979 House-passed bills, S. 222, and the Administration's recommendations all place these two areas in the park. Inexplicably, this years Committee bill drops them from full park protection. The Barnard Glacier/Upper Chitina Valley Area is an ecological extension of Canada's Kluane National Park and Territorial Game Sanctuary. The Canadian Government has requested that it be placed in the national park. Scientists have expressed concern over the genetic and behavioral effects of trophy hunting on Dall sheep population. Undisturbed sanctuaries such as the Barnard Glacier Area are required for research purposes.

This area of the Wrangells is presently closed to hunting as a national monument. The ecological benefits of maintaining this sanctuary far outweighs the benefits for a small handfull of guides and their clientele if the area is open to hunting. Since we recommend opening several other prime sheep habitat areas, such as the famed MacColl Ridge Area, to hunting, the Barnard Glacier Area can remain closed to hunting without displacing large numbers of hunters.

The Committee's exclusion from the park of the Malaspina Foreland is mystifying. The area has very little sport hunting activity. It is presently one of only a small number of wildlife sanctuaries along the coast. S. 9, the 1978 and 1979 House-passed bills, S. 222, and the Administration's recommendations all place this area in the national park.

The Committee decision to open additional areas in the Wrangells to sports hunting was made at the same time the Committee decided to keep Cape Krusenstern and Kobuk Valley closed to sport hunting by designating these areas national monument and national park, respectively. However, the Committee failed to effect an equitable balance since there is no existing history of sport hunting in either the Cape Krusenstern or Kobuk Valley areas. Thus, the Committee decision subjects the Wrangell-St. Elias area, which is already under intense hunting pressure, to increased hunting over the levels that would be allowed in previous versions of the bill.

#### ALL THE BILLS OPEN AREAS TO SPORT HUNTING

It should be noted that none of the Alaska land bills before Congress propose to close any additional lands to sport hunting. On the contrary, all the bills would *open* to sport hunting portions of existing National Monuments that are now closed to sport hunting, and will remain closed to sport hunting in the absence of any legislation. The issue is over *which areas should be open to hunting and which areas should remain as wildlife sanctuaries and non-hunting recreational areas.*

#### THE NATIONAL PARK SYSTEM PROPOSALS NEED TO BE BALANCED

In contrast to the Committee bill's arbitrary national park, "national recreational area," and national preserve boundaries, we recommend a carefully balanced proposal which meets the major concerns and uses in the region. We strongly recommend national preserve designation, rather than the misleading "national recreation area" classification, to minimize the specter of mining in prime hunting areas. We also urge that the scenic and recreational areas vital to visitor enjoyment of the

unit be restored to national park status. The Committee bill, as it now stands, does not adhere to the high standards and recreational opportunities the American public expects in our National Park System.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

ADDITIONAL VIEWS OF SENATORS CHURCH, FORD, METZENBAUM,  
AND TSONGAS

WILDLIFE REFUGES

We believe the Committee's decision to establish extensive national forest and Bureau of Land Management (BLM) conservation areas—both intended for multiple commodity uses—*instead of national wildlife refuges* in portions of Alaska deals a severe blow to the goal of achieving efficient, quality wildlife protection. Although we are pleased that the Committee added refuge lands in a few areas that were deleted in last year's Committee bill, we are disappointed that the bill as it now stands still fails to adequately protect federally owned wildlife habitat in Alaska.

The Committee has taken the *existing* Yukon Flats National Monument and other areas from the House bill that would be managed as a single, integrated system under one agency, and divided it among three different agencies. Dividing up these wildlife-rich areas among several agencies can only result in proliferating bureaucracy and conflicting management policies and procedures. In opposing the Committee's substitution of Forest Service and BLM management for Fish and Wildlife Service management of these nationally important wildlife habitats, we do not question the general capabilities of either the Forest Service or the BLM. We simply recognize that because of broad, sometimes conflicting mandates and lack of specialization in wildlife, neither of these bureaus is the appropriate agency to manage the lands in question. The Fish and Wildlife Service's primary mission is the protection of wildlife and wildlife habitat. To the extent that economic developments are compatible with wildlife habitat protection, the Fish and Wildlife Service can and does allow such use.

The voluminous studies on the Alaska national interest lands—studies conducted by the federal government, the state government and universities among others—make it abundantly clear that the lands in question are very high in value for wildlife and very low in value for commodity uses such as timbering, farming or mining. Under previous acts of Congress, the state and Native corporations have already selected the Alaska lands most valuable for commodity development.

THE INTERNATIONAL IMPORTANCE OF ALASKA'S FISH AND WILDLIFE

A large portion of the migratory waterfowl within the continental United States originate from breeding grounds in Alaska. Birds that summer in Alaska fly to virtually every state in the union, and Alaska is a focal point for the birds of three continents—the terminus of migrations which start in Argentina, Tasmania, South China, Cape Horn, Hudson Bay, and Siberia.

Species that are threatened or endangered elsewhere still thrive in Alaska. It is the major stronghold of the American bald eagle, and it is the only place where healthy populations of peregrine falcons successfully nest. Some bird species, such as the dusky Canada goose and the emperor goose, breed nowhere else in the world.

The great wildlife spectacles of our northern frontier are not limited to migratory birds. The same land and water that supports uncoun- ted millions of birds provides habitat for a broad spectrum of mammals and fish. Barren-ground caribou, Dall sheep, and polar bears are resident species of Alaska found nowhere else in the nation. This is the only place in America where the grizzly bear and the wolf still roam in great numbers over a vast, undisturbed landscape. Alaskan waters support a priceless fishery and many species of marine mammals.

The proposed national wildlife refuges would protect habitats for a diversity of fish, birds, and mammals rivaling the marvels of Africa's Serengeti Plains. The major federally-owned wetlands and associated uplands vital to sustaining these nationally important fish and wild- life resources are encompassed within the proposed refuges. Preserva- tion of this habitat is essential if we are to meet our international obligations for the protection of migrating birds, polar bears, caribou, and other species, many of which are covered by treaties which the Senate has ratified.

#### DIFFERENCE BETWEEN MANAGEMENT OF LAND BY THE FISH AND WILDLIFE SERVICE, FOREST SERVICE, AND BLM

At the turn of the century, Theodore Roosevelt used national forest reservations as one of the main legal tools to protect public lands from rapid, short-sighted exploitation. For example, in 1907 the Chugach and Tongass National Forests in Alaska were established in large part to protect wildlife. While Roosevelt was placing vast acreages in the national forests, the national wildlife refuge system was in embryonic form.

Today the situation is vastly different. The Fish and Wildlife Service manages our national wildlife refuge system, encompassing over 40 million acres, in 338 units. Preserving scenic, recreational, and his- toric values—in addition to critical wildlife habitats—our refuge sys- tem attracted some 30 million visitors in 1977. Under the Refuge Ad- ministration Act of 1966, economic development of refuge units is al- lowed if such uses are compatible with wildlife.

The addition of the proposed Alaska refuges would place key stag- ing and breeding areas for migratory birds under the same agency which already manages the "lower 48" resting and wintering areas for these birds. It would ensure research and management continuity for our migratory bird population. Furthermore, our refuge system is in- tended to protect the full range of our nation's diverse wildlife habi- tats, including marine and upland areas. In sum, this integrated sys- tem, together with our national park system, is the world's largest system of lands dedicated to wildlife protection.

The Forest Service, in contrast, functions under a broad, multiple- use mandate and wildlife, despite the best intentions of Forest Service managers, sometimes get short shrift. For example, of the three islands in the Tongass National Forest that Theodore Roosevelt proposed to

set aside as national bear refuges (Admiralty, Baranof, and Chichagof Islands), only one has been spared extensive clear-cutting.

There is a major difference in the agencies' wildlife research programs. By regulation, Forest Service research monies are tied up almost exclusively to habitat and opportunities for habitat manipulation. The Fish and Wildlife Service, on the other hand, has the directive and expertise to consider not only habitat and habitat manipulation, but the fundamental population dynamics and ecology of wildlife species themselves. The status of wildlife populations are routinely assessed and reported on our refuge units, and the Fish and Wildlife Service is conducting long-term research programs examining the dynamics of waterfowl and other wildlife populations. This is essential in developing a management scheme which will ensure wildlife populations far into the future.

Like the Forest Service, the Bureau of Land Management operates under a broad multiple-use charter, although its organic act is much newer than the basic laws governing the Forest Service. To place proposed national wildlife refuges under the Bureau of Land Management would be inconsistent with the Senate's intent in enacting Public Law 94-223, Amendments to the National Wildlife Refuge System Administration Act. That law was intended to correct deficiencies in the Executive Orders which established four national wildlife refuge system units under the joint jurisdiction of the Fish and Wildlife Service and the BLM. Public Law 94-223 was enacted to end this costly, counter-productive joint administration and to prevent the Interior Department from placing two of the wildlife ranges under the sole authority of the BLM. The Congress decided that the Fish and Wildlife Service was the proper agency to manage these nationally important wildlife habitats. As the Committee report on this bill observed:

Clearly, the record of the BLM's wildlife management has not been an encouraging one. The reason for this undoubtedly arises from the fact that BLM has a number of other important missions such as mining, logging, livestock grazing, and fossil fuel development which often conflict with wildlife management. In performing these conflicting missions, BLM is unable to devote sufficient attention to the needs of wildlife. In short, its mission is not wildlife protection or enhancement. In contrast to the BLM, the Fish and Wildlife Service has as its basic mission the protection and enhancement of wildlife. The agency's entire resources are directed towards this goal. (Report No. 94-593, pp. 4-5.)

#### REFUGES CARVED-UP AMONG AGENCIES

Despite these nationally important wildlife values, the Committee chose to create an array of BLM, Forest Service, and state selection areas out of the proposed refuges.

#### ARCTIC NATIONAL WILDLIFE RANGE ADDITIONS

Protection of the Porcupine caribou herd, America's largest remaining herd, is one of the main reasons for expanding the Arctic National

**Wildlife Range.** Survival of one-half of the nation's caribou depends upon protecting this vast range in an undisturbed condition. The Canadian government is now taking steps to set aside a national wilderness park for its portion of the caribou range. The Committee segmented the herd's range into a BLM conservation area, national forest, refuge, and opened part of the area to state selection. Dall sheep range in the western part of the range addition is divided among the BLM, the state and the refuge. One of Alaska's three remaining healthy peregrine falcon populations, and wintering grounds for the Porcupine herd were placed in a Porcupine National Forest.

#### COPPER RIVER DELTA WILDLIFE REFUGE

Currently under Forest Service jurisdiction as part of the Chugach National Forest, the delta hosts over 20 million migrating waterfowl and shorebirds. For Pacific flyway waterbirds, it is a staging area of unparalleled importance in the north.

Because of concern over Forest Service management practices and objectives, and because of the Fish and Wildlife Service's expertise in managing wetland habitats, the House established a Copper River Delta National Wildlife Refuge. The Committee, however, opted to keep it in the National Forest and adopt some vague wildlife protection guidelines for Forest Service management.

Present Forest Service management practices in the Copper River Delta illustrate the problem with their management of prime wildlife areas. The Forest Service's highly touted cooperative trumpeter swan management area in eastern delta is largely a cosmetic measure. The boundaries were drawn with little regard to swan distribution and ecology and, in fact, exclude areas which might conflict with other land uses (such as the contemplated timber sale and road construction at Redwood Bay) even though those areas are frequented by the trumpeter swan which will remain in federal hands and, as such, it is critical that its management be integrated into the nationwide swan management scheme.

In the case of the dusky Canada goose, the entire world population of which nests in the Copper River Delta, we have the chance to place all the key habitats for a single species under the management of one agency, the Fish and Wildlife Service. These geese winter on existing refuges in Oregon. From the standpoint of continuity, it is essential that both winter and breeding habitats are under the same agency. Forest Service management would complicate development of a cohesive long term research and management program.

#### NOWITNA NATIONAL WILDLIFE REFUGE

Riverine wetlands of this area produce a fall flight of nearly a quarter of a million waterfowl, most of which follow the central and Mississippi flyways to the lower 48 states. The Nowitna has some of the highest waterfowl nesting densities in the state. The area is a key nesting site for white-fronted geese with a breeding population of 35,000. It also supports a breeding population of 17,000 Canada geese and about 60-100 pairs of nesting trumpeter swan, the only expanding swan population in Alaska.

The Committee established no refuge in this area, placing virtually the entire unit under BLM management. Some wetland and floodplain habitat, important for waterfowl, trumpeter swans, furbearers, and moose was opened to state selection.

#### SELAWIK NATIONAL WILDLIFE REFUGE

Located near the avian crossroads of North America and Asia the Selawik is a seasonal home for about 109 species of migratory birds from at least six continents. The proposed refuge also hosts another great wildlife migration—the annual trek of the Western Arctic caribou herd from summer range in the north slope to breeding and wintering areas on the south slope. The traditional rutting (breeding) grounds of this herd plus a portion of its migratory route and wintering range are in the Squirrel River drainage. Other fish and wildlife include Dall sheep, moose, wolves, a large concentration of grizzly bear, and a large chum salmon run.

The Committee dropped the Squirrel River drainage, approximately 870,000 acres, from the refuge and placed it in a BLM area. As with the Porcupine caribou herd to the east, this unnecessarily fragments important caribou range and introduces the possibility of incompatible development into the area. For reasons wildlife biologists do not yet understand, the Western Arctic herd has declined precipitously in recent years. Restoration of the herd will require the maximum degree of habitat protection. The Committee bill would lessen the level of protection.

#### YUKON FLATS NATIONAL WILDLIFE REFUGE

Rather than dismembering the existing Yukon Flats National Monument as the Committee bill proposes, we should be confirming its protected status. The Yukon Flats is one of the most productive waterfowl nesting areas in the world. It is considered to have the highest sustained rate of waterfowl production in North America. The area produces a fall flight of over 2 million ducks which migrate to all parts of the lower 48 states, Canada and Mexico. Fifteen to twenty percent of the total continental population of canvasbacks comes from the the Flats. These population estimates represent average years. When drought occurs in the Canadian prairie, the stable habitat conditions of the Flats serve as nesting areas for birds at this time. With the continual loss of habitat in Canada and our northern prairie states, the value of the Yukon Flats can only increase with time.

Mammals found in the Yukon Flats include major populations of grizzly bear, moose, black bear, marten, beaver and other furbearers. There is an annual escapement of approximately 270,000 salmon from the area. The national value of this wildlife areas was recognized when a nation-wide out-pouring of concern quashed the proposed Rampart Dam which would have flooded the Yukon Flats.

The Committee took the eastern portion of the Yukon Flats, containing 25–33 percent of the area's waterfowl production and placed it in a Porcupine National Forest. In the 6.8 million acre national forest proposal, as designated by the Committee, only 19,000–360,000 acres (.3–5 percent of the area) is considered to have timber of local

economic potential. Uplands on the south side of the refuge, vital for resident wildlife and maintaining the water quality of the wetlands, were carved off and placed under BLM management. Approximately 500,000 acres of land in the Eastern Flats was opened to state selection. The result is a balkanization of one of our nation's most important wildlife areas—wetlands are dissociated from their upland watersheds; waterfowl areas may be subject to incompatible development; and three agencies will administer an area that should be kept under the aegis of one agency—the Fish and Wildlife Service.

#### CONCLUSION

Establishing BLM and Forest Service areas on wildlife-rich national interest lands is not appropriate. Because, under previous acts of Congress, the State of Alaska and Native corporations have already selected the best lands for commodity development, Congress does not need to carve BLM or Forest Service areas out of proposed national wildlife refuges in order to meet economic needs of Alaska or the country at large.

Fragmenting the proposed and existing refuges and monuments among various agencies will only increase the cost of management and decrease the level of wildlife protection and research. Large amounts of nationally significant wildlife habitat in Alaska have already left federal ownership. The thrust of this legislation must be to give the highest level of protection to the habitat remaining in federal ownership. The most sensible and least costly way to achieve this goal is to establish units of the national wildlife refuge system.

FRANK CHURCH.  
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PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### TONGASS NATIONAL FOREST WILDERNESS AND SPECIAL MANAGEMENT AREAS

The bill as reported by the Energy and Natural Resources Committee is inadequate and contains many inappropriate designations and provisions. Nowhere are its deficiencies more vivid than in the section dealing with the Tongass National Forest.

The Committee's premise is that jobs will be lost unless 520 million board feet of timber annually (mmbf) are supplied from the Tongass to the dependent industry. The Congress has heard unequivocal and authoritative evidence that this is not the case. The Forest Service states:

In general, there is a slight increase in employment if National Forest output is at 450 million board feet per year and employment is retained at current levels with a National Forest output of 412 million board feet.

These findings are included in the recently completed Tongass Land Management Plan, (TLMP), the Forest Service's first regionwide land-use plan. The House bill contains wilderness recommendations virtually identical to those of TLMP, and would provide the same level of timber production, 450 mmbf. The average timber harvest for the last four years is only 434 mmbf, yet the Committee bill *mandates* a timber sale level of 520 mmbf. TLMP shows that the 520 mmbf level cannot be achieved without major impacts on other forest resources, and that it is not needed by the dependent industry. In contrast, the Tongass wilderness proposals in the House bill, which we support, are the culmination of years of effort to balance uses in this, our largest national forest, and to protect some of its remarkable wilderness areas.

The Committee bill dismembers the incomparable Misty Fjords and Admiralty Island National Monuments, recommended as wilderness in TLMP as well as other long-standing wilderness proposals such as Westchichagof-Yakobi. Instead, it erects a system of "special management areas"—hybrid creatures best characterized as "pulp banks"—which would provide unheard of guarantees to an uncompetitive and heavily subsidized industry. These guarantees would be supplied at the expense of public forests and the Alaskan salmon fishing and tourism industries.

The cost of these guarantees included in the Committee report is predicated on intensely developing the areas outside the "special management" and wilderness areas. The most intensive logging alternative developed in the TLMP process—the EIS alternative that represented the extreme of the development range—is used as the basis for calculating timber yields. Such an intense cutting regimen is marginally legal under the National Forest Management Act guidelines. Such treatment of the remainder of the Tongass is the price paid to

produce 520 mmbf, while keeping the apparent subsidies low and the "protected" acreage high.

The leadership of the House made every effort to rigorously evaluate conflicts in the Tongass and design a fair and balanced bill to address them. They built on the solid foundation of the Tongass Land Management Plan. A review of the facts clearly demonstrates that the bill as reported by this Committee perpetuates the pattern of past mistakes in the Tongass. The House bill takes a substantial step toward needed reforms, while recognizing the changing land ownership patterns resulting from the Alaska Statehood and Native Claims Settlement Acts. Most telling, perhaps, is that the Committee bill is rooted in the past, while the House bill recognizes the constraints of the present, and plans a more balanced future.

### HISTORY OF MANAGEMENT

The Tongass National Forest is situated in southeastern Alaska encompassing an area from Yakutat Bay on the north to the Canadian border on the east and south. Tongass National Forest, containing about 15 million acres, is the nation's largest national forest and was established in 1907.

Timber, commercial fishing, and tourism are the major primary industries of the region. Though the Tongass contains some of the world's finest fish and wildlife habitat and outstanding scenic areas—not one acre has been statutorily designated as wilderness. Conversely, Congressional decisions affecting the region and past Forest Service management have emphasized commodity development.

For the first fifty years the Tongass National Forest was managed primarily in a custodial fashion by the Forest Service. Its waters produced record salmon catches. Its wildlife values were widely recognized, and in the 1930's the Senate conducted hearings to consider making some of the largest islands national brown bear sanctuaries, including Chichagof and Admiralty.

Since the early 1950's, however, the management of the Tongass National Forest has stressed logging to the virtual exclusion of all other values with resultant adverse impacts on fisheries, wildlife habitat, and wilderness. The primary goal of the Forest Service in the late 40s and 50s was to eventually cut most of the Tongass timber for pulp. At that time, the old growth forest was thought to be good for pulp production only.

The plan was to build four pulp mills. Native claims, inaccessibility of markets, and high logging costs, however, deterred U.S. pulp companies from bidding on early Forest Service timber sales. Several factors led to consideration of Japanese markets—including the severe depletion of Japan's timber resources during World War II and the Yalta agreement, which awarded the Kurile Islands, formerly Japanese territory to Russia.

#### *50-Year Contracts, Exports*

Between the mid-50s and mid-60s, four large timber sale contracts were signed. Each involved timber from the Tongass, to be cut over a 50-year period in a specified geographic area. In each case construc-

tion of a local pulp mill was required. Of the four 50 year contracts, two are completely in effect, one was shortened to 30 years and reduced in board feet because a pulp mill was not built, and the largest—for the sale of 8.75 billion board feet of timber (primarily on Admiralty Island)—was cancelled before operations began. The two pulp mill operations are the Japanese-owned Alaska Lumber and Pulp Company in Sitka and the Louisiana-Pacific Corporation in Ketchikan. The long-term contracts which established these mills cover more than six million acres of the Tongass National Forest. ALP later acquired the Pacific Northern Timber Co., holder of the one shortened contract (which expires in 1981). The two companies' spheres of influence neatly divide the forest in half, based on these unprecedented long-term sales.

### *Competition Eliminated*

Timber in addition to the 50-year contracts is offered for sale via so-called "independent timber sales." Virtually all of the timber from these sales is now bought directly or indirectly by the two pulp companies and their affiliates. When the two large companies began cutting their allotment, they realized that there were a great many quality sawlogs—logs good for much more profitable sawtimber.

