

“Fifth System” refers to a designation of Federal lands in Alaska for retention in Federal ownership which is not one or 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.

H.R. 39, as passed by the House in 1978, provided for creation of a commission which has an advisory role only, no land classification authority. It authorized 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. H.R. 39 as introduced this session reflected this same approach.

After a great deal of intensive discussion, the Senate Committee on Energy and Natural Resources in 1978 structured a cooperative management institution which more clearly reflected the concerns of the Joint Federal-State Land Use Planning Commission and the State of Alaska. This version was endorsed during the Ad Hoc Compromise meetings and it is this approach that the Committee has chosen.

The system which has been advanced by the Committee more clearly reflects the concerns of the Federal-State Land Use Planning Commission and will provide a strong Alaska without legally impairing the sovereignty of either the Federal or State government. The Committee is supporting a simple system for coordination and cooperation between adjacent landowners.

The Committee recognizes that with the final passage of the Alaska National Interest Lands legislation land planning and management in Alaska will move from the allocation phase to an operational phase where the lands will be utilized for a whole range of land uses from wilderness and recreation to intensive subsurface resource development. It would be the main task of the cooperative planning institution to ensure that major and divergent land uses move forward in harmony.

During the early phases of the land use planning process, the Federal-State Land Use Planning Commission identified several concerns where a great deal of coordination was needed. Some of the most important of these are transportation planning, fish and wildlife management, research coordination, and data systems and mapping. These concerns do not respect boundary lines and are common items of concern to all land managers. In order to effectively meet the needs of cooperation and coordination, the Committee feels it is imperative that the Federal-State coordinating council be prepared to address all of

these important items. Therefore, the council should have representation not only from land managers, but also from those with responsibility for energy and transportation programs. The Committee also believes it is essential that the federal co-chairman be independent of any one federal agency.

LAND USE COUNCIL

To ensure a strong and independent cooperative mechanism, the Committee established the 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 rejected, 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 State and the Land Use Planning Commission have also identified two geographic areas where Federal and State cooperation is vital. These are (1) Bristol Bay and the Alaska Peninsula and (2) the Arctic Slope. No specific study provisions for these two areas were included in H.R. 39 as introduced. The Committee feels that the reasons for incorporating specific provisions relating to these areas, as was done in previous bills, are even more relevant now. In both of these regions there is an interplay between resource development and wild-life values that is more extreme than in other areas of the State.

BRISTOL BAY REGION

Of particular interest to the Committee is the Bristol Bay Region and the Alaska Peninsula. This is an area which has extremely high values for almost every resource found in the State. The region contains valuable subsurface resources as well as the spawning and early rearing habitat for one of the world's most productive salmon fisheries. Areas within the region also have high wildlife values for species such as caribou and brown bear.

The Committee has no doubt that certain areas within the Bristol Bay Region are especially suited for management as units of the National Wildlife Refuge System. However, the committee is also convinced that additional study should precede the final designation of federal conservation units in this area. In Bristol Bay there is currently a fragmented land ownership pattern which effectively prevents coherent land management. On the Alaska Peninsula, for example, the movements of species such as caribou and brown bear show no regard for Federal, State or native land boundaries. Without substantial land exchanges therefore, it will not be possible to establish refuges capable of providing adequate wildlife protection. Moreover, it will be impossible for the State of Alaska to aggregate units which will provide for the protection and management of its fisheries resources and the practical use and future transportation of its subsurface resources.

In addition to actual adjustments in land ownership, the Committee believes that the Bristol Bay Region is uniquely suited to the development of a comprehensive management plan involving the various land managers. Through the development of such a plan, the committee believes that the diverse resources of the region can be both utilized and protected and it is the intent of the Committee that the Alaska Land Use Council should take up the Bristol Bay region as its initial endeavor.

To ensure the kind of comprehensive planning effort which the Committee feels is necessary, the Committee amendment establishes the Bristol Bay Cooperative Region. Other than the establishment of Becharof National Wildlife Refuge, the bill does not designate any Federal refuges in the region at this time. The bill also does not convey any lands within the region to the State of Alaska other than those selected prior to November 14, 1978.

With regard to state selections filed within the region on November 14, 1978, the Committee understands that the State of Alaska is currently in litigation with the federal government concerning the validity of all state selections filed on that date. However, the Committee also recognizes that with the failure of a bill to pass Congress last year, the state was compelled to file selections in order to protect what the state saw as critical interests in fulfilling its entitlement. The Committee is also aware that the State has supported the concept of a cooperative study for the Bristol Bay region throughout the Alaska National Interest Lands debate and that the State has been willing to forego conveyance of any additional lands in the region pending the final outcome of a study and management plan. The Committee decision to create the cooperative region and forestall federal refuge designations reflects a belief that the state will not press its selections

within the region pending the outcome of the study. The Committee recognizes that the State of Alaska has a sizeable land selection interest throughout the region and expects that the true needs of the state will be adequately addressed by the cooperative plan. The State has interest, not only in land ownership, but in management and access, particularly across the Alaska Peninsula from the Bering Sea to the Pacific Ocean where there is the potential for an ice free port. These issues, along with land allocation and adjustment, can all be properly addressed by the cooperative plan. Should this legislation pass and the State subsequently refuse to withdraw its selections within the study area, the Committee would expect the federal government to take whatever steps would be required to protect fish and wildlife resources on the federal lands within the region. In this regard, the Committee notes that Federal lands in this region will be managed by the U.S. Fish & Wildlife Service until a plan is implemented.

H.R. 39 as introduced did not create a cooperative study mechanism in the Bristol Bay Region. Rather, the bill would have established not only the Becharof, Togiak and Alaska Peninsula Refuges, but an Iliamna refuge as well. Aside from its dissatisfaction with the absence of a study, the Committee views the creation of the Iliamna refuge as particularly excessive.

The version of H.R. 39 passed by the House in 1978 did establish a cooperative study for the region but designated the Alaska Peninsula and Togiak National Wildlife Refuges as well. In addition, while last year's House bill did not designate Iliamna as a refuge, it did include provisions by which the State would be required to trade for any land which it received in the Iliamna area. The 1978 House bill also would have placed restrictive covenants upon any lands which the State finally received in the Iliamna area.