The two pulp companies took steps to enter and eventually control the sawmill industry in Southeast. A provision in the 50-year contracts allowed these companies to use 25-30 percent of the timber harvested for uses other than pulp. With this guarantee of timber for non-pulp uses, the two large corporations proceeded to outbid and buy up most of the sawmill capacity in Southeast Alaska. The acquired mills are used for the production of "cants"—logs that have been slabbed to a specified maximum thickness—for export to Japan. Today, 44 percent of Southeast Alaska logs are used for pulp and 53 percent are used for cants.

The Forest Service independent sales system worked to the advantage of the pulpmills by requiring potential bidders to utilize the inferior logs. The only market for these logs are the two local pulpmills. Consequently, the two pulp companies purchase directly or have a major say in the purchase of all the timber sold by the Forest Service in Southeast Alaska, including the "small business set-aside" program. Since industry operations and Forest Service pricing policies are based on Japanese markets for pulp and cants, there are virtually no suppliers left for Alaska's wood product needs in Southeast Alaska. What the industry refers to as "integration" of pulp and cant operations is, in fact, a nearly exclusive monopoly of timber sales in the region by the two pulpmills. A major anti-trust suit is pending due to a pattern of bidding in the independent sales program that suggests collusion between the two multinationals.

### *Taxpayers Subsidize Timber for Export*

The costs to the Federal Government of administering the timber sales program in southeast Alaska far exceed returns paid to the Treasury by the industry. Forest Service pricing policies guarantee a substantial profit margin to those involved in logging, transport, processing and marketing of timber products, before any residual monies go to the government. Costs of administering the sales and

building roads currently run about 23.5 million dollars annually, according to the Tongass Land Management Plan, compared to receipts of about \$1 million. The difference is paid by the Federal taxpayer to provide Alaskan timber jobs. Timber programs are run at a loss in other National Forests as well, but nowhere is the loss as high as the Tongass, where stumpage rates and receipts are the lowest in the nation.

The lack of competition and large backlog of uncut timber on the 50-year timber contract areas aggravate this problem since the industry can keep prices down by boycotting "independent" sales. Further, the low stumpage rates serve as a disincentive to efficient utilization of timber by the industry. The cost of expanding the cut to the level proposed in the reported bill would be enormous except that other forest values are sacrificed instead.

TABLE 1.—STUMPAGE (FOREST SERVICE DATA)

Year	Stumpage receipts from timber sales in the Tongass Forest <sup>1</sup>		
	Harvest level (million board feet)	Stumpage collected	Average stumpage (per thousand board feet)
1966	474	\$916, 275	\$1. 93
1967	474	1, 150, 625	2. 43
1968	529	1, 682, 942	3. 18
1969	519	2, 162, 971	4. 17
1970	560	3, 206, 369	5. 73
1971	528	4, 874, 486	9. 23
1972	548	4, 315, 754	7. 88
1973 <sup>2</sup>	588	3, 895, 730	6. 63
1974	544	4, 511, 142	8. 29
1975	408	4, 915, 732	12. 05
1976	463	1, 090, 841	2. 36
1977	483	428, 000	. 89
1978	399	957, 000	2. 40

<sup>1</sup> The chart in the committee report showing yearly Tongass harvests omits the 1978 figure in order to come up with the harvest level of 520 MM bl. Actual average harvest since 1974 is 434 MM bl.

<sup>2</sup> Note that 1973 is the highest harvest ever in the Tongass, with profits at a maximum. The Forest Service tried to raise the stumpage rates as reflected in the 1975 rate, but retreated under political pressure as the timber industry boycotted the higher priced or less desirable sales.

### TONGASS LAND MANAGEMENT PLAN

In 1978, opponents of wilderness in Southeast Alaska said that no wilderness should be designated until the Forest Service's Tongass Land Management Plan (TLMP) was completed. The Plan's recommendations are nearly identical to the House passed bill. Now that the plan is finished, the supports the scale, content, and intent of the bill we support, the opponents of wilderness want to throw out those recommendations and adopt the Committee bill.

TLMP calls for a significant change in direction for the Tongass. Coupled with major revisions in timber management programs and fish and wildlife considerations are significant wilderness proposals.

### SUMMARY

The plan is based on two major findings: (1) the changes in land ownership resulting from the Alaska Statehood Act and the Alaska Native Claims Settlement Act have caused a substantial reduction in the ability of the Tongass to produce timber, and the sale of timber

from these lands will cause a fundamental change in the market structure for National Forest wood products; and (2) the USFS and the timber industry can no longer rely on the top-quality timber stands which have historically supported the industry, in part because many of them went to the Native timber corporations.

#### CHANGES IN LAND OWNERSHIP

The Alaska Native Claims Settlement Act and the Alaska Statehood Act will result in a major transfer of lands from the National Forest to private and State ownership. These selections are concentrated in the most productive sites. Fully 25 percent of the region's timber producing capacity will go to private (Native) ownership.

The Tongass Land Management Plan determined that the cut that can be supported by the forest, consistent with protection of these resources, is no larger than 450 MMBF. From the summary of the final EIS for the Tongass Land Management Plan:

Reduction in the area of the Tongass caused by Native and State selections and management prescriptions in the proposed action indicate that the National forest proposed level *should be* 450 MMBF. (Emphasis added.)

#### CHANGES IN TIMBER HARVEST PRACTICES—THE NEED TO STOP HIGHGRADING

Historically, the timber industry has harvested the most profitable timber, the big, easily accessible timber in the lower river valleys and along tidewater, (the so-called "standard" timber). This is the same timber vital to the fish and wildlife populations of the Tongass. TLMP showed that this pattern cannot continue, especially with the reduction in land base, and that the timber industry must start cutting the less desirable timber within its contract areas, (the so-called "special" and "marginal" timber).

The industry is understandably reluctant to do this, but has known it must be done. Ex-Chief of the Forest Service, John McGuire, discussed this issue in detail in late 1977 in a letter to members of Congress:

The Forest Service and industry have recognized that increased use of special and marginal timber will be necessary whether H.R. 39 passes or not. We do not believe future distribution of the timber harvest can be extrapolated from past practices.

You are correct when you point out that an over-harvest of the standard component now would eventually result in only special and marginal stands left in the forest. This type of management would not be compatible with Forest Service policy or the National Forest Management Act.

The House bill includes authorizations to aid the industry in making that transition. The taxpayer will bear the extra burden, *not* the dependent industry, as they claim.

The problems of balancing timber yields with multiple-use constraints are best resolved in the TLMP recommendations. Recognizing

the requirements of the other forest resources, understanding the supply and demand situation, and realizing the wilderness potential of the Tongass are all best accomplished by adoption of the wilderness recommendations of the Tongass Land Management Plan, as enacted in the House Bill.

### CURRENT SITUATION

#### CONGRESSIONAL ATTENTION TO THE TONGASS

Controversies over management priorities in the Tongass have been escalating for some time. Increased concerns for the future of the forest and the region's other major industries—commercial fishing and tourism—have prompted intensive activity including numerous lawsuits, studies, and legislative proposals aimed at bringing about an equitable solution. The Congress has examined the Tongass situation during the drafting of the National Forest Management Act of 1976, and throughout the consideration of the “d-2” lands bills.

#### ADMINISTRATION POSITION

Two of the National Monuments established by the President last December when the Congress failed to pass Alaska lands legislation are within the Tongass National Forest: Admiralty Island and Misty Fjords, now monuments managed by the U.S. Forest Service.

The proposals of the Carter Administration for wilderness in the Tongass have closely paralleled proposals in the original H.R. 39 and H.R. 39 as introduced in the House this year. The administration first presented its position on Tongass wilderness proposals before the Congress on Feb. 1, 1978. Since that time, data from the Tongass lands planning process has reaffirmed the Administration position. The House-passed bill contains wilderness proposals, which we support, nearly identical to those of the Tongass Land Management Plan and the Administration, in order to bring timber availability into line with these forecasts.

#### NATIVE LANDS SLATED TO ENTER TIMBER MARKET

Under terms of the Alaska Native Claims Settlement Act of 1971, Southeast Alaska Native corporations will be receiving close to 500,000 acres of prime timber land from the Tongass, containing fully 25 percent of the commercially operable timber in the forest. Claims that the Native corporations might not provide any timber to the existing industry—and that the harvest and marketing of Native timber will not affect the marketability of national forest timber products—run counter to the best available economic information and to the aim of the natives in selecting prime timber land.

U.S. Forest Service estimates of harvest from these lands range from 150 mmbf per year, at a sustained yield level, to 225 mmbf using intensive management practices. The regional economist for the Forest Service, Ron Glass, concludes:

... accelerated harvest (225-300 mmbf level) from private lands appears more likely to materialize in the 1990 time frame.

This will constitute a sizable increase in timber industry activity and employment in the region.

#### NATIVE TIMBER HARVEST AND EXPORT EFFECTS ON MARKET

The wood products market for Tongass timber is characterized by almost total dependence on Japanese markets. Two products are currently produced in the Tongass: dissolving grade pulp and cants (high quality lumber logs which have been barked and squared off). Though cants are suitable for most uses, the Japanese prefer unprocessed round logs and will pay a higher price for them. However, primary manufacture into cants is required by Federal law for products exported from national forests to provide jobs for American workers. Timber harvested from private lands is unrestricted, to private timberland managers can export the more desired and profitable round logs.

The Glass report further concludes that given the strong preference by the Japanese for round logs over cants, Native round-log exports may, to an extent, displace cants produced from national forest timber in Southeast Alaska.

Accelerated harvest could lead to a demand of only 400 mmbf from the Tongass, as the more round logs the Native corporations export, the lower the demand will be for cants.

However, pulp quality logs cut from the private lands can be marketed most profitably to the existing local pulp mills, which the Natives hope to do. Too great a National Forest harvest may constrain this possibility, as noted in the Tongass Plan: "In fact, there is a surplus of pulpwood at a National Forest output of 450 mmbf/yr, which may make it difficult for private owners to sell their entire pulpwood output locally."

The timber industry, acting on its own self-interest for greater growth, is seeking to obtain all of its annual sales from the National Forest. The Committee bill aids and abets them. In doing so, it could act to the 10-year disadvantage of the Native corporations as they seek to market their timber. A timber industry boycott of timber from private sources would ensure the opening of many of the special management areas and might result in a reduction of private timber prices. Such a scheme would do economic and environmental harm to Southeast Alaska. The economic harm would occur to the Native stockholders as they embark on a program of economic self-sufficiency; the environmental harm would result from forced overcutting of a reduced land base on the National Forest.

The irony of SEALASKA (the regional Native corporation) supporting the timber industry position is detailed by economist Dr. Matthew Berman "August 8, 1978, comments on the Draft Environmental Statement for the Tongass Land Plan) :

The . . . endorsements by SEALASKA of CMAL's view of Tongass land planning shows just how powerful is the monopoly control of the timber industry by the two large firms. In a competitive market situation, a reduced volume of timber sold from National Forest lands is in the interest of the largest private landowner in Southeast Alaska. As long as both pulp mills remain operational, the firm would command higher

prices for its lower quality sawlogs, pulp logs and chips. If National Forest harvests are as high as CMAI has requested, there may be no domestic market for the Native firm's lower quality wood.

The monopoly situation of the timber industry is thus particularly damaging to the private forest landowners.

One other point raised by the timber industry is the transition period until the Native corporations reach the full capacity of their timber production. The Forest Service has sold far more timber than the industry has actually cut in recent years, as the purchaser does not pay until the wood is scaled at his plant, and is under no constraint to cut the timber within any time limit. There is currently a backlog of 197 mmbf on long term sales and 272 mmbf on "independent" sales. Even if none of the private timber reached the local mills for ten years, the industry could increase its current level of production from 434 mmbf to 461 mmbf over the next ten years without exhausting the backlog under the proposals in the House bill.

#### SUMMARY

The market situation can best be summarized as follows: Expansion of the pulp market is highly unlikely; Native round log exports will displace existing cant exports to some extent; and overall the regional timber production and employment will increase substantially. This means that the existing dependent industry will remain at current levels, with future demand falling between 400-450 mmbf. Harvest levels from newly selected Native lands are estimated to range from 150-300 mmbf. Round logs will be exported and most pulp logs will be sold to the local mills. The Native corporations are expected to practice intensive forestry with faster rotation periods. For example, Cape Fox Corporation has already begun harvest of 40 mmbf of timber to be cut in a 3-4 year period. This represents about 12 percent of the corporations holdings. The 8,000 acre site will be clearcut in its entirety. The high quality timber is exported to Japan and Korea, while the pulp wood is going to Alaska and British Columbia pulp mills.

#### CURRENT TIMBER INDUSTRY EMPLOYMENT

Maintaining timber industry employment in SE Alaska has been an overriding consideration in the development of the Tongass Land Use Plan and in this Committee's work on H.R. 39. Despite all evidence to the contrary the timber industry continues to claim that a harvest of 520 mmbf is necessary to avoid job loss. Extensive analyses completed by the Forest Service and other economists clearly show that this is not the case.

The industry has not cut 520 mmbf per year for the last five years, due to market conditions which are not projected to improve. The 1978 cut was 399 mmbf, and harvest since 1974 has averaged 435 mmbf even though 520 mmbf have been available each year during this entire period. TLMP estimates are that job levels will increase about ten percent (compared to historic levels) due to harvest of Native timber, while timber consumption and employment by the existing industry will remain constant.

## JOB DISPLACEMENT

The timber industry maintains that implementation of the Tongass Land Management Plan will lead to massive job displacement from sawmilling to logging jobs. The contention is flawed in two ways. First, the shift from sawmilling to logging jobs is caused by the entry of private lands into the market place and the export of unprocessed round logs, rather than cants. Second, the average employment showed in TLMP is for the 1970-1976 period, and does not reflect the downturn in markets since 1974. The difference in regional employment, 3,003 vs. 2850 jobs, is largely due to reductions in sawmilling. Note that this is during a period when 520 mmbf were available to the industry, and it is due to markets, not proposed wilderness designations. Harvest of Native timber will actually create jobs, while the inactive sawmills will remain inactive.

The following table from TLMP shows the supposed "job displacement". It also shows a considerable increase in employment over existing (1976-1980) employment levels, due to harvest of Native timber. There would be a slight reduction in potential sawmilling jobs compared to historic levels due to Native round logs displacing cants in foreign markets. Wilderness designations do not affect this.

(Note that these projections assume the Native corporations practice sustained yield, and only produce 150 mmbf. They are expected to practice accelerated harvests, which will reduce the demand for cants even more, though overall the employment will be about the same, due to more logging jobs.)

CHANGE TO PRIMARY EMPLOYMENT RELATING TO TONGASS TIMBER HARVEST AND 150 MM BM PER YEAR  
FROM PRIVATE LAND AND 10 MM BM PER YEAR FROM STATE LAND

Management area: Occupation	Change in employment (proposed action)		
	Employment 9170-76	Tongass harvest 450 MM BM	Tongass harvest 412 MM BM
Chatham:			
Logging.....	404	+94	-114
Lumber/Cant.....	120	-80	-90
Pulp <sup>1</sup> .....	486	+44	+44
Timber transport.....	23	+2	+2
Total.....	1,038	-128	-158
Stikine:			
Logging.....	190	+70	+50
Lumber/Cant.....	189	+11	-9
Pulp.....	0	0	0
Timber transport.....	20	+10	10
Total.....	399	+91	+51
Ketchikan:			
Logging.....	63	-164	+124
Lumber/Cant.....	255	-35	-55
Pulp <sup>1</sup> .....	609	+41	+41
Timber transport.....	85	-6	-6
Total.....	1,566	+164	+104
Total Tongass:			
Logging.....	1,230	+140	+60
Lumber/Cant.....	505	-104	-164
Pulp <sup>1</sup> .....	1,096	+85	+85
Timber transport.....	115	+6	+6
Total.....	3,003	+127	-3

<sup>1</sup> Increase in pulp-mill employment reflects the difference between full capacity employment and average employment which is somewhat lower due to periodic closures over the 7-yr base period.

Source: Summary—Final Environmental Impact Statement, 10-01-79-05. Tongass Land Management Plan, XII.

## THE "16 PERCENT UNEMPLOYMENT" FIGURE

The 16 percent unemployment figure used by the industry as an indication of tremendous economic depression in Southeast Alaska, exists only during the winter months. Fully 23 percent of the Southeast Alaskan work force is seasonal, working in construction, logging, tourism, and fishing. In February, most of these people are taking vacations in the lower 48, working at second jobs, working on their boats, or just taking it easy after a summer of long hours and hard work. During that month, 16 percent of the work force is not "gainfully employed." As an example, during the first four months of 1976, fully 1,685 Alaska timber industry workers were collecting Alaska unemployment checks *outside* the State. In September, the rate of unemployment drops to about 6 percent, according to Alaska Department of Labor statistics.

## TIMBER INDUSTRY PUSHES FOR JOB EXPORT

The more immediate threat to sawmilling jobs comes from attempts by the existing industry to gain exemptions from the ban on round log exports. Just as the Native corporations can make higher profits exporting raw materials, so can these corporations. However, the "primary manufacture law" requires local processing of public timber to provide jobs for the local economy. Timber from the National Forests cannot be exported without processing—in the case of Alaska, this includes "exporting" timber to the lower 48 states. Louisiana Pacific wants to supply a mill it owns in Tacoma Washington with timber from its 50-year contract area in Alaska, and is asking for an exemption from the export ban. This would allow it to supply the mill in Tacoma with cheap Tongass timber, rather than having to compete in the more expensive Northwest timber market. The Alaska local of the Association of Western Pulp and Paper Workers, embroiled in a long and bitter strike with LP-Ketchikan, was outraged. Contrary to assertions by the company and the Alaska Loggers Association, LP-K is seeking a permanent arrangement.

The Tacoma mill now uses Alaskan cants. *Shipping round logs instead is quite simply exporting Alaskan jobs.* The 50-year contracts and primary manufacture laws were designed to provide jobs in Alaska, not to provide cheap publicly subsidized timber to the Pacific Northwest.

## THE REPORTED BILL AND THE NFMA

The reported bill is in clear violation of the National Forest Management Act of 1976, and the sound forest management principles set forth there.

First, it legislatively mandates a timber sale level, statutorily setting an arbitrary timber harvest goal in defiance of biology and the findings of the land planning process.

Second, the reported bill legislatively mandates overcutting the forest outside the wilderness and "special management" areas as Secretary Bergland stated quite clearly in his letter of July 17, 1979 to Senator Jackson.

Third, the reported bill negates the efforts of the Forest Service to implement the fifth major finding of the NFMA as reported in the Conference Report, 94-1335,

(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands, and their renewable resources consistent with the principles of sustained yield and multiple use.

The Forest Service can best serve the taxpayers, the Native timber corporations and the other resources of the forest by maximizing local use of Native pulpwood. Providing an excess of pulpwood from public lands can actually harm the interests of the new Native timber corporations by forcing them to accept a less-than-fair price for their pulpwood or to export their pulp chips to other markets and absorb the transportation costs. In the worst possible case, there would not be a market for this pulpwood, and it would be left on the ground to rot. Due to the saturation of the Pacific Rim chip market, this is a very real possibility.

#### MINING AND MINERAL DEVELOPMENT IN SOUTHEAST ALASKA

Mining employment in recent years has been insignificant in Southeast Alaska's regional economy, as noted in TLMP. Nonrenewable resources development, though temporarily diversifying the economy, inevitably leads to boom-and-bust cycles of economic growth, as has occurred before in the Tongass. Mining operations often create environmental problems and pose potential conflicts with the existing growth industries in the Tongass, commercial fishing and tourism. While valid existing rights should be fully recognized, new mineral entry in proposed Tongass wilderness areas would invite further conflict with protection of other surface resources that are of national interest.

The Tongass Land Management Plan created areas for potential mineral values, and concludes that about two-thirds of the promising mineralized areas lie outside any conservation system unit proposed by the House. Three known mineral deposits studied by Stanford Research Institute for the mining industry<sup>1</sup> are in Southeast Alaska. One, at Bohemia Basin on West Chichagof-Yakobi Island, lies outside either the House or Senate Committee wilderness boundaries. It typifies the profitability of most Alaskan mineral deposits, only returning 8 percent on investment, according to SRI. This is about half the return considered marginally profitable.

Another deposit is on the Noranda Company's claim group in the Green Creek area in the northwestern corner of Admiralty Island. This is a small multi-mineral deposit with easy access to saltwater. Though within the existing monument and proposed wilderness of the House bill, mine development can occur in both designations and access is assured by all bills.

<sup>1</sup> "Impacts of the Withdrawal of Alaskan Federal Lands" SRI International, March 1978.

The third deposit is in the Misty Fjords, where the U.S. Borax and Chemical Co. has filed claims for a large, low-grade molybdenum deposit in the heart of one of the best salmon producing areas in Southeast Alaska. The deposit would have to be mined by open pit methods, and 700 million tons of finely crushed tailings disposed of in the area where it rains about 150 inches per year. According to the Congressional Research Service, the United States has 54 percent of the world's reserves of molybdenum, and exports more than it consumes. Due to its proximity to Japan, and distance from U.S. markets, this molybdenum would almost certainly go to Japan. There it would be used to produce lightweight and specialty steels for automobiles and the like, and much would return to the United States as finished products.

Many questions concerning impacts of such mining operations remain unanswered—town sites, power requirements, mill sites, water requirements, runoff control, and tailings disposal for example. Assurances needed to strengthen existing law have been incorporated in the Committee bill.

The rights of U.S. Borax to develop its valid claims are not disputed. The real issue is whether such development will be subject to requirements to protect the other resources of the area. Wilderness and National Forest Monument status will establish such requirements while allowing development of the mineral deposit, should that prove economic.

A compromise agreement was reached by the Committee on rules under which U.S. Borax will be allowed to operate. The mine site would be in a National Forest Monument, with special provisions for fisheries protection. The wilderness boundary agreed on for the purposes of the Committee, which lies about four miles from the deposit, is not based on any logical management consideration. Therefore, we recommend that the wilderness boundary conform to the House boundary, with at most a 30,000 acre wilderness exclusion in the immediate vicinity of the proposed mine site. We recognize that wilderness designation does not prohibit mining, and do this to reassure U.S. Borax.

The existing 2.3 million acre monument would be cut back to 1.4 million acres in the Committee bill, the boundary being nearly identical to the preserve boundary proposed in S. 9. The southern and western portions of the existing monument would be downgraded to "special management" areas. Again, we recommend that the existing monument boundary be retained.

In summary, the reported version's language is inadequate to protect the significant public resources of the Misty Fjords area, and is insensitive to the problems that could arise from improper development outside the immediate Quartz Hill area. The extra level of environmental protection afforded by wilderness designation in the House passed bill and recommended by TLMP is necessary to assure the continued viability of a major fishery with significant local and national economic benefits while still allowing the development of the Quartz Hill and other claims determined to be valid.

#### WILDERNESS AREAS WHICH SHOULD BE DESIGNATED NOW

*Admiralty Island.*—Approximately 1 million acres in extent, this island is located directly west and south of Juneau. It is the largest remaining wilderness island in SE Alaska. Its wildlife and wilderness

values have been widely recognized, with proposals to protect the area dating back to the early 1900s. President Carter's December 1, 1978, action to protect Alaska wildlands included designation of Admiralty Island as a National Monument, to be managed by the U.S. Forest Service.

H.R. 39 as passed by the House designates the monument wilderness, as recommended in TLMP. The reported bill splits the area in half, putting the eastern half in wilderness and the western half in "special management".

#### SHEE ATIKA AMENDMENT

The Committee also adopted by a four to two vote an amendment conveying lands on northwest Admiralty to Shee Atika, the Sitka urban Native corporation. This settles pending court cases in favor of Shee Atika, and against Angoon, the only village on the island. A similar controversy between Angoon and Goldbelt, the Juneau urban corporation, was settled by negotiation, with Goldbelt moving off Admiralty to equal value lands elsewhere in the Tongass. Shee Atika has refused fair settlement, even though they have no historic right to any lands on Admiralty. We feel that this issue should be settled in court or by negotiation, not by the Committee's approach.

The potential production of the salmon streams on Admiralty Island is estimated to be well over 2 million fish annually. The fishery resources of the island and nearby coastal waters are critical to the maintenance of high populations of bears and eagles.

Admiralty has more resident bald eagles than are found in all the other States combined. There is an average of over one eagle nest per mile of coastline. Some areas have over four nests per mile. A total of 893 nests has been recorded.

The island is rich in wildlife species utilization and is known worldwide to be one of the finest brown bear areas in Alaska. Over half of the bears harvested in southeastern Alaska are taken from Admiralty. Survival of these bears depends upon preservation of large tracts of wilderness habitat. Lowlands around the island supply significant amounts of high density winter range for Sitka deer and numerous bays and tidal flats provide important feeding and resting areas for migratory waterfowl and other forms of wildlife. The island contains some 850 miles of coastline.

There is great depth and continuity of cultural history of Admiralty Island, which has been occupied and used by countless generations of Tlingit Indians. Many prehistoric remains exist on the island, although only minute portions have been surveyed. Historic whaling station locations, canneries, and village sites exist in the wilderness, are not only compatible with wilderness designation, but are a desirable component of the wilderness character of the area.

Angoon, located on the west coast of the island, at the mouth of Kootznoowoo Inlet, is the only community on the island and has been called the last stronghold of traditional Tlingit culture in Alaska. Its village corporation, Kootznoowoo, Inc., has selected slightly more than 23,000 acres in and around the village in accordance with the land entitlement provisions of the Alaska Native Claims Settlement Act

relating to the traditional Tlingit-Haida villages in southeast Alaska. The people of Angoon strongly support designation of Admiralty Island Wilderness.

Wilderness designation of the Admiralty Island National Monument, proposed in the House-passed bill, implements the recommendations of the Administration, tump, and the people who live on the island.

#### MISTY FJORDS

The Misty Fjords National Monument was created on December 1, 1978, in recognition of the outstanding values of the area. The House bill would overlay wilderness designation on the monument, as recommended in the Tongass Land Management Plan.

The reported bill carves up the monument, retaining the "Granite Fjords" of the northeastern half in the monument, and deleting the southern and western portions, to place them in "special management".

The future of this magnificent area is of concern not only because of its scenic qualities, but for the major contribution the area makes to the salmon catch. About 37 percent of the kind salmon producing streams in Southeast Alaska are in Misty Fjords and over 20 percent of the harvest of all salmon species in southeastern Alaska are produced in the area.

The active glaciers along the Canadian border are remnants of the massive ice bodies that covered the region as recently as about 10,000 years ago, at the end of the Pleistocene epoch. Some of the area has been free from glaciation for only a short period of time, creating the unusual scientific phenomenon of recent plant succession on newly-exposed land with the accompanying animal species. The Behm Canal, the major inlet at the heart of the area, is more than fifty miles long and extraordinary among natural canals for its length and depth.

The geology is not the only thing that is spectacular in Misty Fjords: big game is abundant, with mountain goats, not surprisingly, the most common inhabitants of this region of cliffs and mountains. Bears live there—blacks, browns, cinnamon and glacier—as well as Sitka deer, moose in the Chickamin and Unuk River drainages, and wolf. All the wildlife species common to Southeast Alaska live there, besides mainland animals such as the moose, which do not occur elsewhere.

The forests, are typical Southeast Alaska rainforests. However, the area does contain one or two of the northernmost stands of Pacific Silver Fir. Muskeg is part of every Southeast forest and Misty Fjords is no exception. About 2,000 feet up the steep slopes the big trees give way to small hardy alpine mosses and heather.

First inhabitants of Misty Fjords may have settled in the area as long ago as 10,000 years. The area contains cultural sites and objects of historical significance, including traditional native hunting and fishing grounds. Later historical evidence includes a mid-1980's military post-port entry on Tongass Island and a salmon cannery in Behm Canal established in the late 1800's.

This matchless forest wilderness merits the strongest protection possible so that it can remain a wild and productive stronghold of SE Alaskan fish and wildlife.

## WEST CHICHAGOF-YAKOBI ISLAND

West Chichagof-Yakobi Island is an area of about 420,000 acres proposed as wilderness in its entirety in H.R. 39 passed by the House last session. The committee bill and the Tongass Plan propose only the western portion (280,000 acres) for wilderness, while this session's House-passed bill compromises, including 375,000 acres in the wilderness. Only the areas bordering on Lisianski Strait and Inlet in the vicinity of Pelican, and the Inspiration copper claims are deleted. Etolin Island, proposed for wilderness in the TLMP was dropped, and the southeastern portion of West Chichagof was added to the TLMP proposal to keep the timber projections the same for TLMP and the House passed bill of this year.

West Chichagof-Yakobi Island contains almost every major land type and waterway characteristic of Southeast Alaska, and others uncommon to the region as a whole. The pounding surf, rich tidal pools, salmon spawning streams, lush forests and muskegs, rocky peaks, alpine lakes, hot springs, and abundant wildlife contribute to a wilderness experience unparalleled in the National Forest System. The wilderness values there are truly exceptional.

Most dramatic is the 65-mile-long stretch of rugged Pacific coastline extending from Salisbury Sound to Cape Bingham and characterized by exposed offshore islands and rugged, blocky highlands. Behind the stout headlands, barrier islands, rocks, and reefs of the outer coast lie the quiet waters of the inside passage, honeycombed with bays, inlets and lagoons. Rising abruptly from the ocean is the mountainous backbone of the area, a satellite of the great coast range batholith. Peaks rise to 3,600 feet, often from water's edge. The eastern slope of the unit, particularly the Hoonah Sound area, is typical of the landscape that dominates the extreme inner core of the Alexander Archipelago.

Fish are among the most important wildlife resources of the area. Four species of salmon are found in the lakes and streams and a total of 144 streams are viewed as potential fish producers. Nineteen of the 98 known producers are considered excellent. While most streams are short and originate in relatively small watersheds, the larger systems include Black River, Surge Lake, Lisianski River, Patterson River, Ushk and Deep Bays and Fick Cove. The latter five are all on the eastern side, and are included in the House bills wilderness.

Other important wildlife species include Sitka deer and brown bear. Furbearers are abundant. The area is remarkable for its large numbers of migrating waterfowl and large populations of sea mammals including sea otter, sea lions, and seals.

Recreation opportunities in West Chichagof are tremendous, with both commercial and private use on the increase. West Chichagof-Yakobi is one of the best known and oldest wilderness proposals in the Tongass. Residents of Sitka, 25 miles to the south, have been leading the efforts for over 10 years to gain permanent protection for this area.

## OTHER WILDERNESS PROPOSALS

The following areas are proposed as wilderness in both the House-passed bill and the Committee bill, and therefore are not described

in detail here. (See the House Interior Committee dissenting views for more detail.)

Tracy Arm-Fords Terror.

South Prince of Wales.

South Baranof.

King Salmon Capes (Warren, Coronation, and Maurille Islands).

Tebenkof Bay.

Stikine-Le Conte.

Russell Fjord.

Petersburg Creek-Duncan Salt Chuck.

Endicott River.

The following areas are all designated "special management" in the Senate Committee bill. The House proposed some as wilderness, others it dropped altogether. In some special cases direction was given to the Forest Service to take special precautions in developing land management plans to assure compatibility between development activities and maintenance of the wildlife, fisheries, and waterfowl habitat. The designation used was "special habitat zone." The table lists each area and the designation, if any, proposed by the House.

<i>Unit</i>	<i>House proposed designation</i>
West Admiralty-----	Wilderness—Part of Admiralty.
South Misty Fjords-----	Wilderness—Part of Misty Fjords.
East Behm Canal-----	Wilderness—Part of Misty Fjords.
Karta-----	Wilderness.
Rocky Pass-----	Wilderness.
Yakutat Forelands-----	Special Habitat Zone.
Duncan Canal-----	Special Habitat Zone.
Etolin Island-----	Multiple-use.
Idaho Inlet—Mud Bay-----	Multiple-use.

We support the House designations for these areas.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### WILD AND SCENIC RIVERS

As reported by the Committee, the bill fails to designate a number of rivers which unquestionably qualify for inclusion in the National Wild and Scenic Rivers System—and protects inadequately those rivers it does include.

#### DEFICIENCIES IN THE BILL AS REPORTED

It would designate only six major rivers outside the conservation system units of the House-passed bill, and only five rivers inside conservation systems. In the House-passed version—which I support—the comparable figures are ten and fourteen, respectively.

Seven of the committee bill's 10 study rivers have already been studied and are designated rivers in the House-passed bill.

The bill committee fails to provide wilderness studies for designated rivers, unlike the House bill, which requires wilderness studies of all conservation system units.

It fails to recognize the unspoiled character and diversity of Alaska river valleys and the consequent need for flexibility in determining the boundaries of river corridors. It allows river corridors extending only one-quarter of a mile from each side of a river, which is the standard applied in the other states where extensive development and privately-owned lands preclude wide corridors.

But Alaska river valleys are neither extensively developed nor largely in private ownership. Hence the opportunity exists for river boundaries to include more riparian habitat, extensive vistas, plant and animal communities, historic, recreational, geological, and other natural features. In recognition of this opportunity, the House provided the Secretary with the authority to extend the boundaries out to 2 miles from each bank where appropriate.

In lieu of this desirable flexibility, the Senate Committee would establish "river protection zones" adjacent to its one-quarter mile boundaries. Within these misleadingly entitled "protection zones", the Secretary could permit mining and mineral leasing and other development.

And within the one-quarter mile boundaries of scenic and recreational rivers, the Committee would permit mining and mineral leasing.

These failures of the bill as reported are the result of the Committee's preference in resolving conflicts between commodity extraction and protection of national values, and between State selection nominations and inclusion in the conservation systems. Where these conflicts have been present, the reported bill favors development and State selection over inclusion of the river in the national system.

*Some Examples of Rivers Deleted or Reduced to Study Status by the Committee*

*Colville Wild River.*—One of Alaska's largest rivers, the Colville begins in the Delong Mountains of the western Brooks Range and flows generally east-northeast for over 400 miles to the Beaufort Sea.

Scenic bluffs up to 200 feet high line much of the river. Far to the south the crest of the Brooks Range can occasionally be seen across the rolling, tundra-covered Arctic foothills. In addition to being the characteristic scenic feature of the Colville, the bluffs also provide aeries for one of the nation's largest nesting populations of the endangered peregrine falcon, as well as for gyr-falcons and rough legged hawks.

Other wildlife values are exceptionally high. Caribou of the Western Arctic herd use the river valley as summer range, and they can be seen along the river banks. Grizzly bear, moose, wolves, wolverines, foxes, and small mammals are also found in the area.

Recreation opportunities include float trips, nature study, wildlife photography, hiking, archaeological sites and wilderness camping.

Extensively studied, the Colville River Valley is one of the key habitat zones on the entire North Slope. It clearly qualifies for designation as a Wild River now, and the Administration recommends that Congress so designate it.

*Copper Wild and Scenic River.*—As it leaves the Copper River Basin, the river cuts through the Chugach Mountains for approximately 75 miles on its way to the sea. There are only three other Alaskan rivers of comparable size and power that breach the coastal mountain barrier—the Alsek, Taku, and Stikine—and the greater parts of these rivers lie in Canada. Thus the Copper is the only river wholly in the United States that has this geologically distinctive feature. Vegetation and climate vary from the river's estuary in the Copper River Delta (a proposed national wildlife refuge) north into the interior landscapes of the Wrangell Mountains, where it has its source. This transition has high aesthetic and scientific interest.

Scenically, the Copper is one of the most spectacular rivers in North America. Glacier-clad peaks of the Chugach Mountains tower 6–7,000 feet above it sending numerous waterfalls cascading down the cliffs. Four glaciers reach the river's edge, two of them actively calving into the river. The Copper River is rich in fish and wildlife. As a major migration route for red, silver, and king salmon, and steelhead trout, it supports valuable subsistence and commercial fisheries. Resident fish include grayling, Dolly Varden, rainbow trout, and whitefish. Harbor seals are frequently seen as far as 50 miles upriver during the salmon spawning season—and are commonly observed on the sandbars in the lower river valley. Mountain goat and brown and black bear are the most numerous big game animals inhabiting the lower Copper River Valley, with moose, Dall sheep, and wolves present in lower densities. At the confluence with the Bremner and Tasnuna Rivers, one of the most important Trumpeter swan nesting areas in Alaska is found. Bald eagles nest in old cottonwoods along the riverbanks.

The Copper River Valley is also a major historic resource. The most colorful episode in the valley's history involved the transportation of copper ore from the Kennicott Mines in the Chitina Valley to Cordova. From 1907 to 1911, a number of sternwheelers operated between the uncompleted ends of the Copper River and Northwestern Railroads from above Abercrombie Rapids to the mines. When completed in 1911, the railroad was an engineering marvel in its day. It operated from 1911 through 1938, linking the largest mining operation in Alaska's history with the seaport town of Cordova. The tracks were removed many years ago, and only the overgrown remnant of the

railbed testifies to man's one-time presence along most of the proposal's length.

Outstanding recreational opportunities include floatboating, powerboating, hunting, fishing, hiking, camping, photography, and sight-seeing. River travelers find the Copper particularly appealing due to its accessibility. Anchorage and Fairbanks residents can drive or take the bus to Chitina, float through 100 miles of primitive country offering all of the described resources, take out on the road to Cordova and return to Anchorage and Fairbanks via the State ferry and road systems, or by scheduled airline.

As passed by the House, H.R. 39 divides the lower Copper into wild and scenic segments. It would be a wild river from Wood Canyon (where it begins its traverse of the Chugach Mountains) to its confluence with the Tasnuna River about half-way to the ocean; from the Tasnuna to the ocean it would be a scenic river. Native corporation selections and a partially completed Copper River highway along this proposed scenic reach make the scenic designation appropriate.

As reported by the Energy Committee, the bill deletes the entire river segment, ignoring both the Administration's formal recommendation for wild/scenic designation and the lack of any real conflict with the proposed highway (scenic designation does not preclude roads).

*Etiwuk-Nigu Wild River.*—Both rivers have their source along the crest of the Brooks Range, with the Nigu flowing out of the proposed Gates of the Arctic Park to meet the Etiwuk coming north out of the proposed Noatak National Preserve. The Etiwuk then flows north to the Colville.

Both rivers flow through very scenic terrain. Their flat-bottomed, tundra-covered valleys are lined by the high mountains of the Brooks Range. Almost vertical bluffs are present along the lower Nigu and all of the Etiwuk. Class I and Class II waters offer good floating for canoeist and kayaker alike. Rapids are numerous, and the current is swift enough to make an enjoyable float for the intermediate to experienced canoeist. Hiking and backpacking opportunities are excellent along the ridges and mountains near the river. Wilderness camping, wildlife observation, and nature photography also rate high among the recreational values of the river area. Access is available only by air. Small float planes can land in lakes in the river's headwaters and also in lakes near the Etiwuk's mouth.

Fishing is good for lake trout and Arctic grayling. Grizzly bears seem to be particularly plentiful, and the area also has moose, Dall sheep, wolves and wolverine. The Arctic caribou herd uses the valley as a migration route between the Arctic slope and the Kobuk valley on the southside of the Brooks Range.

At least one site in the Nigu River area has been found which has potential archeological value.

As reported by the Committee, the bill drops the Etiwuk-Nigu to study status, primarily because it is mostly within the National Petroleum Reserve—Alaska. But, as with the Colville, the river has already been thoroughly studied and the administration recommends that it be designated as a wild river. As with the Colville, there is no conflict with potential oil and gas pipeline crossings should such facilities some day be required, since both the House-passed and the Energy Com-

mittee bills provide for such crossings notwithstanding wild river designation.

*Nowitna Wild River.*—Almost exactly centered in interior Alaska, the Nowitna represents the rivers of the interior uplands between the Yukon and Kushokwim Rivers. About two hundred miles are designated as wild, both within and upstream of the Nowitna National Wildlife Refuge. It has its source in the Kushokwim Mountains, and flows slowly from gently-rolling uplands, along small bluffs and ridges and finally through the wetlands of the wildlife range before its confluence with the Yukon River. Excellent examples of forest succession are found along the river and substantial stands of all trees common to the Interior are present. White spruce trees along the lower river are uncommonly large and contribute to scenic and wildlife values.

The flats surrounding the lower 100 miles or more of the Nowitna have been identified as one of the most productive waterfowl nesting areas in the State. Over 100,000 ducks are produced annually from the Nowitna flats region. In addition to ducks and geese, trumpeter swans, considered endangered until recently, have been counted in large numbers in the Nowitna River area. Its relatively deep slow-moving water and link to the Fairbanks area via the Yukon and Tanana Rivers enable people to ascend the Nowitna in riverboats for long distances. Good populations of moose, black bear, shellfish, and northern pike draw hunters and fishermen, while others seek rocks, scenery, boating, and wildlife viewing. Deep, slow-moving water also provides landing areas for float-equipped aircraft in the upper reaches. Although not connected to the highway net, a road from Ruby on the Yukon crosses an upper tributary of the Nowitna, offering the potential for circle float trips from Ruby down the Nowitna, down the Yukon, and back to Ruby.

In H.R. 39 as passed by the House, about two hundred miles are designated as wild, both within and upstream of the Nowitna National Wildlife Refuge. But the Energy Committee, consistent with its decision to establish a BLM-administered "National Conservation Area" instead of a Nowitna National Wildlife Refuge, dropped the wild river status for the Nowitna both within and upstream of the NCA.

*Yukon (Ramparts Section).*—Alaska remains the last place in the nation where extensive segments of major continental rivers qualify for wild or scenic river status.

Rampart Canyon begins where the Yukon leaves the Yukon Flats in central interior Alaska. The Rampart section lies roughly between the Yukon River Bridge near Livengood and the confluence of the Yukon with the Tanana River, a distance of about 128 miles. As the river passes through the scenic Ray Mountains, bold bluffs hosting dwarf birch and other species rise directly from the single broad channel, making this stretch the northern equivalent of the Palisades of the Hudson. The views from the river of vertical rock bluffs rising from the waters' edge, low river terraces covered with thick stands of white spruce and paper birch, and rock and spruce covered ridges are very impressive. The Rampart river area is of historical interest due to turn-of-the-century gold mining activity and its use as a travel route (which continues today). Remnants of this era still exist along the river. These, along with wooden fishwheels and the newer log cabins, add to the scenery as well as the area's history.

One of the attractive features is the ready access. River travelers can "put in" where the Livengood road crosses the Yukon River Bridge. Parties using self-propelled boats can take advantage of the scheduled air taxi service if they "take out" at the village of Tanana, while powerboats can return up to Tanana River to Nenana (road and rail connections) or Fairbanks. Existing barge traffic will not be affected by scenic river designation, which is recommended because of the relatively large amounts of commercial traffic on the river.