The Committee does not feel that any cooperative study can be truly effective if it carries with it prejudged conclusions. While the Committee fully expects that federal refuges may ultimately be designated on the Alaska Peninsula and elsewhere in the region, the Committee also expects the development of the cooperative plan to be an open process. Former federal withdrawals, such as those in the Iliamna areas should not be used as a lever by federal agencies during the study, and the State of Alaska's interest in fulfilling its entitlement should not be restricted through the application of covenants. The Committee designated the U.S. Fish and Wildlife Service as the interim manager of all the federal lands in the region during the study process in order to ensure protection of valuable fish and wildlife resources. The Fish and Wildlife Service, however, should work closely with the Alaska Land Use Council to ensure that legitimate needs of other landowners and the State of Alaska are accommodated during the period of the study. It is not the intent of the Committee to restrict the State's management of fisheries resources during the study period.

The Committee expects that the study will accomplish adjustments in land ownership and provide the basis for a rational land use plan that can be endorsed by all parties and can be implemented in the spirit of cooperation.

TITLE XI—ADMINISTRATIVE PROVISIONS

OVERVIEW

Title XII contains the general administrative provisions which apply, unless otherwise stipulated, to all of the conservation system units. Although many of the provisions are identical to those governing similar units in other States, the Committee made a number of modifications to meet certain administrative situations unique to Alaska. In general, these provisions are intended to assure that the planning, development, management and use of the conservation system units protect the national interest as well as the interests of the State, local governments, Native corporations and local residents.

Most of the provisions in this title are identical to those contained in H.R. 39 as introduced except where noted.

LAND ACQUISITIONS AND EXCHANGES

Section 1101: The Committee amendment provides for acquisition of lands or other interests (including scenic easements), restricts the Secretary from acquiring, except by donation, lands owned by the State (or political subdivision) or a Native corporation which has Natives as a majority of its stockholders. The Committee recognizes that many of the units will contain State and Native inholdings; however the Committee anticipates that the Secretary will use his authority under Title X to work out voluntary, cooperative agreements with the other owners in planning and managing these lands, and his authority under section 1101(f) to make exchanges of lands.

The Secretary is further restricted from acquiring privately-owned improved property within the conservation system units unless he first determines that such acquisition is necessary. The intent is that the Secretary should not acquire improved property unless such acquisition is needed to assure public use and access or to prevent incompatible development.

The definition of "improved property" includes not only a detached single family dwelling but also property developed for non-commercial recreational uses, such as cabins used for hunting and fishing purposes. The definition is intended to make clear that the protections provided to "improved property" extend only to such dwellings or cabins under construction before January 1, 1978, and the related land necessary for their enjoyment.

The definition further specifies that only improved property on either private land or "Federal land entry on which was legal and proper" qualify. The term "Federal land entry on which was legal and proper" is intended to embrace structures which were erected on Federal land by persons whose entry onto the land was not illegal *ab initio*. (This includes those persons who legally entered lands then open to homesteading but who failed to meet all statutory or administrative requirements, such as recordation, before the relevant lands were closed to entry or who have not yet met such requirements.) The Committee intends to place these persons, who may not have perfected their entries or whose entry has not ripened into title, on the same footing as persons who have valid, unpatented mining claims:

that is, persons covered by this definition are to be regarded as being *pedis possessio*, and for the purposes of section 1201 are to be dealt with as though they have perfected their entries and have received title to the land on which their dwellings are located. This section does not apply to cabins or other structures which are the subject of National Forest special use permits.

By providing, in section 1101(e) that the Secretary shall give prompt and careful consideration to any offer by an owner who wishes to sell his property, if continued ownership is causing or would result in hardship to him, the Committee does not intend to authorize the Secretary to pay less than the fair market value. The Committee expects the Secretary to deal fairly with landowners, but the Secretary should delve into allegations of hardship and determine the facts.

Section 1101(f) is the "exchange" portion of the general "acquisition" provisions. Modelled on section 22(f) of the Alaska Native Claims Settlement Act. It is intended to provide the Secretary with great flexibility in acquiring lands by permitting him to enter into exchanges. This flexibility extends to making exchanges within conservation system units.

The Committee expects that the Secretary will use his condemnation authority only as a last resort. The Committee expects the Secretary to utilize his exchange authority and his authority to acquire easements where possible rather than resort to fee condemnation. Of course, should condemnation prove necessary, the Secretary is expected to notify and consult with the Committee as is currently the practice.

The provision also specifies that all lands, waters, and interests acquired by the Secretary within the boundaries of a conservation system unit shall automatically be added to the unit.

Lastly, the Secretary is authorized to acquire scenic easements to protect Sukakpak Mountain, in the pipeline corridor, and along the highway study area described in Section 1205(a).

H.R. 39 as introduced contained a nearly identical provision. However, it also provided that the State and Native corporations could relinquish certain lands which would be included in conservation system units. Furthermore, it specified that all lands withdrawn under Section 17(d)(1) of ANCSA within unit boundaries would be added to those units. There was concern that this provision would abrogate certain land selection rights possessed by the State of Alaska.

Section 1102: Archaeological and Paleontological Sites

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, Kobuck Valley National Monument and Preserve, and Cape Krusenstern National Preserve. These regions 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.

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 Preserve by the Committee amendment. Nothing in this legislation is intended to preclude appropriate archeological or other studies whether

by the 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 1103: Cooperative Information/Education Centers

The Committee directed that studies be conducted of possible future information/educational centers in Alaska, where such centers are authorized to be constructed in the Committee amendment.

Section 1104: Administrative Sites and Visitor Facilities

The Committee amendment provides guidelines for the establishment and construction of administrative sites and visitor facilities. The Committee expects the Secretary to establish these sites and facilities on Federal lands or on other lands when the owner has agreed to the establishment of such sites and facilities. There should be no need to utilize condemnation authority, but if utilized, the Committee expects the Secretary to notify and consult the Committee as is currently the practice.

Section 1105: Revenue Producing Visitor Services

This section directs the Secretary to permit the continuation of all existing visitor services which are not prohibited by the designation or classification of an area. The Committee expects the Secretary to work closely with persons providing such services and with other persons who can provide new services to ensure that a full range of visitor services will be available in these areas. This section also accords preference to local corporations and residents in the implementations of this section.

In particular, the Committee expects the Secretary to co-operate closely with the State in regard to permitting licensed commercial sport hunting guides to continue operating within preserves and other units where sport hunting is permitted.

Section 1106: Local Hire

This section directs the Secretary to hire local residents wherever possible for management of areas designated by this Act. The Committee believes substantial money can be saved and substantial benefit can be obtained by the use of local residents in the administration of these units. In many instances, local residents are best qualified to provide background and interpret the scenic, natural, cultural, and historical features of areas designated by this Act. The Committee expects the Secretary to utilize local residents and expertise wherever possible in the administration of these areas. The Secretary shall consider local residents without regard to civil service regulations requiring specific training periods, employment periods, or other preference provisions.

Section 1107: Management Plans

Provides the guidance and framework for detailed management plans which are required to be prepared for the National Park System

and National Wildlife Refuge System units. The intent is to assure that such plans are sufficiently detailed so that all aspects of the units' development, management, and programs are clearly spelled out, and are coordinated with other Federal, State, local and Native interests. Subsection (d) includes the criteria for the Secretary to follow in developing, preparing and revising the plans and constitutes a checklist to guide the identification of the management practices required under subsection (c).

The intent of this section is to provide the major decision-making documents for the units. The Secretary is encouraged to make the plans as clear and concise as possible, and to afford ample opportunity for public participation, review and comment.

In addition, the Committee, because it has experienced repeated delays in receiving such plans and reports from the Secretary, has included a special provision requiring periodical status reports on the plans and an annual report. These too should be clear and concise, so the Committee can fulfill its oversight responsibilities in determining the progress of the plans, and in identifying any problems being encountered before the plans are finally submitted. While the Secretary has up to five years to complete most of the plans, he is urged to complete them in increments so that the Committee will not be inundated with all the completed plans at the same time.

The Committee also expects the Secretary to consult and co-operate to the maximum extent practicable with persons residing within or adjacent to conservation system units and persons holding land rights within these units.

TAKING OF FISH AND WILDLIFE

Section 1108

The Committee recommendation specifies that subsistence taking is permitted in National Parks and Monuments designated in this Act, fishing is permitted, and sport hunting is permitted within Preserves. In regard to the latter, the Committee notes that one purpose of creating Preserves is to permit sport hunting and urges the Secretary to remain cognizant of this fact when exercising his authority under Section 1108(a)(3) of this Act. In addition, the Committee intends that the taking regulations of the State of Alaska shall regulate fishing and hunting activities within Preserve and other conservation system units open to hunting.

MAPS AND REPORTS

Section 1109

The Committee amendment provides, among other things, for the Secretary to make minor boundary adjustments to the conservation system units. In exercising this authority, the Secretary should attempt to follow natural features and hydrographic divides and to avoid unnecessary conflicts with State selection interests and Native and other private lands.

Section 1110

Requires that the Secretary submit to the appropriate Committee of Congress an environmental impact statement (EIS), when required

by NEPA, and a report explaining the major federal action which is the subject of such EIS at least sixty (60) days before the commencement of such action.

Section 1111: Administration of National Recreation Areas

The Committee amendment designates four 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 ensuring 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 1111.

The national recreation area designation has been utilized throughout the Nation to permit the development of recreational use of designated areas along with the utilization of natural resources in that area. The Committee expects management of these areas to emphasize the integration of a full complement of uses.

The Committee notes, however, that the two National Recreation Area units established within the Noatak River drainage are closed to all forms of mineral development. This is in order to preserve the integrity of the Noatak watershed.

Section 1112: Administration of National Preserves

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 also 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 realizes that the livelihoods of many commercial guides are affected by this legislation. It is the intent of the Committee that those guides with areas located within Preserves and those reassigned to Preserves by the State guiding board be assured continuation of their lifestyle. Only reasonable regulations to permit the integration of guided hunting into an overall management plan are to be promulgated by the Secretary. The Committee expects that those guides shall continue their activities without undue hardship or detriment to their activities.

Upon examining Park Service regulations governing Wilderness management, the Committee was concerned that these regulations—if imposed in Preserve units also designated Wilderness—could have the effect of severely impairing existing sport hunting and directly associated activities. The intent of Section 1112(b) is to ensure that the designation of Wilderness in National Preserves does unreasonably impair sport hunting and existing activities related to such hunting.

GENERAL WILDERNESS REVIEW

Section 1113

Directs that all non-wilderness portions of Parks, Monuments, and Refuges established by this Act shall be reviewed for possible inclusion in the Wilderness system. During the review period, the study is not to affect management of the unit pursuant to applicable statute or this Act.

CULTURAL ASSISTANCE PROGRAM

Section 1114

Authorizes the Secretary to provide assistance to native groups or corporations in Alaska in order to preserve cultural resources.

TITLE XII—MISCELLANEOUS

As the designation "miscellaneous" indicates, this Title contains a number of items proper for inclusion in this Act but not closely tied to other specific titles.

The provisions of this Title of the Committee amendment are nearly identical to those contained in H.R. 39 as introduced except as specifically noted.

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

Section 1201

This section amends the Act establishing the Klondike Gold Rush National Historical Park to permit the State of Alaska to donate mineral interests as well as surface estate of lands being donated to the park.

NAVIGATION AIDS

Section 1202

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.

NATIONAL PETROLEUM RESERVE—ALASKA

Section 1203 specifies that the report being prepared pursuant to the Naval Petroleum Reserves Production Act of 1976 on the Reserve in Alaska shall also be submitted to the Committee on Merchant Marine and Fisheries of the House. In addition, the provision adds archeological and paleontological values to the list of items that shall be covered by the study of the Reserve.

H.R. 39 as introduced contained no similar provision.

MINERAL WITHDRAWALS AND OTHERS

Section 1204

Provides that subject to valid existing rights all public lands within conservation system units are withdrawn from mineral entry and lease-

ing except as otherwise provided in this Act. It also revokes powersite withdrawals on lands within unit boundaries. Finally, it specifies that on lands outside of conservation units, otherwise valid Native allotment applications can be granted regardless of powersite withdrawals.

The Committee first wishes to note that its amendment statutorily withdraws approximately 118 million acres in Alaska from mineral entry; this represents 31 percent of the State of Alaska. Moreover, there are approximately 32 million additional acres presently withdrawn which will not be affected by this Act. The combination of the Committee's recommendation and present withdrawals will close 40 percent of Alaska to future mineral entry.

H.R. 39 as introduced had even more drastic impacts. It would have statutorily withdrawn approximately 140 million acres and when coupled with existing unaffected withdrawals would have closed over 45 percent of Alaska to mineral entry. The Committee concluded that the adverse resource impacts generated by this greater withdrawal were unwarranted and tipped the bill badly out of balance.