As passed by the House, the Rampart Canyon reach of the middle Yukon River is designated a scenic river only because of the relatively large amount of commercial barge traffic. In other respects it qualifies as a wild river. In the bill reported by the Committee, this segment is dropped to study status.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

ADDITIONAL VIEWS OF SENATORS METZENBAUM, MATSUNAGA, AND  
TSONGAS

SUBSISTENCE MANAGEMENT AND USE

This year the Committee adopted a series of amendments to the subsistence management and use title (title VIII) reported by the Committee during the 95th Congress. The primary substantive effect of the Committee amendments is to conform the Committee's approach to the protection and continuation of subsistence uses to the approach in H.R. 39 passed by the House this year, with two notable exceptions.

The first exception is the establishment of a "judicial enforcement" procedure whereby the Secretary is empowered to bring a civil action against the State on behalf of a local committee or regional council which believes that the State has failed to adequately and timely provide for the preference for subsistence uses within its area. The House-passed bill relies solely on the Secretary's administrative authority over the public lands to ensure that State management of fish and wildlife for subsistence uses is consistent with the management guidelines set forth in title VIII. Although the House approach to this important issue of Federal-State relations is substantially less potentially disruptive<sup>1</sup> and less cumbersome than the "judicial enforcement" mechanism, the arguments<sup>2</sup> of proponents of the House approach that "judicial enforcement" is an unconstitutional delegation (or abdication) of Congressional and Executive authority do not appear to be well-founded.

Section 807 establishes a mechanism for a local committee or regional council, *not the Secretary*, to obtain adequate and timely relief from a failure of the State to provide for the subsistence preference in its area without unnecessarily disrupting the Federal-State relationship. Section 807 is unrelated to the Secretary's authority and responsibility to take timely and effective administrative action to protect subsistence resources and uses on the public lands in appropriate instances. Notwithstanding section 807, the Secretary is authorized and responsible pursuant to section 804 and existing law to take appropriate administrative action to protect national interest values on the public lands relating to subsistence resources and uses. That authority is not compromised or delegated pursuant to section 807.

With respect to the preference for subsistence uses set forth in section 804, it should be noted that the section requires State and Federal action to provide for the preference to be applied on an ongoing basis and not just when a threat to the continued viability

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<sup>1</sup> "Judicial enforcement" could theoretically result in the Alaska Boards of Game and Fisheries and the Department of Fish and Game under a Federal court order to promulgate and implement State subsistence regulations which a State court enjoins them from enforcing.

<sup>2</sup> See House Report No. 96-97, part I, pp. 537-539.

of a particular fish or wildlife population by simultaneous taking for subsistence and nonsubsistence uses necessitates the implementation of restrictions upon nonsubsistence uses. Rather, the preference must be applied with respect to the establishment of seasons, bag limits, and other appropriate regulatory provisions. It also should be noted that after enactment of a consistent State statute section 804 remains in effect with respect to Federal responsibilities pursuant to title VIII (*See* section 805(d)) which, as noted by the Committee last year:<sup>3</sup>

. . . requires the Secretary of the Interior and the Secretary of Agriculture . . . to take appropriate action to protect . . . (subsistence) . . . uses and the continued viability of fish and wildlife populations upon which the continuation of . . . (subsistence) . . . uses depend.

The second major difference between the Committee's and the House approach to subsistence management relates to subsistence hunting by local residents within national parks and monuments. At the time the Secretary developed his recommendations to the Congress on Alaska National Interest Lands legislation, he represented to many rural villages that the designation of national parks and monuments within their respective regions would facilitate the protection of wildlife habitat essential to the protection of subsistence resources and that he would recommend to the Congress that subsistence hunting by local residents be permitted within national parks and monuments established by the Congress. It was on the basis of those representations that many villages have supported the establishment or enlargement of national parks and manuments within their region.

Both versions of H.R. 39 which have been passed by the House of Representatives have adopted the Secretary's recommendation and included "subsistence uses (including hunting) by local residents" as a purpose of each new national park and monument (other than the Kenai Fjords), and additions to existing parks and monuments, established by the Act. "Subsistence uses by local residents" also was designated as a purpose of National Park Preserves and units of the National Wildlife Refuge System established or enlarged by the House bill. On December 1, 1978, President Carter established a number of national monuments in Alaska by proclamation. All of the units designated as national parks and monuments in S. 9 were included within the purview of the proclamations. Consistent with the recommendations of the Secretary of the Interior with respect to Alaska National Interest Lands legislation, each proclamation (with the exception of the Kenai Fjords) designates subsistence uses (and particularly hunting) by local residents as one of the purposes for which the monument was established.

However, under the provisions of S. 9 subsistence hunting is permitted in only three national parks and monuments: Cape Krusenstern National Monument, and the Gates of the Arctic and Kobuk Valley National Parks. Subsistence hunting by local residents is prohibited within the Aniakchak National Monument, the Lake Clark

<sup>3</sup> See Senate Report No. 95-1300, p. 222. See also section 806 of title VIII which requires the Secretary to advise the Congress *inter alia* on any "exercise of his closure or other administrative authority to protect subsistence resources or uses".

and Wrangell-St. Elias National Parks, and in the additions to the Glacier Bay and Katmai National Monuments and the Mt. McKinley National Park, all areas in which subsistence hunting by local residents is permitted by the House-passed bill and the Presidential proclamations. In addition, while "subsistence uses by local residents" is a major purpose of units of the National Wildlife Refuge System established by S. 9, unlike the House-passed bill it is not a purpose of either the National Park Preserves or the three national parks and monuments in which subsistence hunting is permitted.

We feel strongly that any Alaska National Interest Lands legislation enacted into law must establish "subsistence uses by local residents", including subsistence hunting, as a purpose of each national park, monument, and preserve in which such uses are so designated in H.R. 39.

HOWARD M. METZENBAUM.  
SPARK M. MATSUNAGA.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### OIL AND GAS PROVISIONS

The Energy Committee's provisions for oil and gas exploration and development are grossly deficient from the standpoint of both sensible petroleum resource development and reasonable wildlife and wildlands protection. Rather than follow a logical progression of first exploring and developing areas of lowest conflict between known renewable resources and speculative petroleum potential, and going into high conflict areas only when other possibilities are exhausted, the reported bill would mandate oil exploration now in the area of greatest conflict.

### MAJOR INADEQUACIES OF THE COMMITTEE BILL

The Committee bill actually reduces the protection provided by existing law for conservation system units. It also weakens the regulatory mechanism for currently established units.

This bill mandates private exploration for oil in the Arctic National Wildlife Range, on the calving ground for the Porcupine caribou herd, even prior to comprehensive exploration of the National Petroleum Reserve-Alaska and federal lands outside conservation system units in Alaska.

### OIL AND GAS DEVELOPMENT IS FOCUSED ON THE ARCTIC NATIONAL WILDLIFE RANGE

One of the most disturbing provisions in the reported bill is that which mandates a private oil exploration program in the existing Arctic National Wildlife Range. The House-passed version of H.R. 39 designates as wilderness this wildlife range and the new additions to the range, thus prohibiting the kind of potentially destructive activities Section 1002 of the Committee bill might lead to.

The Committee's wildlife range exploration program fails to recognize the unique wildlife and wilderness values of the range and the desire of the region's residents to have these resources fully protected. This is totally unwarranted in view of the vast amount—approximately 95 percent—of those lands with high or favorable oil and gas potential which are virtually unexplored and which are outside the wildlife range.

### OIL AND GAS POTENTIAL OUTSIDE OF CONSERVATION SYSTEM UNITS

Of all the Alaska National Interest Lands units, only the proposed wilderness designation for the Arctic National Wildlife Range poses a significant conflict between the protection of outstanding internationally important wildlife and wilderness resources and potential petroleum exploration and development.

According to the United States Geological Survey and the State of Alaska, most—approximately two-thirds—of Alaska's oil potential is offshore. Not only are the offshore areas outside House bill boundaries, but approximately 90–95 percent of the onshore areas which have either high or favorable potential for oil and gas are outside these boundaries as well or would otherwise be available for exploration and development. The following is a summary of the oil and gas potential of Alaska in relation to boundaries of both the existing conservation system units and those which are added under the House-passed bill:

Virtually 100 percent of the outer continental shelf is outside conservation system unit boundaries.

Virtually 100 percent of the State's submerged lands (40 to 50 million acres) within the 3-mile limit are outside conservation system unit boundaries.

Virtually 100 percent of the proven onshore reserves are outside conservation unit boundaries.

Approximately 90–95 percent of the onshore lands with high hydrocarbon potential or with geologic conditions favorable for hydrocarbon potential are outside conservation system unit boundaries or otherwise available for exploration and development.

Approximately 90 percent of the onshore lands, less geologically favorable for hydrocarbon potential, are either outside conservation system unit boundaries or are subject to discretionary oil and gas leasing.

Furthermore, under the limiting economic constraints existing for oil and gas development in Alaska, the North Slope, the Cook Inlet region and Bristol Bay forelands become the only developable high or favorable potential areas onshore. Clearly, the Arctic National Wildlife Range represents only a very small percentage—less than 5—of these lands which have oil and gas potential. In the face of the above figures, it is difficult to comprehend why the Committee would remove current protections for the Arctic Range and start down the road, at this time, toward oil and gas exploration and development in this most sensitive wildlife range.

#### REVISING THE ESTIMATES ON THE ARCTIC RANGE

Recent assessments of the oil potential in the Arctic National Wildlife Range have been much more modest than the earlier ones and indicate that the geologic structures of the range, and in particular the Marsh Creek anticline, could not contain as large an oil field as once projected. U.S. Geological Survey Open File Report 78-489 suggests that the principal potential of the range is for a number of small to medium accumulations which, taken together, would be comparable to the adjacent MacKenzie Delta region in Canada. Recoverable reserves of the MacKenzie Delta fields are estimated at 400 million barrels of oil and 6.5 trillion cubic feet of gas. Four hundred million barrels of oil is barely enough to supply the United States for 20 days at current consumption rates. Industry considers a North Slope oil field of less

than one billion barrels not economically feasible to develop at this time.

Alaska's Joint Federal-State Land Use Planning Commission has observed that the long-term energy impacts of prohibiting oil exploration in the Arctic Wildlife Range are small.

Since the principal impact of the legislation appears to relate to the Arctic National Wildlife Range, the impact on national energy supplies appears to be minimal. The bulk of potential Alaska and national oil and gas, and other energy resources, will continue to be available for exploration and development purposes. The impact of continued closure of the Arctic National Wildlife Range simply means that energy resource development will proceed in other areas favorable for exploration, development and production (Letter from the Co-Chairmen of the Joint Federal-State Land Use Planning Commission to Senator John A. Durkin, July 7, 1978.)

Clearly, there are vast areas which have favorable oil and gas potential and which are not in conflict with this legislation in general nor with the Arctic National Wildlife Range in particular that can and should be fully explored before Congress even contemplates allowing exploration and development in the Arctic National Wildlife Range.

Deputy Secretary of Energy John F. O'Leary emphasized this very point during testimony before the House Merchant Marine Subcommittee on Fisheries and Wildlife Conservation on February 14, 1979. Asked if he supported a position that prohibits any seismic testing or core drilling by the government or by private industry unless Congress passes separate legislation authorizing such activity, Mr. O'Leary replied:

I do, because it represents a very, very small fraction, a tiny fraction of the potential (of Alaska). Let me tell you the other side of the coin that weighs heavily, in my view of this matter.

We still have enormous opportunities in Alaska, and elsewhere, that will keep us heavily occupied for many, many years to come. If in thirty years we get to the point where all of our opportunities are gone, are behind us, where we have drilled up all the major structures, and the Arctic National Wildlife Range is the only one left, and we desperately need the oil, then I think it is fair that we ask the Congress if the situation at that time demands, to reconsider. But for now, the Wildlife Range has a higher claim to be set aside as a wilderness area, as a refuge, and not touched. It represents only a very slight fraction, just under ten percent of Alaska's enormous potential. It is going to take us the next thirty or forty years probably to work through that enormous potential up there..."

At the same hearing, Deputy Secretary O'Leary also observed that "although energy is important, it does not override all other considerations." In the case of the Arctic National Wildlife Range, the protection of irreplaceable wildlife and wilderness and the subsistence needs

of the region's residents clearly outweigh any energy consideration of Alaska's petroleum resources. Limited exploration funds and equipment should be expended in areas with less conflict than the wildlife range. For example, we would rather see stepped-up exploration or competitive leasing take place in National Petroleum Reserve-Alaska, an area set aside for its petroleum potential, than exploration in the Arctic National Wildlife Range, an area set aside for wildlife protection.

#### EXPLORATION PROGRAM UNACCEPTABLE

The exploration mandated in the Committee bill poses unacceptable risks to the wildlife and wilderness of the Arctic National Wildlife Range. Among the adverse consequences and duplicative processes of such an exploration plan are that: wildlife protection is made subsidiary to oil exploration; a series of activities which will have adverse social impacts are set into motion; and a wilderness review is authorized, although such a review, recommending wilderness designation for the wildlife range, has already been conducted by the Administration.

Under Section 1002 of the Committee bill, if the Secretary determines "that continuation of further activities under the (exploratory) plan or permit will significantly adversely affect fish or wildlife, their habitat, or the environment the Secretary *may* suspend" activities temporarily or modify plans as necessary (emphasis added). In other words, it is the exploratory program, not the protection of wildlife, which is mandatory. This would reverse existing law which allows oil exploration and development in national wildlife refuges only if it is compatible with the purposes of the refuge unit.

#### MAKING ENERGY RESOURCES ACCESSIBLE

The oil and gas provisions in the House-passed bill provide a suitable balance between protecting fragile habitat and assuring the timely exploration and development of petroleum resources. The House bill appropriately focuses the oil and gas exploration activities of private industry on the millions of acres of land in the National Petroleum Reserve-Alaska (NPR-A) and on the lands which are managed by the Bureau of Land Management outside any of our proposed conservation system units—before resorting to leasing on the existing or proposed units of the conservation system.

Title XII of the bill adopted by the House is a new title, added this year, to address oil and gas exploration, production, and development on federal lands in Alaska. Because of the private leasing program in the NPR-A, and an expedited leasing process for non-conservation system lands, the House bill contains oil and gas provisions which are more favorable to industry than those found in any other bill so far considered, including the version of H.R. 39 reported by the Energy and Natural Resources Committee. About 100 million acres—including lands within conservation system units—would be open to leasing by private industry. At the same time, areas which nearly everyone agrees merit attention because of their superlative wilderness and wildlife values would receive protection.

## NATIONAL PETROLEUM RESERVE—ALASKA

The National Petroleum Reserve—Alaska, a 22.5 million acre area, was established in 1923. In 1976, the "Naval Petroleum Reserves Production Act" mandated extensive seismic exploration and the drilling of test wells under the direction of the U.S. Geological Survey. To date, 19 wells have been drilled, 7 with shows of oil or gas.

The petroleum industry considers NPR-A one of the likeliest areas for development in the United States. John H. Silcox, the Western Regional Manager for Chevron, said in an address to the Americans for Energy Independence Symposium on May 4, 1979, "I would have to say that this area (NPR-A) stands as one of the highest potential single areas in the United States onshore today—it may be the highest." The American Petroleum Institute (API) agrees with this position. In a letter dated Sept. 17, 1979, API writes, "We know of no single onshore area in the United States with a greater potential for having large resources of oil and gas than NPR-A."

The House-passed bill reclassifies the NPR-A as the Teshekpuk-Utukok National Wildlife Refuge. As a concession to the oil industry, the bill *authorizes leasing to private industry for exploration and development.*

Within 240 days of enactment of the House bill, the Secretary of the Interior must establish a program for the issuance of exploration permits and a lease schedule. A refuge conservation plan must be completed prior to the first leases. Not later than 18 months after enactment, the Secretary must make the first lease sale in the area.

The Energy Committee bill is actually *less favorable* to the oil industry than the House approach. NPR-A *would remain closed to private exploration and development.*

## NON-CONSERVATION SYSTEM AREAS

For those public lands not within conservation system units and under Bureau of Land Management jurisdiction, private exploration and leasing would be accelerated under the House bill. The Secretary of the Interior is required to publish a lease sale schedule for these lands within 240 days of enactment. Under the Senate Energy Committee bill, on the other hand, the Secretary is required to establish a leasing program for non-conservation system lands, *but no schedule is set for development of this program.*

## CONCLUSION

In brief, we believe that the Senate Energy Committee bill has oil and gas exploration and development priorities reversed from what they should be! Rather than encouraging private industry to focus its attention and limited exploration dollars on the most environmentally sensitive onshore area—the existing Arctic National Wildlife Refuge—as the Energy Committee bill does, the bill should be encouraging industry to use its resources to explore the NPR-A and the millions of acres of d-1 lands (outside conservation systems) which the oil and gas industry has been seeking to explore for years.

It appears as if the "forbidden fruit" syndrome is operating with regard to the Arctic National Wildlife Range. Regardless of how bitter that fruit may be, there are some oil and gas companies which will want to invade this last stretch of north slope arctic land unimpacted by man. What the Congress does with regard to this fragile area will be an indication of how wisely we are going to conserve the nation's natural resources in the future. We can afford to make this Range the "last place to go" in the search for energy and we should. We urge the Senate to study the arguments on both sides of this issue, for we believe strongly that aside from the high emotions which have surrounded the debate on this issue, the facts support protection for the Range at this time from oil and gas exploration.

HOWARD M. METZENBAUM.

PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### TRANSPORTATION POLICY INADEQUATE

The Energy Committee has adopted a transportation title which seriously jeopardizes the integrity of the conservation areas. There is a general consensus that it would be unwise for the Congress to speculatively designate transportation corridors now or "gerrymander" conservation system unit boundaries to accommodate hypothetical corridor routes. While I (we) wholeheartedly concur with the Committee's decision to leave specific corridor designations for case-by-case determinations in the future, I (we) questions the specific provisions of the Committee's procedures for granting future rights-of-way across conservation lands. Furthermore, having adopted a general policy of not designating corridors now and providing in lieu thereof a process by which such decisions can be made as necessary, I (we) take great exception to the Committee authorizing a specific corridor across the Gates of the Arctic National Park and easing corridor restrictions in the Noatak and Wrangell-St. Elias national park system units. In effect, the Committee bill establishes some transportation corridors while purporting not to. Furthermore, it actually increases bureaucratic entanglements while purporting to streamline procedures.

### ACCESS NEEDS EXAGGERATED

The need for access across conservation units is an issue whose magnitude has been greatly exaggerated. This is illustrated in an Alaska Department of Natural Resources report, "Resource Assessment of Current Alaska d-2 Proposals," which shows statistically what is quite clear from examining an Alaska land status map: a large proportion of state and Native corporation land selections are close to the existing surface transportation infrastructure, waterways, or coast. According to this study, 44 percent of state selections are proximate to the existing roads and 70 percent are proximate to the railroad. Thirty-seven percent of Native selections are close to the railroad; 54 percent are along inland waterways; and 36 percent are along the coast (total exceeds 100 percent because some selections may be proximate to two access modes, e.g. railroad and road).

When one goes from the broad assertion that conservation system units might block access to examining specific sites, one finds that in most cases practical alternative routes or modes exist which avoid the need to cross the conservation lands. As an Office of Technology Assessment report on access across federal lands in Alaska notes, "The need for rights-of-way across federal lands to reach non-federal minerals is a localized problem, which is likely to occur only in scattered instances. The need for rights-of-way across federal lands to reach existing surface transportation is also likely to occur infrequently."

Economic factors, rather than land use designations, are the significant limiting factors for an expanded Alaska surface transportation infrastructure. Uncertainty over the need, costs, location, timing, mode and impacts of corridors makes it clear that the national interest lands legislation cannot designate the routes of future transportation corridors or draw park and refuge boundaries to exclude potential corridors.

In those few instances where a major right-of-way may be required across a conservation system unit in the future, existing law gives the Secretary of the Interior authority to grant the right-of-way in most cases. An application for a corridor across a national park or wilderness area is the most likely situation in which secretarial authority to grant access would be lacking. In that case, congressional action would be necessary to grant such a right-of-way. Such proposals are likely to be infrequent and of such major economic and environmental proportions that Congress will want to—and should—have the final word.

#### LESS BUREAUCRACY, MORE CONSISTENT CRITERIA NEEDED

Title XI puts the cart before the horse. All federal agencies which must grant any permit, no matter how inconsequential, for any aspect of a right-of-way across a conservation system unit are required to begin their permitting process before the fundamental decision of whether and where to grant a right-of-way is made. Every agency which is responsible for relatively minor aspects of a major project proposal, e.g. siting of sewage lagoons for pipeline construction camps, could conceivably approve the matters within its purview while the land managing agency was determining that the system as a whole was unacceptable. Thus all of the permitting agencies' efforts would have been wasted. It makes a lot more sense to follow existing law procedures under which the basic right-of-way decision is made before all of the other agencies begin their permitting procedures.

The Transportation Title provides for a new land management role for the Department of Transportation and other agencies which represents a significant weakening of the basic laws governing our national conservation system.

Under certain circumstances the Committee bill provides that rights-of-way can be granted across national wildlife refuges, wild and scenic rivers, and trails *even if the Secretary of the Interior (or the Secretary of Agriculture where National Forest lands are concerned) determines that such a right-of-way is incompatible with the purposes of the unit.* Further, the President is authorized, based on a recommendation from the Secretary of Transportation or other agencies, to grant rights-of-way across refuges, wild and scenic rivers, and trails even though such uses have been determined to be incompatible with the purposes for which Congress established the unit. The only criteria the President is required to meet is that the right-of-way be "in the public interest". This is a rather amorphous standard which fails to guarantee that the areas Congress establishes will be properly managed.