Testimony received by the Committee indicated a number of difficulties between current application of the concept of valid existing rights and the nature of modern mining techniques. Under the mining law, while the locating of geologic evidence of a valuable mineral and the staking of a claim upon the public lands will protect the claim against all the world, such steps will not protect the claim against the United States if such lands are withdrawn from entry. Only with the physical exposure, upon the claim, of a valuable mineral in a quantity and quality that would cause a prudent man to expend further time and money with a reasonable prospect of success does the miner have a valid claim and a valid existing right. Since claims are limited by law (1500' by 600' for vein or lode claims and 20 acres for placer claims, except that an association of eight individuals can locate a placer claim of up to 160 acres) a miner will often locate more than one claim where he believes he has found a vein or lode, or placer deposit running throughout an area so as to mine all of the mineral economically and prudently. However, only on those claims on which he has physically exposed a valuable mineral deposit prior to the time of any withdrawal will he be deemed to have a valid existing right.

In recognition of these facts, it is the Committee's intention to provide the miner the opportunity to diligently continue working claims to discovery in those circumstances in which the miner, prior to the withdrawal of the lands, in good faith and in an effort to discover a valuable mineral, staked and located bona fide claims in the same general area, regarding at least one of which he has found the existence of a valuable mineral.

The Committee is also concerned that regulations issued by the administrative agencies governing activities on valid claims may be so unreasonable as to effectively prevent any prudent claim holder from proceeding. The Committee has not made these vast land withdrawals subject to valid existing rights only to see these rights effectively abrogated by unreasonable administrative regulations. The Committee expects the agencies to issue reasonable regulations necessary to protect the values for which these conservation units are being established. However, the Committee notes that agency efforts to impose severe restrictions on claim holders should occur only in those limited in-

stances where the activities of the claim holder pose a clear and substantial danger to the values of the conservation unit.

It is the Committee's intention that development of these mineral resources takes place and that the operations not be hamstrung and harassed by unduly burdensome regulations whose only purpose is to frustrate the development effort.

SCENIC HIGHWAY STUDY

Section 1205

The Committee amendment provides 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 Park/Preserves should become a scenic highway linking the two areas.

BUREAU OF LAND MANAGEMENT LAND REVIEWS

An important portion of this title is section 1206, concerning land reviews by the Bureau of Land Management (BLM). The Secretary of the Interior administers and manages through the Bureau of Land Management all the public lands in Alaska not located within conservation system units or national forests. Section 603 of the Federal Land Policy and Management Act of 1976 (also known as the "BLM Organic Act") directs the Secretary to review and report to the President concerning the wilderness suitability or nonsuitability of those roadless areas of five thousand acres or more administered by the Bureau of Land Management which have wilderness characteristics. Even though there have been no completed BLM studies of Alaskan public lands under this provision of law or under the relevant provisions of the Wilderness Act, the Committee is of opinion that its review activities and subsequent decisions regarding the areas which have been recommended to the Congress by the present Administration and preceding Administrations have achieved the essential objectives of the review requirements of section 603, and that it is appropriate to relieve the Secretary of the requirement of section 603 of Public Law 94-579 in connection with the remainder of Alaska's public lands.

Although an identical provision appeared in the version of H.R. 39 which passed the House in May, 1978, the version of H.R. 39 introduced in January, 1979 contained no similar provision.

ALASKA NATURAL GAS TRANSPORTATION ACT

Section 1207

Committee recommendation stipulates that nothing in this Act shall affect or impose additional requirements on the Congressionally authorized Alaska Gas Pipeline project.

H.R. 39 as introduced contained no similar provision.

AUTHORIZATION FOR APPROPRIATIONS

Section 1208

Authorizes an \$800 million annual authorization to carry out the provisions of this Act. It also stipulates that no more than \$200 million annually may be used for visitor facilities, education sites, etc.

LIMITATION ON FUTURE WITHDRAWALS

Section 1209

The designation of national interest lands in Alaska has been a controversial subject. A major concern of many involved has been whether further studies or withdrawals of public land in Alaska will occur in the future. The Committee feels that the areas designated by this Act, along with accompanying special studies and wilderness review provisions, completes the contribution of Alaska's public lands to the national conservation systems. Further studies or withdrawals should only be accomplished with the agreement of a future Congress, consistent with its constitutional authority to determine the disposition of the Nation's publicly owned lands. This section prohibits the executive branch from instituting such studies or withdrawals without the concurrence of Congress by joint resolution.

This provision was among the last items agreed to in the Ad Hoc Conference sessions in October, 1978.

H.R. 39 as introduced contained no similar provision.

**TITLE XIII—MINERALS ASSESSMENTS, EXPLORATION, DEVELOPMENT
AND EXTRACTION ON CONSERVATION SYSTEM UNITS**

OVERVIEW

OIL AND GAS

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 Commission. 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 (PL 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.

Much of this acreage occurs in basins scattered throughout the interior of Alaska. Unfortunately the level of knowledge about these basins is virtually non-existent. Only 16 wells have been drilled on these interior basins, 8 of which were drilled in the Copper River basin in south central Alaska. Most of these interior areas have not been drilled at all and others covering millions of acres have had only one or two exploratory wells drilled on them.

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 ASARC 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, some 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.

Incidentally, H.R. 39 as introduced includes approximately 40 million acres of lands with some oil and gas potential within its proposed conservation system units. In contrast, the Committee amendment includes approximately 25 million acres of these lands within its units.

The Committee has become increasingly concerned with the nation's

dependence on foreign sources of supply for America's essential minerals both fuel and non-fuel. Our fuel mineral shortage and corresponding dependence is a well-known fact which scarcely bears repeating. What is less well known, but of equal potential danger, is America's increasing dependence on foreign sources for non-fuel minerals. Of the 37 non-fuel minerals essential for our survival, we are now import dependent for over 50% of 23 of them. In many cases, the exporting nations on which we rely are unstable at best and hostile at worst.

Little is presently known of Alaska's mineral potential since, with the exception of gold mining, mineral extraction has been extremely limited inside the State boundaries. However, recent studies assessing selected mineral deposits and comparing Alaska with Arctic regions of similar geology indicate that many areas are likely to contain substantial mineral values.

The Committee notes, however, that even the limited mineral exploratory work in Alaska has already produced significant discoveries of needed raw materials. For example, the Stanford Research Institute, in assessing the future of Alaska's mineral industry, identified seven major discoveries. These include the world's second largest molybdenum deposit (the Borax' Quartz Hill find), two major copper-lead-zinc ore bodies with combined metallic mineral value of more than \$7 billion (the Arctic and Picnic Creek discoveries in the Brooks Range), and a significant nickel-cobalt-copper deposit (Bohemia Basin). After this SRI study was completed, another firm announced the major Mt. Prindle uranium discovery in the White Mountains north of Fairbanks.

Despite repeated claims that Alaska's mineral resources are uneconomic the Committee observes that there is intense private interest in exploring for minerals in Alaska. Indeed, in recent years roughly 200 companies have expended approximately \$70 million annually in searching for Alaska minerals. The Committee believes these levels of interest and expenditures more than discount contentions that the mineral resources of the 49th State are of little economic importance.

Nonetheless, because of the extensive withdrawals in Alaska mineral exploration has been limited to relatively few specified areas. Accordingly the Committee, considers the mineral studies mandated under this Section as essential to public policy decision making. Thus the highest priority is to be given to their completion. 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.

Section 1301: 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, ie tracts that were being drained from a reservoir that was discovered outside the refuge.

The Committee has provided new 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 applica-

tions 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.

Section 1302: Alaska Mineral Resource Assessment Program

Directs the Secretary to conduct a study of all mineral resources of all public lands in Alaska so as to substantially increase America's knowledge of the mineral availability and potential of Alaska. It is the Committee's belief that such information would provide a framework for making rational and consistent policy decisions concerning Alaska's mineral resources. The Committee is concerned that in making key decisions on the disposition of lands in Alaska, not enough has been known about either the hard rock minerals or the oil, gas or other leasable minerals, to properly evaluate the national interest in the minerals on these lands. Such knowledge is vital, for the decisions made today regarding America's mineral resources will be decisions with which this country must live far into the future. The long lead time necessary for the location, extraction and processing of new mineral stores make it thus.

In addition, the Secretary is directed to permit access by air to the Federal lands to conduct such mineral assessments. As well, it is the Committee's intention that access be permitted by such other means as would not cause lasting harm to surface values. Snowmobiles and rollogons are examples of such means. The Committee fully intends that core and test drilling be permitted on public lands other than National Parks and Monuments and that such other techniques as may be advisable be utilized so as to maximize the information available. 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 although reasonable controls may be imposed on such access in order to protect the resources of areas under study, especially when it is most important to do so, such as during wildlife nesting, calving, spawning or other such times.

Section 1303: Presidential Report

The President is directed to transmit annually beginning on October 1, 1981, a report to the Congress containing all pertinent public information relating to minerals gathered by any and all Federal agencies.

Additionally, before that same date, the President is directed to study the advisability of private mineral exploration or extraction in conservation units where such activity would otherwise be prohibited. The President shall make recommendations as to whether and under what circumstances, procedures and conditions under which such recommended activity might take place, if recommended.

It is the intent of the Committee that the assessments required under this Section are to be ongoing in nature and are not to be terminated or shortened in order to meet any reporting deadline contained in this Section.

Sections 1304-06: National Need Recommendation Process

It is the Committee's intent to permit the President and the Congress by joint resolution to open for mineral exploration, development or extraction specific areas of Alaska's public lands previously closed to such activity by this Act or other applicable law. Such a procedure shall apply to all public lands in Alaska except for units of the National Park System, the National Wilderness Preservation System and the Arctic Wildlife Range.

Under these provisions (1304, 1305, and 1306) the President may submit his recommendation to Congress on his finding that there is an urgent national need for such mineral activity and that need outweighs any potential environmental impact likely to flow from such activity. The Congress shall have one hundred twenty days during which to adopt a joint resolution approving the President's recommendation.

Section 1307: Federal North Slope Lands Study Program

This section directs the Secretary to conduct a study of all Federal lands in the North Slope—defined as the area north of 68° north latitude and east of the west boundary of the National Petroleum Reserve—Alaska. The Secretary is to make findings about the resources on these lands, and submit the study and findings to Congress within 8 years.

The Committee 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 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 nations 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 to the nation of maintenance of a basically untouched wildlife habitat or the development of critically needed oil and natural gas resources.

In addition, because of the important work that is currently underway in the National Petroleum Reserve—Alaska to determine its oil and gas potential and the interrelated character of the whole North Slope, the Committee was concerned that whatever policy the Committee adopted include all the elements essential to a comprehensive treatment of the North Slope.

Sections 1308-1311: Oil and Gas Exploration of Arctic National Wildlife Range Portion of Study

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.

Special provision is made for the ANWR in view of its special status as a unit of the National Wildlife Refuge System. The Secretary is directed to conduct an oil and gas exploration program on the Range.

These activities must be in accord with a plan which has been submitted in advance to and reviewed by the Congress. The plan must be developed within 6 months of enactment.

The results of these exploration activities must be submitted to the Congress in no more than 6 years together with any plans the Secretary might have for any core drilling to further test for the presence of oil and gas. No core drilling can take place unless authorized by Congress.

And finally, because of the substantial impact possible on the Range from development of any oil and gas resources, the Secretary is prohibited from allowing any development activities which could lead to production of oil and gas from the Range until specifically authorized by an Act of Congress.

With this three stage approach, the Committee is confident that adequate information about all of the important values of the Range will be available to the Congress at the time that critical decisions must be made. In addition, clearer information might provide the Secretary and the Congress with means to protect those critical wildlife values while at the same time permitting activities which would assist the nation in addressing its energy problems.

Section 1313: Oil and Gas Leasing Program for Non-North Slope Federal Lands

In attempting to treat the North Slope in a comprehensive way, the Committee is also aware that unnecessary pressure to develop oil and gas could be brought to bear on the North Slope if a policy for oil and gas exploration on all Federal Lands in Alaska is 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 brought to bear to develop the North Slope, in particular the ANWR.

This oil and gas leasing program will apply to all Federal lands in Alaska, except where applicable law would prohibit such leasing or on those refuges where the Secretary determines that exploration for and development of oil or 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 * * *.

H.R. 39 as introduced, contained a more limited set of provisions regarding oil and gas and mineral studies. It merely provided that the Secretary was to conduct a generalized resource assessment on all public lands in Alaska. Moreover, it did not specifically authorize any assessment within the Arctic National Wildlife Refuge (it classified

the area as a Wilderness), did not provide for any oil and gas leasing program on non-North Slope lands, did not provide for any form of Presidential study, did not provide for any form of national need process, and did not alter the procedures regarding oil and gas lease applications on Wildlife Refuges.