This represents a significant weakening of the basic laws governing our national conservation systems. I (we) believe that in instances

where any cabinet officer or the President wishes to grant a right-of-way that is incompatible with the purposes of the unit, the decision to degrade the refuges, wild and scenic rivers or trails should require the approval of Congress. Under Title XI, congressional approval is only required for national parks, wilderness areas, and the Misty Fjords National Monument. All other national interest lands are exempted from such approval. At the very least, the President should be allowed to grant rights-of-way across conservation system units only if there is no feasible alternative and if it is compatible with the purposes of the unit.

We are also concerned about the entry of another federal department into public land management. Title XI unnecessarily gives the Department of Transportation a greatly expanded role in the granting of rights-of-way across conservation system lands. This has traditionally been the responsibility of the land managing departments. The Department of Transportation's role has generally been restricted to advising the land managing departments and determining whether or not to fund federal aid highways that cross publically-owned recreation and wildlife lands. The Secretary of the Interior, not the Secretary of Transportation, has a fiduciary responsibility (granted by Congress and confirmed by the courts) for the national wildlife refuges and the national parks. Title XI might disallow the Interior Secretary from upholding this responsibility.

#### ENVIRONMENTALLY DESTRUCTIVE CORRIDORS APPROVED

The most egregious Committee action on transportation issues was the designation of two rights-of-way across National Park System units. Having agreed to a general policy of not designating corridors today and providing a process for granting rights-of-way as they may be applied for in the future, it is inconceivable that the Committee would even consider authorizing specific rights-of-way across conservation system lands. Yet, the Committee authorized a mining road or railroad across the Gates of the Arctic National Park unit and downgraded protection regarding transportation rights-of-way in the Noatak and Wrangell-St. Elias units.

Gates of the Arctic National Park has been envisioned as the world's ultimate wilderness park. The corridor in the Gates of the Arctic cuts across the upper watershed of the Kobuk River and the Selby Lake region, a major scenic attraction and access point for the park. It is also a major arctic fishery of great importance for both subsistence and recreation. The purpose of this right-of-way is to provide access to a potential mining area west of the park. *The Committee authorized this corridor without any consideration of the need for such a corridor, the environmental impacts, the desires of local residents, alternative routes, the economics of constructing a transportation system across the area, etc. In short, the Committee completely ignored the very criteria it set forth in Title XI for the executive branch to consider in making rights-of-way decisions.*

The Committee also designated "national recreation areas" in parts of the Noatak and Wrangell-St. Elias national park system units. The term "recreation" is a misnomer since the effect of the designation in the bill is to ease restrictions on road building and mining rather than

promote recreation. Unlike national parks or national preserves, the Secretary of the Interior could authorize road construction across these "national recreation areas" without congressional approval.

#### CONCLUSION

The Committee's decisions on transportation access do not provide adequate protection for the national conservation system lands in Alaska. The Committee has made special exceptions to existing law which are deficient in the following areas:

The executive branch is given discretion to grant rights-of-way across refuges, wild and scenic rivers, and trails even if such rights-of-way are found to be incompatible with the purposes for which Congress established the areas.

Another bureaucratic layer is introduced into public land management. The Department of Transportation is given a greatly expanded and inappropriate role in the granting of rights-of-way across conservation system lands. Other non-land managing agencies would become involved in permitting decisions even before the right-of-way is granted.

Right-of-way is designated across the Gates of the Arctic National Park unit.

Taken as a whole, the Committee's decisions on transportation corridors reduces the assurance that what Congress designates today for conservation will in fact be protected in the future. Any expedited transportation decision procedures in this legislation should minimize bureaucracy, assure proper land management and safeguard the roles of the courts and Congress. The Committee's procedure does not meet these criteria.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### IMPLEMENTATION OF ALASKA STATEHOOD ACT

Requested by the State of Alaska, Section 906 contains a number of provisions on State land selections and conveyances intended to (1) give the State the upper hand in dealing with the Department of the Interior on conveyances of existing State selections and (2) allow the State to override any existing federal laws as it selects its remaining entitlement under the Statehood Act.

### BACKGROUND

At present, the State has received title to approximately 38 million acres of its 100.2 million acre selections. Of the 38 million, 21 are patented and the remainder tentatively approved. ("Tentative approval" is tantamount to patent and there is no difference in the State's disposition of its patented and tentatively approved land.) Approximately 62 million acres of existing State selections—usually called selections pending—remained to be conveyed to the State.

In addition, the State can select another 4.2 million acres in order to complete its Statehood entitlement of 104.5 million acres. Since Native corporations are expected to select about 5 of the 100.2 million acres of *existing* State selections, the State will be making a total of about 9 million acres more in order to complete its entitlement.

This year Secreary Andrus announced that the Interior Department, in response to requests from the State, will begin expediting the conveyance to State selections pending. Additional personnel have been assigned to the task, and approximately 15 million acres a year are to be conveyed over the next four years. Existing adjudication procedures will be followed.

### SUBSECTION 906(D) OF THE COMMITTEE BILL

Subsection 906(d) legislatively conveys approximately 37 million acres of pending State selections made prior to 1978. Included in the list of lands to be conveyed to the State are approximately 134.5 townships (3,094,000 acres) of State selections made in 1976-77 which the Department of the Interior has ruled invalid.

These 134 townships were identified by the State from federal land withdrawn from Native selection under section 11(a) (3) of the Alaska Native Claims Settlement Act, but not actually selected by the various Native corporations. In December of 1976, as the Native selection period ended, it was apparent that Congress would soon take up the Alaska lands bill and a new national administration was about to take office. Perceiving an opportunity for a "strategic reassertion of State land selection interests", the State filed selections on the 134 town-

ships, even though they were not legally available for State selection since they were withdrawn from State selection.

Of this acreage, approximately 408,00 acres (17.7 townships) are located within the boundaries of 6 of the House-passed conservation system units (which we support): Denali National Park (1); Alaska Maritime Refuge (8); Arctic Refuge additions (1); Innoko Refuge (2.7); Kanuti Refuge (1); and Nowitna Refuge (4).

It is clearly not in the national interest for the Congress to confirm and convey State selections of over 3 million acres of federal land which the Department of the Interior has ruled invalid, including over 400,000 acres inside conservation system units.

In the proposed Nowitna and Innoko national wildlife refuges, for example, the State's invalid filings, if confirmed, would remove habitat along the Yukon River which is vital to waterfowl, especially Canada geese during rearing and moulting, and which also is important moose and furbearer habitat. These and the other State selections, if ultimately agreed to by Congress, would create vast inholdings inside conservation system units. Re-acquisition by the federal government would prove exceedingly costly and perhaps impossible if State development or disposal to private ownership occurred.

#### SUBSECTION 906 (G)

This subsection legislatively conveys patent to the State's list of selections filed in 1978 covering approximately 30 million acres. Approximately 10 million acres of federal land in the list overlap conservation system units of the House-passed bill, but the amount of overlap in the Committee bill is much less because of the Committee's generally smaller conservation system units and the deletion of certain areas for State selection.

Because we support the conservation units in the House-passed bill, we must oppose the Committee's decision to convey to the State millions of acres of federal lands which are in House-passed units.

#### SUBSECTIONS 906 (F) (2) AND 906 (J)

Subsection 906(f) (2) would allow the State to relinquish, prior to receipt of tentative approval, any of its pre-1978 pending selections and, once selected, the remaining 9 million acres left of its entitlement.

Since there are about 37 million acres of pre-1978 pending selections, a total of approximately 46 million acres could be relinquished if the State so desired.

Subsection 906(j) allows the State, in making land selections, to override any and all federal land classifications, withdrawals or designations under the Alaska Native Claims Settlement Act, the Classification and Multiple Use Act, the Federal Land Policy and Management Act, and the National Forest Management Act.

Taken together, these two subsections would allow the State to relinquish up to 46 million of its existing and future selections and then go hunting for an equivalent amount on federal land elsewhere in Alaska.

The potential for disrupting land use plans and management of national forest and Bureau of Land Management-administered lands is

obvious if the State could, any time, make whatever selections it desired regardless of pre-existing federal land use plans or management goals. Rather than promote State/federal cooperation and coordination in land use planning and management, the Committee's provision would hinder it. These two provisions in conjunction are totally contrary to the intent of Congress in providing Organic Acts for the national forests and the public domain.

SEC. 906 (O)

This subsection is intended to clarify the status of federal lands inside the boundaries of any conservation system units, National Recreation Area, National Conservation Area, or new national forest or forest addition established by the bill reported by the Committee.

Two categories of federal land are involved, and both are automatically added to the unit in which they are located. The first is land withdrawn under Section 17(d)(1) of the Alaska Native Claims Settlement Act as "public interest" land, but which has been found to qualify for inclusion in one of the units established by the Committee bill. The second is former Native withdrawals that have reverted to d-1 status. (All Native withdrawals, constituting a pool of land much larger than the actual Native entitlement, were also withdrawn under Sec. 17(d)(1), in order that any unselected or "fall-out" lands would be protected).

At the request of the State of Alaska, the Committee added the phrase "or the State of Alaska." and at our request the phrase "subject to valid existing rights," so that the section now reads as follows:

(o) Status of Lands within Units. (1) Notwithstanding any other provision of law, *subject to valid existing rights* any land withdrawn pursuant to Section 17(d)(1) of the Alaska Native Claims Settlement Act and within the boundaries of any conservation system unit, National Recreation Area, National Conservation Area, new National Forest, or Forest addition, shall be added to such unit and administered accordingly unless, before, on, or after the date of the enactment of the Act, such land has been validly selected by and conveyed to a Native Corporation or the *State of Alaska*. (Emphasis added.)

The State explained the purpose of the amendment :

"This amendment clarifies the status of Section 17(d)(1) lands which, by the terms of the (d)(1) withdrawals, or the 1972 out-of-court settlement, were made available for selection by the State and were subsequently selected by the State, but which now lie within the exterior boundaries of a unit established or enlarged by the Bill. This amendment merely extends to the State the same treatment of validly-selected inholdings which is afforded Native corporations.

"Earlier versions of the proposed legislation recognized that certain Native selections and overselections lying within unit boundaries would later be conveyed to the selecting corporations, while other similar lands would be rejected or

relinquished. Upon such rejection or relinquishment, the lands involved would automatically become a part of the unit in which they were located by the terms of Sec. 906(o). At the same time, there was an attempt made to exclude prior State selections from the exterior boundaries of the units by drawing their boundaries somewhat more tightly to avoid State inholding problems.

"With the more expansive exterior boundaries of units represented in current pending bills, there is a need to recognize that the State inholding situation may be parallel to the Native situation. This amendment would permit the State the flexibility of relinquishing land selections prior to tentative approval if it so desired, with the result that the relinquished lands would automatically become a part of the unit in which they were contained. This amendment would also resolve the possible conflict in interpretation between the legislative conveyance provisions of Section 906(d) and the '(d) (1)' provisions of Section 906(o)."

However, the State's explanation is not clear on a crucial point. As noted above they state that "earlier versions of the proposed legislation recognized that certain Native selections and overselections lying within unit boundaries would later be conveyed to the selecting corporations, while other similar lands would be rejected or relinquished. Upon such rejection or relinquishment, the lands involved would automatically become a part of the unit. . . ." This is correct as far as it goes, but it does not go far enough. The earlier versions intended that all "fall-out" lands in the Native village and regional corporation *withdrawals* inside conservation system units would automatically become part of the units, not just any Native *selections* that were rejected or relinquished, as the State suggests.

It is our understanding that the Committee intends in Sec. 906(o), as amended, to protect any valid existing state elections that may be within the boundaries of the units established by the bill. It does not intend to authorize any new state selections of either (d) (1) or "fall-out" lands within the units.

But as amended, Sec. 906(o) would appear to authorize such state selections, since it now states that any (d) (1) land will be added to the units automatically unless "on, before, or after the date of the enactment of this bill" such land has been validly selected by and conveyed to the state.

I suggested the addition of the phrase "subject to valid existing rights" specifically to ensure that prior valid state selections would be protected. The State's phrase "or the State of Alaska", while well-intended, tends to unnecessarily confuse the Committee's intent.

#### OTHER UNDESIRABLE OR UNNECESSARY SUBSECTIONS OF SECTION 906

##### 906(a) Extension of Selection Period under the Statehood Act

Unnecessary because the State has already had the opportunity to select close to its entitlement.

Undesirable because it will further prolong the resolution of land ownership questions i.e., it continues uncertainty with the

result that Federal land management and planning is held in abeyance.

906(b) School Land Grants

Some argue this grant was extinguished by the Statehood Act. The matter should be left to the courts.

906(c) Confirmation of Tentative Approvals

Unnecessary because it gives State nothing more than it has now e.g. the Administration of T.A.'d lands is transferred to the State under longstanding Interior Department policy.

906(e) "Top Filings"

Undesirable because it delays resolution of the Statehood Act and confuses the management of the lands e.g. legitimate Federal uses may be prohibited.

906(f) Overselections

Undesirable because it increases the amount of land "tied up," continues uncertainty, especially in combination with the "top filings" section.

906(h) Protraction (paper) Surveys

Unnecessary because DOI and the State already have entered an agreement to accomplish the same thing. Already 10 million acres has been conveyed by using this method.

906(i) Adjudication

Unnecessary because this simply states current policy and practice.

906(j) Clarification of Land Status

Unnecessary because the Secretary can handle this administratively.

906(k) Interim Provisions

Unnecessary because Interior Department current practice is to get State concurrence on management.

906(p) PYK Line

Unnecessary because no selections have been turned down because of this requirement of the Statehood Act.

### SUMMARY

There is no justification for the far-reaching and even harmful provisions of the reported version's title IX concerning the State's land interests. The Interior Department is meeting its responsibility by expediting the conveyance of prior and recent State selections. Inclusion of the provisions for Congressional confirmation of illegal State selections, and amendments negating progressive Congressional policies for the federal lands in Alaska, would result in damage to conservation system units and lead to needlessly fragmented Federal/State/Native land ownership patterns which will create unnecessary and costly land management conflicts and headaches. We strongly recommend that the Senate reject these ill-advised provisions.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

## ADDITIONAL VIEWS OF SENATORS METZENBAUM AND TSONGAS

### THE SHEE ATIKA LAND CONVEYANCE AMENDMENT

By a four to two vote, the Committee adopted an amendment to Section 703(b) that would unilaterally settle pending lawsuits regarding land selections on Admiralty Island in favor of one of the litigants. The amendment would legislatively convey lands on northwest Admiralty Island to Shee Atika, Inc., the Sitka urban Native corporation.

The consolidated lawsuits, pending in Federal district court in Anchorage, concern the Secretary of Interior's authority to withdraw lands on Admiralty Island for selection by urban corporations in Juneau and Sitka. While the Committee made other decisions regarding lawsuits, all involved negotiated settlements acceptable to all parties. The House of Representatives twice voted to leave decisions regarding this controversy to the courts, as did this Committee during the last Congress.

A negotiated settlement has already been reached between the Juneau urban corporation, Goldbelt, Inc., and the Departments of Interior and Agriculture. Goldbelt vacated the withdrawals and proposed selections on northwest Admiralty, now sought by Shee Atika, and agreed to an equal value exchange for lands in the Port Houghton area east of Admiralty Island. Shee Atika was offered lands of commensurate value in the same area, but has remained intransigent.

The traditional use areas of the Sitka Natives, as determined in the Tlingit-Haida judgment of 1959, does not include either the area originally selected by Shee Atika on southwest Admiralty or any other area on Admiralty including the area that would be conveyed by the Committee amendment.

The Committee would reward Shee Atika's intransigence by deciding the case for Shee Atika and against the people who have lived on Admiralty Island for ten thousand years, the people of the village of Angoon. We believe that this decision is unfair and unwarranted, and would prefer that this matter be resolved by negotiated settlement between the parties.

HOWARD M. METZENBAUM.  
PAUL E. TSONGAS.

#### ADDITIONAL VIEWS OF SENATOR DURKIN

Alaska, its beauty, minerals and oil reserves must be preserved for Americans.

The Alaska Lands bill reported by the Senate Committee on Energy and Natural Resources does not go nearly far enough in creating an adequate system of conservation units to preserve the best of Alaska's scenic treasures and wildlife habitat.

This goal can be met on Federal land in Alaska which already belongs to all Americans—in which we share an obligation to protect for our children and future generations.

The bill this Committee recommends is inadequate to meet this great challenge. Whereas I voted to report this bill out of Committee, I do not want my vote misconstrued to be one in favor of the Committee's recommendation. I do believe, however, that it is important that this bill be brought to the Senate floor as soon as possible so that strengthening amendments can be offered to it. For this reason, and this reason alone, I voted in favor of reporting the Alaska Lands bill out of Committee.

I am hopeful that the Senate as a whole will live up to its obligation to preserve Alaska's wilderness which without adequate protection will disappear forever.

The Congress of 1872 showed great foresight and resolve by establishing the great national parks of the West—Yellowstone, Yosemite, and Sequoia. Today, the Congress has another once-in-a life chance to make a truly monumental contribution to this country's already great system of parks and refuges.

If we err, we should err on the side of setting too much land aside, since the land that is set aside is never lost forever.

The Congress has a responsibility to protect the splendid natural wonders of Alaska. We can save large areas of Alaska where the wilderness—with its scenic values and wildlife—remains untrammelled, existing as it has for decades.

Unfortunately, the Committee has not gone far enough in meeting this responsibility. The Committee has weakened the level of protection in many areas most in need of a high level of protection, unnecessarily exposing these pristine lands to developers, pavers and polluters.

The Committee bill needs improvement. I intend to work hard to see that it is strengthened when it is brought before the full Senate.

JOHN A. DURKIN.

## ADDITIONAL VIEWS OF SENATOR STEVENS

Over the last 2 years, the Senate Energy and Natural Resources Committee has spent a tremendous amount of its time in consideration of the Alaska lands issue. As senior Senator from Alaska, I participated in each of the nearly 60 markups which the Committee held. The Committee's product is extremely detailed and represents a balance of the various issues with which it was confronted. While greatly different from the bill which I originally introduced in the 95th Congress, the Committee product is legislation which can be supported by Alaskans.

One of the anomalies of this process has been that the Committee has been forced by circumstances to deal with issues far beyond the original scope of section 17(d) (2) of the Alaska Native Claims Settlement Act. That provision, which stated this process, directed the Secretary of Interior to recommend to Congress which vacant, unappropriated and unreserved federal lands should be retained in Federal ownership as national parks, wildlife refuges, wild and scenic rivers, and national forests. The resolution of this land tenure question would determine what lands would not be available for selection by the State of Alaska or the Alaska Native community under the Alaska Statehood Act and the Alaska Native Claims Settlement Act.

From that original scope, the consideration of the Alaska lands issue has expanded to include whether already reserved lands, such as the Arctic National Wildlife Range and the National Petroleum Reserve should be designated in categories which would provide further direction as to their management. This is frustrating because these decisions have become the most vexatious and threaten to destroy the ability to resolve the original issues raised by Congress in section 17(d) (2) of the Settlement Act.

The major issues which involve the original scope of this issue, which lands are to be retained in federal ownership as units of various management systems, are resolvable. They are not the stumbling block to a final solution. It is the other issues, which are not really germane to the original intent of Congress which threaten to prevent us from reaching a resolution on this issue.

As Alaska's senior Senator, this situation is particularly frustrating because the controversies involved in these other issues are not really Alaskan problems. These controversies involve the continuing debate over what areas would be available for exploration of oil and gas to reduce our dependence on imported supplies. It works a hardship on my State to be forced to deal with its very survival and the securing of its birthright and both these national issues. There is a time and place for all issues to be considered, but Alaska is being forced to deal with all issues, in one basket.

It is my hope that the resolution of a host of issues which center around the determination of what unreserved lands will be designated as units of various management systems will not be lost in a fractious debate over what Congressional policies should prevail on lands which have been previously reserved. Congress has the ability to deal with all these issues, and it should at the right time and place.

TED STEVENS.

#### ADDITIONAL VIEWS OF SENATOR JACKSON

Last year, during its consideration of the Alaska lands bill, the Committee invited both Alaska Senators to sit with the Committee during its deliberations as non-voting participants. Although neither Senator was then a member of the Committee, we felt they should be given an opportunity to participate because of the unusually significant impact of the legislation on the State of Alaska. Senator Stevens accepted that invitation. Senator Gravel did not.

Senator Stevens became a member of the Committee at the beginning of this Congress. The Committee again invited Senator Gravel to participate in its work on the Alaska lands bill. He accepted the invitation.

At the conclusion of the Committee's deliberations, I told Senator Gravel that I would give him an opportunity to present his views on the bill as reported by the Committee if he would set them out in a letter to me. Senator Gravel accepted by offer and the text of his letter follows.

HENRY M. JACKSON.

#### BACKGROUND AND OVERVIEW

Prior to 1971, several proposals for additional park and refuge lands in Alaska had been discussed by conservationists and federal agencies, both within Alaska and outside. For example, a four million-acre Gates of the Arctic Park in the Central Brooks Range was urged in 1968 by Secretary Udall. A park or scenic area had also been proposed in the Wrangell-St. Elias area and extensions to McKinley Park had been discussed. Many of the important waterfowl nesting areas and other wildlife areas had already been designated as units of the National Wildlife Refuge System. In fact, 22 of 30 million acres in the National Wildlife Refuge System were located in Alaska.