TITLE XIV—AMENDMENTS TO THE ALASKA NATIVES CLAIMS SETTLEMENT ACT

During consideration of the Alaska National Interest Lands legislation, the Committee agreed to adopt several amendments to the Alaska Native Claims Settlement Act. These amendments were included in the Ad Hoc Conference agreement, they appeared in the Alaska lands bill reported by the Senate Energy Committee in the 95th Congress, and some were included in H.R. 39 as introduced. The amendments would improve the implementation of the Settlement Act or provide clarifications to the provisions of that Act. In general, the Committee adopted those amendments supported by at least three of the parties primarily affected by or concerned with the Settlement Act—the Natives, the State of Alaska, and the Administration.

Background information and a discussion of the Committee's intent with respect to certain provisions contained in Title XIV is provided in the Section-by-Section analysis of the Committee amendment.

TITLE XV—NATIONAL CONSERVATION AREAS

The Committee amendment establishes three 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 introduced.

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. 460 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 three national conservation areas. Additionally, one national recreation area has been designated for administration by the BLM. Special emphasis should 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 1111 of the Committee amendment.

The Committee also notes that a major deficiency of H.R. 39 as introduced and other similar measures has been the failure to recognize the need for the designation of conservation systems which permit more flexible uses. Since the genesis of the (d) (2) process, all major proposals except those presented by the environmental community and the present Administration have been cognizant of the need for some form of multiple use management units.

Many maintain that (d) (2) "originated" in the mid-1960's when the Bureau of Land Management withdrew approximately 40 million acres in Alaska for study and possible classification under the 1954 Multiple Use Act. When Section 17(d) (2) of ANCSA was agreed to in conference, some participants believed that the 80 million acres which was referred to would include the earlier BLM withdrawals. Subsequently, of course, Secretary Morton offered his 1973 recommendations which included 19 million acres of multiple use National Forests and 10 million acres of Resource Ranges. The Federal-State Land Use Planning Commission, created by ANCSA to study the (d) (2) issue, recommended that approximately 45 million acres of "Alaska National Lands" units be established. These units were to be managed co-operatively by a Federal-State entity according to a land planning and compatible use regime. All of the major proposals put forth by the elected representatives of Alaska have included some units to be managed on some form of multiple-use basis. In addition, Alaska land proposals offered by forestry associations, wildlife managers, sportsmen's groups, agricultural interests, the mineral industry, etc. have all urged creation of some multiple-use units.

Since Section 17(d) (2) specifically states that lands in Alaska were to be studied for possible inclusion in the National Forest system, earlier efforts focused on the creation of new Forests in interior Alaska. However, this effort has run into obstinate claims that interior Alaska does not possess any significant forest resources hence there is no need for a Forest Service presence. That issue itself is a subject for a prolonged debate.

Given this opposition to new interior Forests, the Committee amendment does not include new Forests. However, the Committee is per-

sueded that there is a need for multiple-use management conservation units in Alaska. Accordingly, the Committee has employed statutory tools only recently provided and designated National Conservation Areas under BLM control. The Bureau's long presence in interior Alaska makes it a logical candidate to manage these Conservation Areas.

Section 1501(1): Baird Mountains National Conservation Area

The proposed Baird Mountains National Conservation Area (NCA) encompasses an area of approximately 1.31 million acres of public lands located northeast 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, and the Baird Mountains to the north. The drainage of the Squirrel Rivers lies entirely within the proposed NCA.

Native subsistence use of wildlife and vegetative resources is still prevalent among the indigenous people in this area. A variety of resources, including waterfowl, large terrestrial mammals, fish, and berries and other vegetative resources is utilized.

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.

Some potential exists for oil and gas production in the Kobuk River area as it lies on the perimeter of an identified sedimentary basin. The Baird Mountains lie within an identified metal province with potential for copper, gold, lead, and zinc deposits; the province is considered Highly Favorable. Gold placer deposits have been mined along in the Squirrel River area. Moreover, the State's computerized Resource Assessment rates the Squirrel River drainage among the top 20 percent of lands for hardrock mineral potential. It should also be noted that the Administration has recommended that this area be excluded from any type of conservation unit and remain in the public domain because of its mineral potential.

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. 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.

As noted earlier, the Administration recommended that this area be excluded from any conservation unit. H.R. 39 as introduced proposed it be a part of the Selawik Refuge.

Section 1150 (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.

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 lowlands areas. The Porcupine caribou herd sometimes utilizes migration routes through the Brooks Range which cross NCA. These routes when used 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 the caribou.

The area is rated highly favorable for metallic minerals by the State of Alaska and the U.S. Bureau of Mines. The Brooks Range mineral province which has produced world class discoveries farther west passes through the NCA. Moreover, areas immediately south and west are historic gold mining districts. Mineral activity in this area is constrained by the fact that it has been withdrawn from mineral entry since 1972.

The proximity of the unit to the Pipeline Haul Road and the accessible Chandalar Lake system indicates that recreation may also become an important use of the NCA.

In proposing the Chandalar NCA, the Committee would retain the lands in Federal ownership and 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. 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.

H.R. 39 as introduced proposed that this area be added to the Arctic Wildlife Range.

Section 1501 (3) : 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 mountains drainages of Preacher Creek, the principal tributary to Birch Creek. The Southern Unit is the mountainous headwaters of Birch Creek. The Steese National Conservation Area comprises 1,220,000 acres of public lands. The North Unit is 540,000 acres; the South Unit is 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 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 of 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 1502 of the Committee amendment.

H.R. 39 as introduced included portions of the North Unit within a proposed Yukon Flats Wildlife Refuge. It did not affect the lands in the Southern Unit and left them in the public domain.

Section 1503: 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 recreation 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 accom-

panied 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 flurry of mineral exploratory activity. This activity resulted in the major Mt. Prindle uranium strike and a sizable lead-zinc claim farther north. Both of these discoveries are within the NRA designated in this Act.

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, these sheep provide a readily accessible population for sport hunting close to one of Alaska's major population centers.

The White Mountains area also was 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 good 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 undeveloped 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 areas. 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.

H.R. 39 as introduced included this area in a Yukon Flats Wildlife Refuge and also designated the White Mountains as a Wilderness unit.

VII. SECTION-BY-SECTION ANALYSIS

TITLE I

Section 1 provides that the short title of the bill is "Alaska National Interest Lands Conservation Act".

FINDINGS

Section 101.—There are seven findings. The first sets forth the legislative background for d-2 lands proposals: namely, the Statehood Act and the Alaska Native Claims Settlement Act, including section 17(d) (1) and 17(d) (2).

The second finding states the proposition that a "prompt and thorough resolution of the status of the public lands in the State of Alaska is in the best interests of the people of the United States including the residents of Alaska". This conclusion is the Committee's recognition, based upon extensive testimony in the hearings, concerning the long delays in full implementation of the Alaska Native Claims Settlement Act.

The third finding is that certain of the public lands in Alaska contain nationally and internationally significant values and a diversity of undisturbed ecosystems, including some not found anywhere else.

The fourth finding notes the special significance of wilderness on a large scale in Alaska, and the importance of its protection against activities which would reduce and perhaps eliminate it.

The fifth finding is that several wildlife species—including threatened, endangered, and depleted species—depend for their survival upon the continuation of natural habitats on the public lands in Alaska.

The sixth finding is that representative ecological communities—including pristine, free-flowing rivers—which exist on the public lands in Alaska should be preserved as units of the existing Federal conservation system. No new Federal conservation systems are needed.

The seventh and final finding is that the accelerated pace of population growth and the expanding consumption of raw materials is resulting the loss at an alarming rate of natural habitats and the multiple values associated with such habitats; thus preservation of the wilderness lands in Alaska is essential and their protection is an important as well as a reasonable and attainable national objective.

POLICIES

Section 102.—Five Congressional policies based upon the findings enumerated in section 101, as established: The first is that it is necessary to immediately designate public lands in Alaska for inclusion in the Federal conservation systems of National Parks, National Forests, National Wildlife Refuges, Wild and Scenic Rivers, National Trails and the National Wilderness Preservation System. Taken together, these units are able to assure the realization of a number of specific goals: the preservation of unrivaled scenic, wildlife, and geologic values associated with natural landscapes; the management in a natural state of extensive unaltered arctic tundra, boreal forest, and coastal

rainforest ecosystems; the protection and preservation of cultural values of both Native and non-Native people and the renewable resources related to their subsistence needs; the maintenance of sound populations of, and habitats for, a number of wildlife species, including species which need extensive undeveloped areas; the protection and interpretation of historic and archeological sites; maintenance of multiple watershed, flora, fauna, and subsistence values; and the preservation of free-flowing rivers. In addition the units will maintain opportunities for scientific research in undisturbed ecosystems, and for the management of multiple values in a manner which will permit utilization of natural resources in a sound ecological manner.

The second policy relates to the planning, management, and administration of the conservation system units, and states that in these processes intangible values shall be considered on an equal basis with values which can be quantified; sound ecological principles shall be adhered to; and full public participation shall be encouraged. The policy concerning intangible values is intended by the Committee as guidance to those responsible for formulating agency budgets, and is intended to assure that such budgets will provide funds and personnel ceiling sufficient to carry out all the purposes of the units, including intangible (unmeasurable) values and not be limited to those purposes which can be measured quantitatively.

The third policy is that the public should have access to the public lands in Alaska, including access to the conservation system units consistent with the purposes for which the units are established or expanded.

The fourth policy is that those persons now dependent upon subsistence uses of the public lands in Alaska are to be enabled to continue in that lifestyle, to the extent that they choose to do so and to the extent that the renewable resources of the public lands can carry such uses—and, in the conservation system units, in a manner consistent with the purposes for which the units are established or expanded.

The fifth policy is that the Federal government, in implementing this Act, is to give continuing consideration to the interest of the State of Alaska (and its subdivisions) and the Native corporations in maintaining a viable economy and providing employment for citizens of Alaska.

DEFINITIONS

Section 103.—This section sets forth definitions of twenty key terms which recur throughout all the Titles. The terms defined are: (1) "land"; (2) "Federal land"; (3) "public lands"; (4) "fish and wildlife"; (5) "take" or "taking"; (6) "plant"; (7) "conservation system unit"; (8) "administer" or "administration" and "manage" or "management"; (9) "Native Corporation"; (10) "Regional Corporation"; (11) "Village Corporation"; (12) "Urban Corporation"; (13) "Native land"; (14) "Secretary"; (15) "national preserve"; (16) "wilderness" and "National Wilderness Preservation System"; (17) "Alaska Statehood Act"; (18) "State"; (19) "Alaskan Native" or "Native"; (20) "Alaska Native Claims Settlement Act." (In addition, some other terms are defined elsewhere, as for example the term "subsistence uses," which is defined in section 703.)

TITLE II. NATIONAL PARK SYSTEM

Currently there are three existing National Park System Units in Alaska totaling 7.536 million acres. This title expands those 3 units and creates 11 new units, adding 44.6 million acres of public lands to the National Park System in Alaska; so that a total of 52.136 million acres in Alaska would be managed by the National Park Service.

Section 201: Establishment of New Areas

Establishes 11 new units of the National Park System in Alaska encompassing 37.98 million acres.

Section 202: Additions to Existing Areas

Expands three existing units of the National Park System in Alaska by adding 5.63 million acres to these units.

Section 203: Administrative Provisions

Sets forth a number of administrative provisions which apply to all the National Park System units established, designated, or expanded by Title I. Subsection (a) provides that the Secretary shall administer the affected lands in accordance with the laws applicable to the National Park System and the applicable provisions of this legislation. Subsection (b) specifically incorporates the lands, waters, and interests therein which have already been withdrawn for Katmia and Glacier Bay National Monuments into appropriate renamed and enlarged units, and provides for continuing availability for the two Monuments. Subsection (c) provides that valid Native selections within the dual-withdrawal area in the Gates of the Arctic National Park and the Wrangells-St. Elias National/Preserve are recognized and shall be conveyed. Subsection (d) provides that valid commercial fishing rights or privileges under applicable law may continue without unreasonable restriction.

TITLE III. NATIONAL WILDLIFE REFUGE SYSTEM

Section 301: Definitions

Sec. 301(1) defines the term "conserve." For the purposes of Title III, the term conserve means the use of methods and procedures which are necessary to ensure the health, preservation, and enhancement of fish and wildlife and their habitats as well as the ecological systems of which they form a constituent element. By including habitat in the definition of conserve, it is the Committee's explicit intent that the term conserve when applied to fish and wildlife include actions necessary to acquire, protect, maintain, and enhance fish and wildlife habitat. Enhancement, however, should be limited to special situations where it is beneficial to one or more species without being detrimental to others. The Committee intends the U.S. Fish and Wildlife Service to continue management principles under the general framework of the existing refuge administration laws. Compatible uses should and will be allowed in the refuges established by this Act pursuant to the management plan developed for each refuge.

Section 301(2) defines "existing," if used in reference to a unit of the Refuge System, to mean the unit as it exists on the day before the date of enactment of this Act.