In 1971, during final consideration of the Alaska Native Claims Settlement Act, a provision was added—section 17(d)(2), which authorized the Secretary of Interior to withdraw up to 80 million acres of federal land in Alaska for study as potential units of the national park, national wildlife refuge, national forest, and national wild and scenic rivers systems. There was nothing magical about this figure. It was not a figure representing the approximate acreage of proposed conservation units in Alaska at that time. It was merely an arbitrary number which was arrived at in conference as a compromise to “protect” the natural values of Alaska's lands in the nation's interest during study. I viewed this 80 million acres as the upper limit of the acreage which might eventually go into the conservation system units after study and following further Congressional action. At that time, even 80 million acres of additional conservation units in one state seemed inconceivable in light of the lands which had already been set aside in Alaska and the level of resource information known on these lands.

In 1973, Secretary Morton recommended 83 million acres of land for permanent designation of which nearly 19 million acres would have been designated as units of the multiple-use national forest system.

In 1977, Secretary Andrus announced the new Administration's Alaska lands proposal of approximately 93 million acres with little acreage added to the national forest system. The following year, the House passed legislation designating roughly 124 million acres in new units, and additional wilderness acreage in existing as well as new units.

This year the House again passed legislation designating 130 million acres in new conservation system units. The escalation in the amount of acreage to be designated was not due to an influx of new information on the natural values of these areas. The scenic beauty of the Central Brooks Range was not changing from the time of Secretary Udall's 1968 proposal for a four million-acre Gates of the Arctic Park. What in fact changed was the growing appetite of the national environmental community whose power had grown tremendously in the interim.

During the same time, the knowledge as to what the other resources of the lands involved were, such as hard-rock minerals and oil and gas, remained at a rudimentary level. We still do not know what resources may be in these lands, and which ones may be critical to the nation's energy and other needs, now and in the future.

I would be the first to press for permanent designation of many areas in Alaska where the obvious natural values clearly outweigh any development-oriented values. The Central Brooks Range, the Wrangells, the south side of Mt. McKinley National Park, Cape Krusenstern, and Aniakchak Caldera all represent some of the truly remarkable scenic, cultural and natural values of the nation and the world. These areas should be permanently protected for the enjoyment of all Americans and future generations.

But the proposals which have passed the House and which the Committee has reported for full Senate consideration are simply too much, too soon. They defy sound land practices at a time in which the nation's resources are sorely strapped. These deficiencies are related directly to our current economic difficulties, which show no sign of abating in the future, only deteriorating.

Ironically, it is politics, not resource considerations, which prompts this rush to lock up such enormous acreages. In November, 1978, after the last Congress adjourned without passing Alaska lands legislation, the Secretary used the Federal Land Policy and Management Act to withdraw over 110 million acres from all uses for up to three years. On December 1 of last year, the President proclaimed 56 million of these same acres in Alaska as national monuments, claiming to have authority for this extraordinary action under the 1906 Antiquities Act. He has threatened to use another provision of the Federal Land Policy and Management Act to turn most of the remaining 110 million acres into 20-year wildlife refuges if the Congress does not enact legislation this year which meets the desires of the Administration.

Why were these withdrawals necessary? Not to protect the land. Even the Secretary admits that. In a cover letter of October 25, 1978, requesting review comments on the Administration's supplemental EIS

on the proposed withdrawals in Alaska, Cynthia Wilson, Special Assistant to the Secretary, said: "First it should be clear that the purpose of any administrative action is to give additional layers of protection to the land and preserve the option of Congress until legislation is enacted. Although the Administration is confident that the protective land withdrawals in December are capable of continuing to preclude the entry, location, or selection of the national interest lands, the lands are so significant to the nation that prudence dictates that they be protected as fully as possible under existing executive branch authorities, pending final Congressional action . . . ."

The Department admitted that the (d) (1) withdrawals which overlaid the (d) (2) withdrawals would remain in force after the December 18, 1978 expiration of the (d) (2) withdrawals. The Department conceded that (d) (1) would continue to "protect" the lands involved. Yet, this existing withdrawal was overlaid with another under the provisions of FLPMA in November of 1978. But even this was not enough. On December 1 of last year, monuments were created over roughly half of these same lands. Why do you need monuments where you have at least two other existing withdrawals on the land?

The real reason is this: Because Alaska was to be punished for not submitting to lands legislation. With the turn-over of most of the monument land to the Park Service came a raft of new regulations, most onerous of which was the prohibition of sport hunting, guiding, and trapping in those areas.

This pressure to submit to legislation has been exacerbated now with the threat to create administratively 50-60 million acres of refuges. I deplore this kind of intimidation by the Executive and despair at the thought of legislating under this type of coercion.

#### GENERAL COMMENTS ON THE COMMITTEE BILL

I think there can be no doubt that the bill reported out of the Committee this year is more responsive to the needs of Alaska and the nation than the bill reported by the Committee last year. However, when viewed from the standpoint of the resources involved, both known and as yet unknown, the bill is still extreme and would do great damage to the economic and lifestyle pursuits of Alaskans and the needs of the nation in the years to come.

While there are provisions in the bill which hopefully will protect many of the ongoing uses of the lands involved, the bill falls far short of providing the options which we will need in the not-too-distant future if we are to continue to thrive as a state and as a nation. The vast land "locked up" by the bill (over 100 million acres), the inadequate provisions for future access across conservation system units created by the bill, and the imposition of a huge new federal bureaucracy will effectively freeze Alaska permanently in the economic state it is now, with limited opportunities for growth or diversification.

The resources, especially energy resources, which these lands hold will be removed from the national inventory at a time when dependency on foreign sources is driving our economy into a downward spiral with no end in sight.

As pointed out in the following remarks, the boundaries of the designated units, in most instances, encompass far more lands than

are reasonably necessary to protect the resource values involved. In many cases, the justification of "whole ecosystems" included in boundaries is violated and can only be viewed as a convenient device by which to place more land in conservation units.

#### SPECIFIC COMMENTS

##### *Title II—National Park System*

The bill would designate over 42 million acres in the National Park System, nearly 22 million acres of which would be in "pure park" areas where sport hunting would be prohibited. Although many popular hunting areas were excluded from the "pure park" boundaries, some areas experiencing moderate sport hunting and guiding activities remain in the park designations. In particular, the park designations in the Killik River area in the Gates of the Arctic, portions of the Wrangell-St. Elias park, and areas in the Lake Clark and Denali Park additions will displace many sport hunters and guides causing hardship and economic loss.

Traditional hunting has not significantly impacted wildlife populations in these areas over the past decades, and no apparent biological benefit would come through closure of these areas. For this reason, I offered in Committee an amendment which would have continued sport hunting in the designated park units for a period of five years. During this time, the Secretary would study the effects of sport hunting on wildlife populations.

Based on these studies, he could then make selective closures. To me, this makes much more sense than arbitrarily closing areas regardless of the impact on wildlife.

##### *Gates of the Arctic Park*

As mentioned above, the original proposal for this area in 1968 was a four million-acre unit. The Committee bill designates nearly eight million acres. One area in particular, the so-called "boot", has been included not because of its unique natural features but because of the demands of the environmental community. This appendage conveniently forms a semi-circle around the Ambler River copper district, making surface access to this area all but impossible.

##### *Lake Clark*

This unit includes about 300,000 acres around Tazimina Lakes which were not even in the Administration's 1977 proposal. It was the understanding at the time of the Cook Inlet land trade that this area would most logically be managed by the state in concern with other state lands to the south. Furthermore, a hydroelectric site on Tazimina Lake has been identified as having the greatest potential for meeting the power needs of the Bristol Bay area in the near future. Designation of this area as a park preserve will probably endanger what could be an excellent source of long-range, economical and environmentally sound energy.

##### *Kobuk Valley*

In order to protect about 20,000 acres of unique arctic sand dunes and several key archeological sites along the Kobuk River, a park of 1.7 million acres is created.

It defies reason to believe that it takes such acreage to "protect" the ecosystems of the features involved.

#### *Denali Additions*

The addition to the north of the existing Mt. McKinley National Park sweeps far out onto the flats nearly to Lake Minchumina ostensibly to protect the winter range of a caribou herd. Ironically, the caribou range, on occasion, far beyond this area and no logical ecosystem boundary appears to be followed for this northern expansion. Furthermore, no studies were brought out demonstrating that park protection in this area was necessary or relevant to the population of the herd.

The addition on the south includes several key townships near the Tokositna River which are the subject of study by the State to examine the potential for development of a recreational complex within Denali State Park. In order to manage this area more comprehensively, and to ensure that recreational facilities could be built according to a master plan for the area, several townships should be deleted and added to Denali State Park.

#### *Yukon-Charley*

The State of Alaska was denied selection of approximately 180,000 acres of prime agricultural and mineralized land along the extreme northwest edge of the 1.7 million-acre unit. Although the Statehood Act provided for state selections prior to ANCSA or this Act, several desired selection areas such as this are precluded by these designations.

#### *Cape Krusenstern*

The principal archeological sites are located in the 114 beach ridges on the Cape itself, comprising roughly 10,000 acres of land. Although the Federal-State Land Use Planning Commission for Alaska recommended 190,000 acres for protection of these resources, this bill takes 560,000 acres—clearly an unnecessary action.

#### *Wrangell-St. Elias*

In addition to the closure of several key Dall sheep hunting areas by this unit, approximately 150,000 acres of land within the over 12 million-acre unit were desired for selection by the State. These lands are located along the McCarthy Road on the far west side of the unit and would serve to consolidate existing state land ownership in the area.

#### *Bering Land Bridge*

The Administration has consistently pointed out the prime archeological and geological values of this unit. But an examination of the Department's EIS on this proposal shows the lava fields and the archeological sites clustered in several distinct units comprising less than a million acres—substantially smaller than the 2.5 million-acre unit in the bill. In addition, the configuration of the unit seals off the village of Shishmaref from any direct surface connection with the existing transportation system in the Nome area to the south.

### TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM

#### *Becharof*

Because of the presence of state-selected lands, additional lands desired by the State, and the potential of this area for a cross-Peninsula

transportation or utility link, an appropriate action would have been to include the area in the Bristol Bay Cooperative Region for further study and possible land ownership consolidation prior to permanent classification. Coupled with the extensive Alaska Peninsula Refuge designated by the bill, there remain few, if any, feasible routes across the Alaska Peninsula which will realistically be available after this legislative action.

#### *Selawik*

Although the Federal-State Land Use Planning Commission had recommended a 1.48 million-acre refuge in this region encompassing the prime waterfowl habitat, the Committee bill designate a 2.15 million-acre unit. This acreage extends far into the upland areas beyond the waterfowl nesting and use areas. In the southeast corner of the unit, this arbitrary extension has particular consequences in that it includes a natural transportation or utility route between the Ambler River copper district to the north and the Norton Sound region to the south and west. Thus, inclusion of this additional acreage would certainly thwart any potential access in this region in the future.

#### *Koyukuk*

A similar case exists for the Koyukuk unit. While the Land Use Planning Commission recommended a 2.5 million-acre unit, this bill goes much beyond the rational boundaries necessary to protect the waterfowl nesting areas of the lowlands. Again, the extension of the unit into the uplands in the northwest corner where it connects with the Selawik Refuge effectively seals off the Ambler River district to the north from any possible overland access to the North Sound region.

#### *Innoko*

This unit is yet another example of including much more acreage than is reasonably necessary for the protection of the resources involved or to form any rational ecosystem boundaries. The 3.85 million-acre unit in the bill is 1.6 million acres more than the well-studied boundaries developed by the Land Use Planning Commission.

#### *Yukon Flats*

This area has been identified by the State of Alaska in its resource inventory as having some of the highest agricultural potentials in the State. Much of this high potential land is located on the uplands near the existing highway system on the western and south-eastern fringes of the unit. Ironically, these are for the most part not the same areas—the lowlands—which have been surveyed as having high waterfowl values. In particular, the State has indicated a high-priority selection interest in 600,000 acres of the 5.710 million-acre unit along the western edge near the pipeline Haul Road. This land is mostly uplands of low or no waterfowl habitat value and could have been readily removed from the unit at no jeopardy to the resources involved.

### TITLE IV—NATIONAL CONSERVATION AREAS

In general, these are areas which were not recommended by the administration for designation but were pushed for inclusion in wild-

life refuges by the national environmental community. Justification for inclusion of these units in any system is frankly difficult. Designation of these areas as National Conservation Areas seems to be little more than an arbitrary "half-way house" effort to appease certain interest groups. One particular example where even logical ecosystem boundaries are violated by these units is the Chandalar unit.

The Chandalar NCA includes the upper drainage of the North Fork of the Chandalar River. All of the lands to the west and to the south of the unit, which comprise most of the Chandalar River drainage, are in state ownership. Logically, the State should manage all of these lands as a single unit, including the upper North Fork drainage. There are no particular values associated with the Chandalar unit. The fact of the matter is that it was a stop gap measure short of including it in the Arctic Range. Rather than stretching the "ecosystem" even further by placing it in with the 5.65 million-acre addition to the Range, the NCA was created as a kind of non-refuge/refuge due to its dubious ecological affinity with the Arctic extension lands.

#### TITLE V—NATIONAL FOREST SYSTEM

I commend the committee for its adoption of the Porcupine National Forest. I think we need a plurality in the management of federal lands in Alaska to set up some administrative checks and balances. The creation of this interior national forest is a step towards achieving a more diverse approach to land management.

I think, however, that there are additional areas in the interior of the State which lend themselves to national forest management. The Forest Service has demonstrated its ability to manage diverse resources such as we have in the Yukon Flats region to the benefit of both environmentally sensitive values and resource extraction activities. I think that larger portions of the Flats could have been placed within the Porcupine National Forest and perhaps other areas, such as the Nowitna area along the Yukon River, could have been placed under the Forest Service's management charge.

#### *Misty Fiords National Monument*

The creation of the Misty Fiords National Monument is one of the clearest examples in the bill where the boundaries have been drawn to thwart development of potential resource commodities. The Committee defeated an amendment which would have removed the Quartz Hill molybdenum discovery from the unit. The potential for development of this mine will be in the hands of the Secretary of Agriculture. For although there are specific provisions which would enable surface access to be constructed to the site and provisions which would permit the claims to be "proved up", other regulations governing mine development within the Monument may prove formidable and may adversely impact upon the economic viability of the project. When we create a national monument with very specific protective purposes, we set in motion a management scheme which will, by definition, subjugate uses such as the molybdenum mine to the primary purposes of the unit. Unfortunately we will not know the ultimate outcome of the bill's provisions for five to ten years after enactment.

The potential Quartz Hill deposit is estimated at 700 million tons grading at .15 percent moly, making it the world's first or second largest. This has an estimated implace gross value of \$7 billion. Operation of the mine would involve an annual gross sales of \$150-200 million over the 40 years of operation. 700 permanent employees would be associated with the mine after construction. Clearly, the economic consequences of this mine are significant for Alaska and the Nation.

Ironically, the character of the land around the mine site is not particularly distinctive when compared to many other areas in Southeast Alaska. The scenic values associated with the Granite Fiords 10-15 miles north of the site, which were the basis of the initial Forest Service wilderness study in the region, have little in common with the more mundane topographic features of the Quartz Hill area. Thus, inclusion of the mine site in the Monument can only be viewed as an effort by some to try to block any mining in the region. Inclusion in the Monument, in spite of the special provisions, may indeed give those who desire to stop the project the tools by which to succeed.

Allowing the mine owners to exercise their valid existing rights in moving towards development does not mean we must sacrifice the important fisheries values in the area. There is no doubt that the mine would be and should be made to conform to the highest water quality and fisheries protection standards. The question becomes, "Is additional fisheries protection language necessary above and beyond existing law?" The State and Federal governments currently have great control on discharges and development plans through the Clean Water Act, the Forest Management Practices Act, the Solid Waste Disposal Act, the Clean Air Act, the National Environmental Policy Act, the State's Anadromous Fish Act and other existing law and regulatory authority. I believe that we now have the law and the capability to adequately protect the salmon streams in the area.

The fishing industry is one of the biggest renewable resource components of the Alaskan economy and will be with us long after the moly mine. Thus, the State of Alaska in its own self-interest is not about to endanger the fisheries through development of the mine. With existing law, with this attitude on the part of the State, and with the modern mining technology that we now have, I see no reason why we cannot reap the economic benefits of this mine while at the same time protect our fisheries.

#### TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEM

I think in the main the Committee designated wilderness areas carefully, relying heavily on studies which have already been undertaken for existing conservation system units.

Unfortunately, this approach was not followed in the Tongass Forest in Southeast Alaska. Wilderness designations in the Tongass Forest seriously jeopardize the continuation of the timber industry at current levels of harvest.

Rather than simply designating certain wilderness in the Tongass and leaving the balance available for multiple use management, the Committee bill tries to finesse the issue in an attempt to appease the demands of the various interest groups. What comes out is a signifi-

cant amount of non-wilderness/wilderness areas in the form of "Special Management Areas" and hollow promises of additional federal spending to make more timber available for harvesting.

The wilderness actually designated in the bill—4.2 million acres—reasonably follows the recommendations of the Regional Forester in the Tongass Land Use Management Planning process. I think the truly unique and outstanding natural areas of the forest are protected. Unfortunately, some areas such as the Stikine River Valley and the Unuk River Valley are also included which do not follow the Regional Forester's recommendations. These two areas are the most feasible routes for a transportation or utility link between Canada and South-eastern and will be permanently precluded by this bill.

The past seven-year average of timber harvest in the Forest has been 520 MMBDFT. Although less timber has been harvested in recent years due to market conditions, the longer average is probably more indicative of the long-range needs of the industry because of the cyclical nature of the World's pulp and lumber markets.

Claims are made that the Committee bill protects or even guarantees this level of harvest despite the 4.2 million acres of wilderness designation. This simply is not true in the real world.

According to the latest available Forest Service figures, the removal of the wilderness area designated in the bill would leave 430 MMBDFT of timber available for harvest annually—nearly 90 MMBDFT below the long-term average.

The Committee further designates two million acres of Special Management areas in the Forest where timber harvesting is prohibited except by act of Congress upon the recommendation of the Secretary of Agriculture. The Special Management Areas remove an additional 70 MMBDFT of timber from the annual harvest, leaving only approximately 360 MMBDFT available for harvest. But now for the shell game. The bill provides that although the timber in the SMA's is not available for harvesting, the overall allowable cut of the Forest shall not be reduced by the amount of timber in the SMA's.

Thus, cutting is permitted in the Forest at a rate which cannot be sustained over the 100-year or so cutting cycle of the Forest. That is, at some point in the cycle, we will run out of timber if Congress never permits the cutting in the SMA's. I cannot realistically foresee this type of over-harvesting being permitted or condoned by the Forest Service or the environmental community. If this provision becomes law, I think we will be besieged with law suits seeking to enjoin any cutting level beyond that commensurate with the amount of timber which is actually available for harvesting. In the end, I am afraid the ploy of creating *de facto* wilderness areas and not facing the true economic consequences of the action will not succeed.

Another sleight of hand is the bill's attempt to bridge the gap between the timber available after the wilderness and SMA designations and the 520 MMBDFT average cut. To achieve the difference between the 430 MMBDFT (which includes the timber in the SMA's) and the 520 level, the bill authorizes an additional \$10 million appropriation for roading and precommercial thinning activities and a \$5 million loan program for advanced harvesting technology. This would supposedly make available an additional 90 MMBDFT of marginal timber.

The obvious problem with this approach is that it depends on annual appropriations above and beyond that already appropriated to the Forest Service for timber management. As we have great difficulties getting the existing level of funding, it seems unrealistic to expect to secure this level of extra funding every year over the next 100 years of the cutting cycle. Such a request will undoubtedly be viewed as a subsidy of the industry in Alaska and in turn, a subsidy of foreign investment and products, as much of the timber products are currently exported to Japan.

In summary, to reach the 520 MMBDFT level we must be able to eventually cut in the Special Management Areas and must receive substantial annual appropriations beyond current levels. In the Committee's deliberations I had offered an amendment which would have taken one small step in making these provisions more realistic. Rather than permitting cutting in the SMA's only with Congressional approval, my amendment would have authorized the Secretary of Agriculture to allow such cutting after study and after concluding that the harvesting was necessary in order to reach the 520 MMBDFT level. I think this would have been tied more substantively to the problem at hand—that of providing sufficient timber to maintain the existing level of industry. Throwing this decision to the Congress invites a politicized decision, and one that would probably not favor the local interests of Alaskans who depend on this industry for their livelihood.

#### TITLE X—FEDERAL NORTH SLOPE LANDS STUDY PROGRAM

Although the Committee bill was amended to replace a government exploration program (seismic only) in the Arctic Range with a private program, the provisions simply do not go far enough when viewed in the light of our current and future energy shortages.

During the committee mark-up I offered an amendment which would have directed the Secretary to initiate a leasing program in both the National Petroleum Reserve-Alaska and the Arctic Wildlife Range within the next one to two years. In light of the nation's increasing dependence on foreign oil supplies and the devastating impacts of the resulting adverse balance of trade payments on the country's economy, we must begin to take immediate positive steps which will help result in continued energy supplies in the future.

Our energy problem will not go away by itself. Leasing in the Range or in NPRA will not solve today's gas lines, but it would certainly be a positive step in helping to solve the even greater shortages and lines we will experience 6 to 10 years from now.

This is not to say that we must sacrifice environmental values. There is no question that protection of the Porcupine caribou herd should be a national priority. From the experience at Prudhoe Bay and from our experience with oil and gas exploration on the North Slope, there is no reason why exploration activities or even development activities should impact significantly on the migration patterns of calving activities of the caribou herd.

All exploration work would be done during the winter months when the caribou are not present. Seismic and drilling operations

can be done without even the use of permanent structures or facilities using ice strips and ice roads. Any potential development could be designed and operated in such a manner as to minimize any disruption of caribou patterns. But, as is demonstrated at nearby Prudhoe Bay, caribou do not appear to be adversely affected in terms of numbers or movements by the presence of physical structures.

Furthermore, the area which might conceivably be utilized, should oil be discovered, is insignificant in comparison to the total area used for migration and calving activities of the herd. In fact, the area of highest oil and gas potential in the Arctic Range lies at the extreme western range of the calving area and is only occasionally used by the herd. There is nothing to indicate that even avoidance of such a developed oil field for calving activities would have any impact on the overall health or population of the herd—as has been the case at Prudhoe Bay where a small herd of 5,000 animals has reproduced at about the same rate from the onset of development to the present.

In the case of NPRA, the 19 wells which will soon be completed by the federal government will cost the taxpayers about \$600 million. The current Interior appropriations bill calls for an additional \$140 million or more to be spent in FY 80. Even the Secretary of the Interior has indicated that he will probably propose a leasing program in the near future. But continued Congressional funding of the exploration program will insure that leasing is postponed for several more years.

How ironic that we have clear indications that the oil companies are more than willing to bid on tracts right now. They feel they know enough. It is not just a few companies, either. Thus, I have no doubt that we would get good competition for leases and that such leases would receive sizeable bids and/or royalties.

If we have private companies standing in the wings to explore this area and pay us for the privilege, regardless if they find anything, why are we paying over \$600 million for the government to poke around? And under the terms of the Naval Petroleum Act of 1976 the government is not even drilling to find oil—they are explicitly drilling off-structure where the oil is suspected not to be. Thus, if our aim is to get a better idea as to what price the public should receive from the oil companies for leases, we will really still not know what they may find. Additionally, when compared to the \$900 million lease sale held by the State of Alaska after the Prudhoe Bay discoveries, how much more than the \$600 million we have already spent can we expect to receive relative to what we would have received from the companies with much less public expenditure?

Clearly, it is time to cut our losses and move to immediate leasing of the NPRA. Oddly enough, the traditionally much larger Arctic caribou herd which calves in NPRA has been of less concern than the porcupine herd as witnessed by the immediate leasing provisions for the Reserve/Refuge in the Udall-backed House lands bill.

From a larger perspective the Committee bill has potentially profound impacts on the future availability of oil and gas resources. By placing over 40 million acres of sedimentary basins in Alaska within conservation system units it has effectively removed any realistic chance of these lands even being explored for oil and gas resources.

For although a majority of these lands lie within wildlife refuges where oil and gas leasing is theoretically permissible, there has not been a single lease let on any refuges in Alaska at the volition of the Secretary, or to my knowledge anywhere in the United States where prior rights did not exist. With this attitude on the part of the Administration, coupled with the "compatibility" test of such uses with the purposes for which the refuge was established, I think it is realistic to expect that these lands will never be leased and no meaningful exploration will ever take place.

Despite the recent downgrading of the potential for onshore oil and gas discoveries in Alaska by the Department of the Interior, the fact remains that little seismic exploration and almost no drilling has occurred on the sedimentary basins included in units in the bill. In fact, outside of Prudhoe Bay, the Cook Inlet area, and the NPRA, fewer than 30 exploratory wells have been drilled throughout Alaska. Even in total there have been less than 1,000 oil and gas wells drilled in the state to date, or about one well for every 375,000 acres in Alaska. In the lower 48 states there have been more than two million oil and gas wells drilled, or about one well for every 1,000 acres.

With this level of exploration, it is absurd to "write off" any area as having no or low potential for oil and gas discoveries.

#### TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS

Although the bill does contain a unique process for expediting decision-making in obtaining rights-of-way for transportation and utility systems across conservation system units, the decision to permit such access rests in one case (refuges and national recreation and conservation areas) with the various agency heads, with the possibility of an appeal to the President. In the case of parks and wilderness areas, the President must approve the access and then the Congress must approve it by joint resolution.

There is no question that this process is better than the procedures under existing law. But the circumstances in Alaska and the extraordinary designations under this bill clearly call for unusual provisions. The size of the conservation systems designated in the bill and the manner in which they link up to form barriers several hundred miles long in some instances pose almost insurmountable problems in reaching many adjacent State- and Native-owned lands.

While provisions in the bill hopefully ensure access for owners of property within the boundaries of conservation system units, access to lands adjacent to units remain at the discretion of the Secretary, the President or Congress. I offered an amendment in Committee which would have enabled the State to file for access and then allow sufficient time for study and right-of-way location. If after a certain time, the Secretary did not issue a right-of-way providing reasonable access at some location, the application of the State would be automatically approved. To me, this would have been an equitable manner to deal with access in light of the magnitude of the units designated.

If the units were not as large or were not so strategically arranged, special access language would not be necessary. I do not think the language in the bill will adequately deal with the problems which will

arise in the future, and we will find ourselves perpetually denied needed access to adjacent State and private lands, by the Secretary, the courts or Congress.

The bottom line of this situation is the denial of the full range of use of these lands and hence, the *de facto* taking of property rights which have been granted to the State and to the Native corporations by the Alaska Statehood Act and by the Alaska Native Claims Settlement Act.

#### TITLE XIII—ADMINISTRATIVE PROVISIONS

##### *"No-More"*

The Committee bill contains two provisions which I think are absolutely necessary to reassert Congress' authorities in the matter of land designations: (1) the revocation of the monuments and the other FLPMA withdrawals which were made last year by the Administration to put pressure on the legislative process, and (2) the exemption of Alaska from the wilderness study provisions of FLPMA in the just belief that with passage of this bill "enough is enough".

However, one further critical provision is lacking. With the designation of over 100 million acres by this bill, coupled with the 50 million acres of units already existing in Alaska, nearly 40 percent of the land mass of the State would be within conservation systems. Surely that sufficiently meets even the most generous allocation of land for this specific purpose to the exclusion of most other land uses. Should this bill become law, we in Alaska must have some assurance that this represents a final settlement of the nation's conservation interests. We cannot continue to be exposed to the threats and intimidation of a zealous Executive which may feel in the future that the Congress did not meet the Administration's desires for land designations in Alaska.

Thus, absent from this bill is a provision barring further conservation system designations through administration action such as the Antiquities Act. Obviously, the Congress could act again in the future if it were so inclined, but the arbitrary permanent removal of federal lands from the public domain can no longer be left to the Executive in Alaska. Deletion of such a provision in this bill is a serious deficiency which must be correct prior to any final action.

##### *"Parks for People"*

Another aspect of the administration of these various units which I find troublesome is the probability of future development of recreational facilities and access for the public to really enjoy and appreciate these many areas. I am afraid that if the same philosophy prevails which has led to the creation of these units, we will not see any meaningful efforts put forth over the next decade to provide for or enhance tourism.

That is not to say we will not receive visitors. I am sure that the numbers of backpackers in the Gates of the Arctic and the Wrangells will skyrocket. But for the older, less agile, and less affluent who now visit Yellowstone, the Grand Canyon, and Great Smokies, and other great units of our National Park System, most of the areas in Alaska will be nothing more than lines on a map.

That is not to say that we need extensive roads to and through all the new Alaska parks. Obviously the Gates of the Arctic Park should

remain essentially a wilderness park where little or no development takes place. But other areas, such as the south side of Denali Park and the Wrangells and perhaps others, can and should accommodate significant numbers of visitors. By creation of these areas, we in the Congress and the Administration must assume a burden of future management responsibilities and the provision of visitor facilities. I would hope that the Administration will vigorously pursue the development of visitor facilities in these units at the earliest possible time so that these units will truly be for the people.

### CONCLUSION

This piece of legislation, if enacted, will prove to be the most important legislation ever affecting Alaska—more significant than even Statehood and the Alaska Native Claims Settlement Act. For in this legislation are the seeds for the *de facto* repeal of those former laws.

Many of the provisions of this bill obviously can be read several ways. While we in the Congress may be reading the provisions one way now, the language ambiguities and regulatory tools are all laid out in the bill to give rise to a future bureaucratic nightmare for the people of Alaska. We do not know what future Administrations will do with the bill before us, but I am more than a little concerned based on the recent actions by the Administration in my State. Frankly, I am expecting the worst.

The “worst”, as I see it, is the use of the massive conservation system designations to block any further exploration or development (including substantial recreational developments) of these lands and on non-federal adjacent lands. I see our State throttled down economically over the next decade. Ironically, I think the lack of visitor facilities permitted in most of the units will not even enable the State to take advantage of what could be a significant tourist industry.

As I mentioned in my prior comments, I do not think that this is really a question of choosing development issues over environmental concerns. The nation has and should have a great interest in protecting those unique natural areas such as we are blessed with in Alaska. But this legislation goes far beyond what is appropriate and proper to ensure this protection. It is a question of balance. This bill does not achieve that balance.

I feel we are doing the State of Alaska great injustice, and ultimately we are doing the nation a great injustice, by not permitting the other resource contributions which Alaska lands could make in meeting the full spectrum of desires and demands of human existence.

## XII. CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill H.R. 39, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

### PUBLIC LAW 92-203

AN ACT To provide for the settlement of certain land claims of Alaska Natives, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska Native Claims Settlement Act."*

SEC. 7. \*\*\*

(h) \*\*\*

[(3) On January 1, of the twenty-first year after the year in which this Act is enacted, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued without restrictions required by this Act to each stockholder share for share.]

(3) (A) *On December 18, 1991, all stock previously issued shall be deemed to be canceled, and shares of stock of the appropriate class shall be issued to each stockholder share for share subject only to such restrictions as may be provided by the articles of incorporation of the corporation, or agreements between corporations and individual shareholders.*

(B) *If adopted by December 18, 1991, restrictions provided by amendment to the articles of incorporation may include, in addition to any other legally permissible restrictions—*

(i) *the denial of voting rights to any holder of stock who is not a Native, or a descendant of a Native, and*

(ii) *the granting to the corporation, or to the corporation and a stockholder's immediate family, on reasonable terms, the first right to purchase a stockholder's stock (whether issued before or after the adoption of the restriction) prior to the sale or transfer of such stock (other than a transfer by inheritance) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance.*

(C) *Notwithstanding any provision of Alaska law to the contrary—*

(i) *any amendment to the articles of incorporation of a regional corporation to provide for any of the restrictions specified in clause (i) or (ii) of subparagraph (B) shall be approved if such amendment receives the affirmative vote of the holders of a majority of the outstanding shares entitled to be voted of the corporation, and*

(ii) *any amendment to the articles of incorporation of a Native corporation which would grant voting rights to stockholders who were previously denied such voting rights shall be approved only if such amendment receives, in addition to any affirmative vote otherwise required, a like affirmative vote of the holders of shares entitled to be voted under the provisions of the articles of incorporation.*

SEC. 8. \* \* \*

(c) \* \* \*

\* \* \* **[The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for Regional Corporations in section 7 shall apply to Village Corporations except that audits need not be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.]**

*The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for regional corporations in section 7, including the provisions of section 7(h)(3), shall apply to Village Corporations; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate.*

SEC. 12. \* \* \*

(a) \* \* \*

(2) \* \* \*

\* \* \* Selections made under this subsection (a) shall be contiguous and in reasonably compact tracts, except as separated by bodies of water or by lands which are unavailable for selection, and shall be in whole sections and, wherever feasible, in units of not less than 1,280 acres. *Provided that the Secretary, in his discretion and upon the request of the concerned Village Corporation, may waive the whole section requirement where—*

(A) (i) *a portion of available public lands of a section is separated from other available public lands in the same section by lands unavailable for selection or by a meanderable body of water;*

(ii) *such waiver will not result in small isolated parcels of available public land remaining after conveyance of selected lands to Native Corporations; and*

(iii) *such waiver would result in a better land ownership pattern or improved land or resource management opportunity; or*

(B) *the remaining available public lands in the section have been selected and will be conveyed to another Native Corporation under this Act.*

\* \* \* \* \*

(c) \* \* \*

(4) *Where the public lands consist only of the mineral estate, or portion thereof, which is reserved by the United States upon patent of the balance of the estate under one of the public land laws, other than this Act, the Regional Corporations may select as follows:*

(A) *Where such public lands were not withdrawn pursuant to subsection 11(a)(3), but are surrounded by or contiguous to lands withdrawn pursuant to said subsection and filed upon for selection by a Regional Corporation, the Corporation may, upon*

*request, have such public land included in its selection and considered by the Secretary to be withdrawn and properly selected.*

*(B) Where such public lands were withdrawn pursuant to subsection 11(a)(1) and are required to be selected by paragraph (3) of this subsection, the Regional Corporation may, at its option, exclude such public lands from its selection.*

*(C) Where the Regional Corporation elects to obtain such public lands under subparagraph (A) or (B) of this paragraph, it may select, within ninety days of receipt of notice from the Secretary, the surface estate in an equal acreage from other public lands withdrawn by the Secretary for that purpose. Such selections shall be in units no smaller than a whole section, except where the remaining entitlement is less than six hundred and forty acres, or where an entire section is not available. Where possible, selections shall be of lands from which the subsurface estate was selected by that Regional Corporation pursuant to subsection 12(a)(1) or 14(h)(9) of this Act, and, where possible, all selections made under this section shall be contiguous to lands already selected by the Regional Corporation or a Village Corporation. The Secretary is authorized, as necessary, to withdraw up to two times the acreage entitlement of the in lieu surface estate from vacant, unappropriated, and unreserved public lands from which the Regional Corporation may select such in lieu surface estate except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1).*

*(D) No mineral estate or in lieu surface estate shall be available for selection within the National Petroleum Reserve—Alaska or within Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.*

**SEC. 14. \* \* \***

(c) Each patent issued pursuant to subsections (a) and (b) shall be subject to the requirements of this subsection. Upon receipt of a patent or patents:

(1) the Village Corporation shall first convey to any Native or non-Native occupant, without consideration, title to the surface estate in the tract occupied *as of December 18, 1971 (except that occupancy of tracts located in the Pribilof Islands shall be determined as of the date of initial conveyance of such tracts to the appropriate Village Corporation)* as a primary place of business, or as a subsistence campsite, or as headquarters for reindeer husbandry;

(2) the Village Corporation shall then convey to the occupant, either without consideration or upon payment of an amount not in excess of fair market value, determined as of the date of initial occupancy and without regard to any improvement thereon, title to the surface estate in any tract occupied *as of December 18, 1971* by a nonprofit organization;

(3) the Village Corporation shall then convey to any Municipal Corporation in the Native village or to the State in trust for any Municipal Corporation established in the Native village in the future, title to the remaining surface estate of the improved land on which the Native village is located and as much additional land as is necessary for community expansion, and appropriate

rights-of-way for public use, and other foreseeable community needs: *Provided*, That the amount of lands to be transferred to the Municipal Corporation or in trust shall be no less than 1,280 acres[;] *unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than one thousand two hundred and eighty acres: Provided further, That any net revenues derived from the sale of surface resources harvested or extracted from lands reconveyed pursuant to this subsection shall be paid to the Village Corporation by the Municipal Corporation or the State in trust: Provided, however, That the word "sale", as used in the preceding sentence, shall not include the utilization of surface resources for governmental purposes by the Municipal Corporation or the State in trust, nor shall it include the issuance of free use permits or other authorization for such purposes;*

(4) [the Village Corporation shall convey to the Federal Government, State or to the appropriate Municipal Corporation, title to the surface estate for existing airport sites, airway beacons, and other navigation aids, together with such additional acreage and/or easements as are necessary to provide related services and to insure safe approaches to airport runways; and] *the Village Corporation shall convey to the Federal Government, State, or to the appropriate Municipal Corporation, title to the surface estate for airport sites, airway beacons, and other navigation aids as such existed on December 18, 1971, together with such additional acreage and/or easements as are necessary to provide related governmental services and to insure safe approaches to airport runways as such airport sites, runways, and other facilities existed as of December 18, 1971.*

\* \* \* \* \*

(h) The Secretary is authorized to withdraw and convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 11 and 16, as follows:

[ (1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places; ]

*(1) The Secretary may withdraw and convey to the appropriate Regional Corporation fee title to existing cemetery sites and historical places. Only title to the surface estate shall be conveyed for lands located in a Wildlife Refuge, when the cemetery or historical site is greater than 640 acres;*

(2) The Secretary may withdraw and convey to a Native group that does not qualify as a Native village, if it incorporates under the laws of Alaska, title to the surface estate in not more than 23,040 acres surrounding the Native group's locality. The sub-surface estate in such land shall be conveyed to the appropriate Regional Corporation[;] *unless the lands are located in a Wildlife Refuge;*

\* \* \* \* \*

(5) The Secretary may convey to a Native, upon application within two years from the date of enactment of this Act, the surface estate in not to exceed 160 acres of land occupied by the

Native as a primary place of residence on August 31, 1971. Determination of occupancy shall be made by the Secretary, whose decision shall be final. The subsurface estate in such lands shall be conveyed to the appropriate Regional Corporations *unless the lands are located in a Wildlife Refuge*;

(6) The Secretary shall charge against the 2 million acres authorized to be conveyed by this section all allotments approved pursuant to section 18 during the four years following the date of enactment of this Act. *Any minerals reserved by the United States pursuant to the Act of March 8, 1822 (42 Stat. 415), as amended, in a Native Allotment approved pursuant to section 18 of this Act during the period December 18, 1971, through December 18, 1975, shall be conveyed to the appropriate Regional Corporation, unless such lands are located in a Wildlife Refuge or in the Lake Clark areas as provided in section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended.*

\* \* \* \* \*

(9) *Where the Regional Corporation is precluded from receiving the subsurface estate in lands selected and conveyed pursuant to paragraph (1), (2), (3), or (5), or the retained mineral estate, if any, pursuant to paragraph (6), it may select the subsurface estate in an equal acreage from other lands withdrawn for such selection by the Secretary, or as the Cook Inlet Region, Inc., from those areas designated for in lieu selection in paragraph I.B.(2) of the document identified in section 12(b) of Public Law 94-204. Selections made under this paragraph shall be contiguous and in reasonably compact tracts except as separated by unavailable lands, and shall be in whole sections, except where the remaining entitlement is less than six hundred and forty acres. The Secretary is authorized to withdraw, up to two times the Corporation's entitlement, from vacant, unappropriated, and unreserved public lands, including lands solely withdrawn pursuant to section 17(d)(1), and the Regional Corporation shall select such entitlement of subsurface estate from such withdrawn lands within ninety days of receipt of notification from the Secretary.*

(10) *Notwithstanding the provisions of subsection 22(h), the Secretary, upon determining that specific lands are available for withdrawal and possible conveyance under this subsection, may withdraw such lands for selection by and conveyance to an appropriate applicant and such withdrawal shall remain until revoked by the Secretary.*

(11) *For purposes set forth in subsections (h) (1), (2), (3), (5), and (6), the term Wildlife Refuges refers to Wildlife Refuges as the boundaries of those refuges exist on the date of enactment of this Act.*

\* \* \* \* \*

Sec. 15. (a) Notwithstanding the provisions of existing National Forest timber sale contracts that are directly affected by conveyances authorized by this Act, the Secretary of Agriculture is authorized to modify any such contract, with the consent of the purchaser, by substituting, to the extent practicable, timber on other national forest

lands approximately equal in volume, species, grade, and accessibility for timber standing on any land affected by such conveyances, and, on request of the appropriate Village Corporation the Secretary of Agriculture is directed to make such substitution to the extent it is permitted by the timber sale contract without the consent of the purchaser.

*(b) No land conveyed to a Native Corporation pursuant to this Act or by operation of the Alaska National Interest Lands Conservation Act which is within a contingency area designated in a timber sale contract let by the United States shall thereafter be subject to such contract or to entry or timbering by the contractor. Until a Native Corporation has received conveyances to all of the land to which it is entitled to receive under the appropriate section or subsection of this Act, for which the land was withdrawn or selected, no land in such a contingency area that has been withdrawn and selected, or selected, by such Corporation under this Act shall be entered by the timber contractor or no timber shall be cut thereon, except by agreement with such Corporation. For purposes of this subsection, the term 'contingency area' means any area specified in a timber sale contract as an area from which the timber contractor may harvest timber if the volume of timber specified in the contract cannot be obtained from one or more areas definitely designated for timbering in the contract.*

\* \* \*  
SEC. 21 \* \* \*

\* \* \*  
*(c) The receipt of land or any interest therein pursuant to this Act or of cash in order to equalize the values of properties exchanged pursuant to subsection 22 (f) shall not be subject to any form of Federal, State, or local taxation. The basis for determining gain or loss from the sale or other disposition of such land or interest in land for purposes of any Federal, State, or local tax imposed on or measured by income shall be the fair value of such land or interest in land at the time of receipt, adjusted as provided in section 1016 of the Internal Revenue Code of 1954, as amended: Provided, however, That the basis of any such land or interest therein attributable to an interest in a mine, well, other natural deposit, or block of timber shall be not less than the fair value of such mine, well, natural deposit, or block of timber (or such interest therein as the Secretary shall convey) at the time of the first commercial development thereof, adjusted as provided in section 1016 of such Code. For purposes of this subsection, the time of receipt of land or any interest therein shall be the time of the conveyance by the Secretary of such land or interest (whether by interim conveyance or patent).*

**[(d)** Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, or Village or Regional Corporation which are not developed or leased to third parties, shall be exempt from State and local real property taxes for a period of twenty years after the date of enactment of this Act: *Provided*, That municipal taxes, local real property taxes, or local assessments may be imposed upon leased or developed real property within the jurisdiction of any governmental unit under the laws of the State: *Provided further*, That easements, rights-of-way, leaseholds, and similar interests in such real

property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.】

(d) (1) *Real property interests conveyed, pursuant to this Act, to a Native individual, Native group, Village or Regional Corporation or corporation established pursuant to section 14(h) (3) which are not developed or leased to third parties shall be exempt from State and local real property taxes for a period of twenty years from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act or the date of issuance of an interim conveyance patent, whichever is earlier, for those interests to such individual, group, or corporation: Provided, That municipal taxes, local real property taxes, or local assessments may be imposed upon any portion of such interest within the jurisdiction of any governmental unit under the laws of the State which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed: Provided further, That easements, rights-of-way, leaseholds, and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties, profits, and other revenues or proceeds derived from such property interests shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.*

(2) *Any real property interest, not developed or leased to third parties, acquired by a Native individual, Native group, Village or Regional Corporation, or corporation established pursuant to section 14(h) (3) in exchange for real property interests which are exempt from taxation pursuant to paragraph (1) of this subsection shall be deemed to be a property interest conveyed pursuant to this Act and shall be exempt from taxation as if conveyed pursuant to this Act, when such an exchange is made with the Federal Government, the State government, a municipal government, or another Native Corporation, or, if neither party to the exchange receives a cash value greater than 25 per centum of the value of the land exchanged, a private party. In the event that a Native Corporation simultaneously exchanges two or more tracts of land having different periods of tax exemption pursuant to subsection (d), the periods of tax exemption for the exchanged lands received by such Native Corporation shall be determined (A) by calculating the percentage that the acreage of each tract given up bears to the total acreage given up, and (B) by applying such percentages and the related periods of tax exemption to the acreage received in exchange.*

(e) *Real property interests conveyed pursuant to this Act to a Native individual, Native group, corporation organized under section 14(h) (3), or Village or Regional Corporation shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23 of the United States Code, as amended and supplemented, for the purpose of the Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C. 452), and for the purpose of Public Laws 815 and 874, 81st Congress (64 Stat. 967, 1100) [J. [and] So long as there are no substantial rev-*

enues from such lands they shall continue to receive [forest] wildland fire protection services from the United States at no cost.

\* \* \* \* \*

(j) A real property interest distributed prior to December 18, 1991, by Village Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this Act: Provided, That the land received is restricted by covenant for a period not less than ten years to a single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Village Corporation deems appropriate; Provided further, That the land conveyed does not exceed one and one-half acres: Provided further, That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority.

\* \* \* \* \*

#### SECTION 22 \* \* \*

\* \* \* \* \*

(j) (1) Where lands to be conveyed to a Native, Native corporation, or Native group pursuant to this Act as amended and supplemented have not been surveyed, the same may be conveyed by the issuance of an 'interim conveyance' to the party entitled to the lands. Subject to valid existing rights and such conditions and reservations authorized by law as are imposed, the force and effect of such an interim conveyance shall be to convey to and vest in the recipient exactly the same right, title, and interest in and to the lands as the recipient would have received had he been issued a patent by the United States. Upon survey of lands covered by an interim conveyance a patent thereto shall be issued to the recipient. The boundaries of the lands as defined and conveyed by the interim conveyance shall not be altered but may then be redescribed, if need be, in reference to the plat survey. The Secretary shall make appropriate adjustments to insure that the recipient receives his full entitlement. Where the term 'patent,' or a derivative thereof, is used in this Act, unless the context precludes such construction, it shall be deemed to include 'interim conveyance,' and the conveyances of land to Natives and Native corporations provided for this Act shall be as fully effectuated by the issuance of interim conveyances as by the issuance of patents.

(2) Where lands selected and conveyed, or to be conveyed, to a Village Corporation are insufficient to fulfill the Corporation's entitlement under subsection 12(b), 14(a), 16(b), or 16(d), the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to subsection 11(a)(1), (11)(a)(3), 16(a) or 16(d). Should such lands no longer be available, the Secretary may

*withdraw public lands that are vacant, unreserved, and unappropriated, except that the Secretary may withdraw public lands which had been previously withdrawn pursuant to subsection 17(d)(1). Any subsequent selection by the Village Corporation shall be in the manner provided in this Act for such original selections.*

# PUBLIC LAW 94-204

AN ACT To provide, under or by amendment of the Alaska Native Claims Settlement Act, for the late enrollment of certain Natives, the establishment of an escrow account for the proceeds of certain lands, the treatment of certain payments and grants, and the consolidation of existing regional corporations, and for other purposes.

\* \* \* \* \*

SEC. 2. \* \* \*

(a) \* \* \*

\* \* \* [From and after the date of enactment of this Act, or January 1, 1976, whichever occurs first, any and all proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act. As such withdrawn or formerly reserved lands are conveyed, the Secretary shall pay from such account the proceeds, together with interest which derive from contracts, leases, permits, rights-of-way, or easements, pertaining to such lands or resources of such lands, to the appropriate corporation or individual entitled to receive benefits under the Settlement Act. The proceeds derived from contracts, leases, permits, rights-of-way, or easements, pertaining to lands withdrawn or reserved, but not selected or elected pursuant to such Act, shall, upon the expiration of the selection or election rights of the corporations and individuals for whose benefit such lands were withdrawn or reserved, be paid as would have been required by law were it not for the provisions of this Act.]

(1) *During the period of the appropriate withdrawal for selection pursuant to the Settlement Act, any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements, or from trespass occurring after the date of withdrawal of the lands for selection, pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting Corporation or individual entitled to receive benefits under such Act.*

(2) *Such proceeds which were received, if any, subsequent to the date of withdrawal of the land for selection, but were not deposited in the escrow account shall be identified by the Secretary within two years of the date of conveyance of this Act, whichever is later, and shall be paid, together with interest payable on the proceeds from the date of receipt by the United States to the date of payment to the appropriate Corporation or individual to which the land was conveyed by the United States: Provided, That interest shall be paid on the basis of a semiannual computation from the date of receipt of the proceeds by the United States to the date of payment with simple interest at the*

rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment: Provided further, That any rights of a Corporation or individual under this section to such proceeds shall be limited to proceeds actually received by the United States plus interest: And provided further, That moneys for such payments have been appropriated as provided in subsection (e) of this section.

(3) Such proceeds which have been deposited in the escrow account shall be paid, together with interest accrued by the Secretary to the appropriate Corporation or individual upon conveyance of the particular withdrawn lands. In the event that a conveyance does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the Corporation or individual shall only be entitled to the proportionate amount of the proceeds, including interest accrued, derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds, including interest accrued, by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the conveyance and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the conveyee shall be entitled to the proportionate share of the proceeds, including a proportionate share of interest accrued, in relation to the damages occurring on the respective lands during the period the lands were withdrawn for selection.

(4) Such proceeds which have been deposited in the escrow account pertaining to lands withdrawn but not selected pursuant to such Act, or selected but not conveyed due to rejection or relinquishment of the selection, shall be paid, together with interest accrued, as would have been required by law were it not for the provisions of this Act.

(5) Lands withdrawn under this subsection include all Federal lands identified under appendices A, B-1 and B-2 of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204) for Cook Inlet Region, Incorporated, and are deemed withdrawn as of the date established in subsection (a) of section 2 of the Act of January 2, 1976.

\* \* \* \* \*

(e) There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

\* \* \* \* \*

12(b) \* \* \*

(7) (i) Until the obligations of the Secretary and the Administrator of General Services under subsection 12(b) (6) of this Act are otherwise fulfilled: (a) Cook Inlet Region, Inc., may, by crediting the account established in subsection 12(b) (7) (ii), bid, as any other bidder for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. sec. 484), as amended. No preference right of any type will be offered to Cook Inlet Region Inc., for bidding for General Services Administration surplus property under this subparagraph and no additional advertising shall be required other than that prescribed in title 40, United States Code, section 484(c) (2) of the Federal Property and

*Administrative Services Act; (b) the Administrator of General Services may, at the discretion of the Administrator, tender to the Secretary any surplus property otherwise to be disposed of pursuant to (40 U.S.C. 484(e)(3)) to be offered Cook Inlet Region, Inc. for a period of 90 days so as to aid in the fulfillment of the Secretary's program purposes under the Alaska Native Claims Settlement Act: Provided, That nothing in this subsection 12(b)(7)(i)(b) shall be construed to establish, enlarge or diminish authority of the Administrator or the Secretary within the State of Alaska. If the Region accepts such property, it shall be in exchange for acres or acre-equivalents as provided in subparagraph I(C)(2)(e) of the document, referred to in subsection (b) of this section. Prior to any disposition under subsection 12(b)(7)(i)(b), the Administrator shall notify the governing body of the locality where such property is located and any appropriate State agency, and no such disposition shall be made if such governing body or State agency, within ninety days of such notification formally advises the Administrator that it objects to the proposed disposition.*

*(ii) The Secretary of the Treasury shall establish a Cook Inlet Region, Inc. surplus property account, which shall be available for the purpose of bidding on Federal surplus property. The balance of the account shall be the acre-equivalent exchange value established by paragraph I(C)(2)(e) of the document referred to in this subsection, of the unfulfilled entitlement of Cook Inlet Region, Inc., the effective date of this subsection to acre or acre-equivalents under paragraph I(C)(2)(g) of the document referred to in this subsection and shall be adjusted to reflect transfers or successful bids under 12(b)(6) of this section.*

*(iii) The amount charged against the Treasury account established under subsection (ii) shall be treated as proceeds of dispositions of surplus property for the purpose of determining the basis for calculating direct expenses pursuant to (40 U.S.C. 485(b)), as amended.*

*(iv) The basis for computing gain or loss on subsequent sale or other disposition of lands or interests in land conveyed to Cook Inlet Region, Inc., under this subsection, for purposes of any Federal, State or local tax imposed on or measured by income, shall be the fair value of such land or interest in land at the time of receipt. The amount charged against Cook Inlet's entitlement under I(C)(2)(e) of the document referred to in subsection (b) of this section shall be prima facie evidence of such fair value.*

*12(b)(8) Cooks Inlet Region, Inc., the Secretary and/or the Administrator shall have until July 15, 1981, to complete the nomination of lands for the pool described in subsection 12(b)(6): Provided, however, That the Secretary shall report to Congress on January 15, 1981, as to:*

*(i) Such studies and inquiries as shall have been initiated by the Secretary and the Administrator of General Services, or have been prepared by other holding agencies, to determine what lands, within the exterior boundaries of the Cook Inlet Region, or elsewhere can be made available to the Cook Inlet Region, Inc., to the extent of its entitlement;*

*(ii) The feasibility and appropriate nature of reimbursement to Cook Inlet Region, Inc., for its unfulfilled entitlement as valued in paragraph I(C)(2)(e) of the document referred to in this subsection; and*

(iii) *The extent to which implementation to the mechanisms established in subsection 12(b) (7) promise to meet said unfulfilled commitment; and*

(iv) *Such other remedial legislation on administrative action as may be needed.*

\* \* \* \* \*

SEC. 15 (a) \* \* \*

[Township 36 south, range 52 west;  
 Township 37 south, range 51 west;  
 Township 37 south, range 52 west;  
 Township 37 south, range 53 west, sections 1-4, 9-12, 13-16, 21-24,  
 north half of 25-28;  
 Township 38 south, range 51 west, sections 1-5, 9, 10, 12, 13, 18, 24,  
 25;  
 Township 38 south, range 52 west, sections 1-35;  
 Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, 36;  
 Township 39 south, range 51 west, sections 6, 7, 16-21, 28-33;  
 Township 39 south, range 52 west, sections 1, 2, 11, 12, 13-16, 21-24;  
 Township 39 south, range 53 west, sections 26, 33-36;  
 Township 40 south, range 52 west, sections 6, 7, 8, 9, 16, 17, 18, 21,  
 27-36;  
 Township 40 south, range 53 west, all except sections 20, 29-33;  
 Township 40 south, range 54 west, all except sections 35 and 36;  
 Township 41 south, range 52 west, sections 4, 8-15;  
 Township 41 south, range 54 west, section 3;  
 Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M.,  
 Alaska, notwithstanding;]  
*Township 38 south, range 52 west, sections 1 through 35;*  
*Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, and 26;*  
*Township 39 south, range 51 west, sections 1, 6, 7, 16 through 21,*  
*28 through 33, and 36;*  
*Township 39 south, range 52 west, sections 1, 2, 11 through 15, and*  
*22 through 24;*  
*Township 39 south, range 53 west, sections 33 through 36, and the*  
*south half of section 26;*  
*Township 40 south, range 51 west, sections 2 and 6;*  
*Township 40 south, range 52 west, sections 6 through 10, 15 through*  
*21, and 27 through 36;*  
*Township 40 south, range 53 west, sections 1 through 19, 21 through*  
*28, and 34 through 36;*  
*Township 40 south, range 54 west, sections 1 through 34;*  
*Township 41 south, range 52 west, sections 7, 8, 9, 16, 17, and 18;*  
*Township 41 south, range 53 west, sections 1, 4, 5, 8, 9, 11, 12, and*  
*16;*  
*Township 41 south, range 54 west, section 6, S.M., Alaska;*  
 [The] Notwithstanding the withdrawal of such lands by Public  
 Land Order 5179, as amended, pursuant to section 17(d) (2) of the  
 Settlement Act: *Provided*, That notwithstanding the future designa-  
 tion by Congress as part of the National Park System or other national  
 land system referred to in section 17(d) (2) (A) of the Settlement  
 Act of the surface estate overlying any subsurface estate conveyed  
 as provided in this section, and with or without such designation,

Koniag, Incorporated, shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and the removal of oil and gas from said subsurface estate, subject to such regulations by the Secretary as are necessary to protect the ecology from permanent harm.

## THE WILD AND SCENIC RIVERS ACT

(16 U.S.C. 1274(a))

\* \* \* \* \*

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

\* \* \* \* \*

(24) *ALAGNAK, ALASKA.*—That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Park and Preserve; to be administered by the Secretary of the Interior.

(25) *ALATNA, ALASKA.*—The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(26) *ANLAKCHAK, ALASKA.*—That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and National Preserve; to be administered by the Secretary of the Interior.

(27) *CHARLEY, ALASKA.*—The entire river, including its major tributaries, Cooper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior.

(28) *CHILIKADROTNA, ALASKA.*—That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(29) *JOHN, ALASKA.*—That portion of the river within the Gates of the Arctic National Preserve; to be administered by the Secretary of the Interior.

(30) *KOBUK, ALASKA.*—That portion within the Gates of the Arctic National Park and National Recreation Area; to be administered by the Secretary of the Interior.

(31) *MULCHATNA, ALASKA.*—That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(32) *NOATAK, ALASKA.*—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

(33) *NORTH FORK OF THE KOYUKUK, ALASKA.*—That portion within the Gates of the Arctic National Park and National Recreation Area; to be administered by the Secretary of the Interior.

(34) *SALMON, ALASKA.*—That portion within the Kobuk Valley National Preserve; to be administered by the Secretary of the Interior.

(35) *TINAYGUK, ALASKA.*—*That portion within the Gates of the Arctic National Park, to be administered by the Secretary of the Interior.*

(36) *TLIKAKILA, ALASKA.*—*That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior.*

(37) *ANDREAFSKY, ALASKA.*—*That portion from its source, including all headwaters, and the East Fork, within the boundary of the Clarence Rhode National Wildlife Refuge; to be administered by the Secretary of the Interior.*

(38) *IVISHAK, ALASKA.*—*That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.*

(39) *SELAWIK, ALASKA.*—*That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; to be administered by the Secretary of the Interior.*

(40) *SHEENJEK, ALASKA.*—*The segment within the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.*

(41) *WIND, ALASKA.*—*That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.*

(42) *ALAGNAK, ALASKA.*—*Those segments or portions of the main stem and Nonvianuk tributary lying outside and westward of the Katmai National Park/Preserve and running to the west boundary of township 13 south, range 43 west; to be administered by the Secretary of the Interior.*

(43) *BEAVER CREEK, ALASKA.*—*The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge; to be administered by the Secretary of the Interior.*

(44) *BIRCH CREEK, ALASKA.*—*The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian, downstream to the south side of the Steese Highway in township 10 north, range 16 east; to be administered by the Secretary of the Interior.*

(45) *DELTA, ALASKA.*—*The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be administered by the Secretary of the Interior.*

(46) *FORTY MILE, ALASKA.*—*The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek, Franklin Creek, Uhler Creek, Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchison Creek; Champion Creek; the Middle*

*Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior.*

(47) *GULKANA, ALASKA.*—*The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.*

(48) *UNALAKLEET ALASKA.*—*The segment of the main stem from the headwaters in township 12 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be administered by the Secretary of the Interior.*

\* \* \* \* \*

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

\* \* \* \* \*

- (76) *Colville, Alaska.*
- (77) *Etivluk-Nigu, Alaska.*
- (78) *Utukok, Alaska.*
- (79) *Kanektok, Alaska.*
- (80) *Kisaralik, Alaska.*
- (81) *Melozitna, Alaska.*
- (82) *Sheenjek (lower segment), Alaska.*
- (83) *Situk, Alaska.*
- (84) *Porcupine, Alaska.*
- (85) *Yukon (ramparts section), Alaska.*

(b) (1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided*, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act whichever is earlier.

(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.

(3) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$2,175,000.

(4) *The studies of the rivers in paragraphs (76) through (85) shall be completed and reports transmitted thereon not later than three full fiscal years from date of enactment of this paragraph. For the rivers listed in paragraphs (76), (77), and (78) the studies prepared and transmitted to the Congress pursuant to section 105(c) of the Naval Petroleum Reserves Production Act of 1976 (Public Law 94-258) shall satisfy the requirements of this section.*

*“(5) Studies of rivers listed in paragraphs (79) and (80) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act.”.*

\* \* \* \* \*

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 15. *Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (42) through (48) of section 3(a) of this Act—*

*“(1) in addition to the acreage limitation specified in section 3(b), the Secretary may establish as a river protection zone an area extending up to two miles from the ordinary high water mark on both sides of each such river; the Secretary shall administer each river protection zone in accordance with the provisions of section 1312 of the Alaska National Interest Lands Conservation Act;*

*“(2) in addition to the withdrawals made by paragraph (iii) of section 9(a), the minerals in Federal lands within the boundaries of such components of the System and within each river protection zone established in connection therewith are, effective upon the establishment of such boundaries and such zones, withdrawn from location, entry and patent under the United States mining laws. Except for minerals withdrawn under paragraph (iii) of section 9 (a), the Secretary under such reasonable regulations as he deems appropriate, may permit the removal of nonleasable minerals from lands within the boundaries of the components and within each river protection zone established in connection therewith in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387), and the removal of leasable minerals from such lands in accordance with the mineral leasing laws, if he finds that such disposition would not have significant adverse effects on the administration of the component; and*

\* \* \* \* \*

## TITLE 43 U.S.C.

## PUBLIC LANDS

\* \* \*  
SEC. 1696(h) (1)

\* \* \* **[.]** or by a stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this Act.

\* \* \*  
THE ALASKA STATEHOOD ACT

## PUBLIC LAW 85-508

\* \* \*  
SEC. 6. \* \* \*

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid right or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute condi-

tional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

*As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.*



**ARLIS**

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# ALASKA NATIONAL INTEREST LANDS

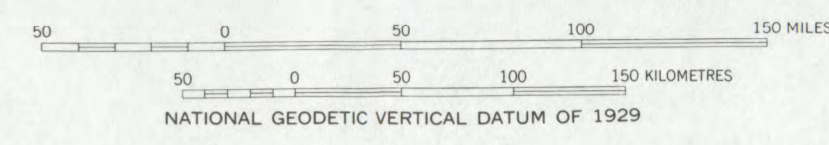
## H.R.-39 IN THE NATURE OF A SUBSTITUTE AS REPORTED BY SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

October, 1979

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

# ALASKA

COMPILED FROM THE GEOLOGICAL SURVEY ALASKA TOPOGRAPHIC MAPS  
SCALE 1:250,000, AND OTHER OFFICIAL SOURCES  
MODIFIED TRANSVERSE MERCATOR PROJECTION



Note: This map was prepared only to represent generally the boundaries of new conservation system units and additions to existing conservation system units in Alaska. For detail and accuracy refer to such boundaries as shown on 1:250,000 scale maps on file at the Department of the Interior.

### SENATE COMMITTEE RECOMMENDATION

NATIONAL PARK, (N. PK.) NATIONAL MONUMENT, (NM)  
NATIONAL WILDLIFE REFUGE, (NWR) ALASKA MARITIME  
NATIONAL WILDLIFE REFUGE, (AMNWR) AND NATIONAL  
FOREST (NF) BOUNDARIES.

- NATIONAL PRESERVE BOUNDARIES
- NATIONAL RECREATION AREA
- NATIONAL CONSERVATION AREA
- SPECIAL MANAGEMENT AREA
- DESIGNATED NATIONAL FOREST WILDERNESS AREAS
- STUDY AREA BOUNDARY

- WILD AND SCENIC RIVERS
- |                  |                          |
|------------------|--------------------------|
| 1. ALAGNAK       | 13. KOYUKUK (NORTH FORK) |
| 2. ALATNA        | 14. KOBUK                |
| 3. ANDREAFSKY    | 15. UNALAKLEET           |
| 4. ANIAKCHAK     | 16. GULKANA              |
| 5. BEAVER        | 17. MULCHATNA            |
| 6. BIRCH         | 18. NOATAK               |
| 7. CHARLEY       | 19. SALMON               |
| 8. CHILIKADROTNA | 20. SELAWIK              |
| 9. DELTA         | 21. SHEENJEK             |
| 10. IVISHAK      | 22. TINAYGUK             |
| 11. JOHN         | 23. TLIKAKILA            |
| 12. FORTYMILE    | 24. WIND                 |