Section 301(3) defines "refuge" to mean any unit of the Refuge System in Alaska, regardless of whether the unit was established prior to the enactment of this Act, by this Act or subsequent to the enactment of this Act.

Section 302: Purposes of refuges

Section 302 articulates the major purposes of the refuges established by this act. These purposes offer important direction to the United States Fish and Wildlife Service and each refuge manager in the day-to-day administration of the refuges. It is intended that all refuges in Alaska should be managed to achieve the major purposes referred to in section 302, and for compatible activities permitted under existing law.

These purposes will determine what other uses can be permitted on these refuges under the compatibility test of the National Wildlife Refuge System Administration Act. This act provides that certain nonwildlife oriented activities, including mining and mineral leasing, can be permitted within a refuge but when such activities are compatible with the major purposes for which the refuge was established. This legislation requires such activities also to be consistent with the refuge conservation plan. The listing of the major purposes in section 302 is intended to give guidance to the Fish and Wildlife Service in their determination of which activities can be permitted under the terms of the Refuge Administration Act.

The major purposes of each refuge established by this act are as follows:

(1) to conserve the significant fish and wildlife designated in section 304, as well as to conserve the other fish and wildlife, and plants, within the refuge.

(2) to fulfill the international treaty obligations of the United States. The United States is party to a number of international treaties providing for the conservation of fish, wildlife, and plants. These treaties include the Agreement on the Conservation of Polar Bears, the Convention on International Trade in Endangered Species of Wild Flora and Fauna, and the Convention between the U.S. and the U.S.S.R. concerning the Conservation of Migratory Birds and Their Environment.

These treaties commit the United States to the conservation of many of the species found throughout Alaska and it is important that the proposed wildlife refuges be managed to comply with these international obligations.

(3) to provide in a manner consistent with purposes (1) and (2), the opportunity for continued subsistence uses. The Committee wants to emphasize the need to insure subsistence uses will continue to be permitted in refuges. Many rural villages are contained in the new refuges. Subsistence uses carried out on adjacent refuge areas are vital to the survival of rural residents and others who engage in subsistence uses.

(4) to insure water quality and water quantity. The Committee feels that the proposed refuges should be managed to the maximum extent practicable, to insure 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. This language should not be construed to prevent activities which affect water quality or quantity. Such activities are permissible, particularly when they enhance the population or other management of species located within the refuge. An example would be agriculture activities. Additionally, compatible activities which affect water quality and quantity can and should be allowed in a manner consistent with management plans for the refuges.

(5) to protect any special value of the refuge as well as any other value of the refuge. Although the proposed National Wildlife Refuges in Alaska have been designated primarily because of the tremendous abundance and diversity of wildlife found in these areas, the Committee recognizes that there are many other resources within each refuge which also deserve protection. The Committee wishes to spotlight specific areas of note by listing these special values. These values do not indicate a special direction to manage any refuge area more stringently.

Section 303: Administration of refuges

In general

Section 303(a) provides that each refuge shall be administered to achieve the major purposes of the refuge in accordance with the laws governing the administration of units of the National Wildlife Refuge System and laws governing the conservation of fish and wildlife and plants. This language makes it clear that although refuges are to be managed to achieve their major purposes, the management practices should adhere to those laws providing for the conservation and protection of fish and wildlife and plants.

Section 303(b)(1) provides that the Secretary shall administer each refuge to provide an opportunity for subsistence uses. Alaska is the last area of the United States where a significant number of people continue to live off of the wild renewable resources of the land and the committee recognizes the important role that many of the proposed refuges play in the subsistence lifestyle of rural Alaskans.

Section 303(b)(2) requires the Secretary to insure that uses of the refuges including easements are compatible with management of the refuge. The Secretary is authorized to promulgate regulations to insure compatibility. This section does not alter the provisions in this Act or existing law dealing with the management of compatible activities.

Section 303(b)(3) withdraws, subject to valid existing rights, all of the public lands in each refuge from all forms of appropriation under the mining laws and from operation of the mineral leasing laws. The Secretary, however, is authorized to permit oil and gas development under a leasing program. The committee feels that the Refuge System should remain flexible enough to permit economic uses. Special language regarding the consideration of oil and gas lease applications has been included in section 1301. The committee feels that the ongoing energy crisis experienced by the United States requires the full evaluation of American energy resources. The refuges established by this Act overlay millions of acres of as yet unexplored sedimentary basins. The Secretary should use his authority under existing law and the pro-

visions of this Act to permit oil and gas exploration in a sound and reasonable manner.

However, this section alters existing law for Alaskan refuges in that it makes the mining and mineral leasing laws inapplicable to refuges. Section 303(b) (3) would adopt the compatibility test of the Refuge Administration Act by authorizing the Secretary to permit oil and gas development where it is compatible with the major purposes of the refuge subject to the procedural provisions of Section 1301 of this Act.

Refuge conservation plans

Section 303(c) requires the Secretary to prepare a comprehensive conservation plan for each refuge which will govern the uses that are permitted within that refuge. The proposed refuges pose the greatest challenge to the National Wildlife Refuge System in its 75-year history. For the first time the U.S. Fish and Wildlife Service will be managing multimillion acre refuges encompassing entire watersheds and ecosystems. Many refuges will also encompass numerous Native villages as well as lands belonging to village and regional corporations. Effective conservation of the resources of these refuges will demand well-planned and coordinated management. Section 303(c) is intended to require the Secretary to conduct the kind of comprehensive planning necessary for the effective conservation of wildlife resources. Because of the large number of Native inholdings, it is important that the refuge conservation plans cover state and private land that is within the refuge unless the owner objects. It is vital that conservation plans include the development of plans for compatible activities, including but not limited to recreation, tourism, and oil and gas leasing. The committee expects the Fish and Wildlife Service to emphasize the importance of compatible activities in the development of these management plans and to involve the public to the maximum extent possible in developing the management plans, particularly in regard to these compatible activities. Throughout the Nation, refuge management involves a high level of integration of compatible activities. Alaska should be no exception.

The development of comprehensive refuge plans will be a meaningless effort unless the Fish and Wildlife Service is given adequate funds and manpower to implement the plans and to manage the refuge. It is critically important, therefore, that the Service be allocated an additional 264 staff positions in fiscal year 1979; 293 in fiscal year 1980; 341 in fiscal year 1981; 336 in fiscal year 1982; and 331 in fiscal year 1983. Although some of these positions could be filled by temporary personnel it is the unqualified view of the committee that these positions must be made available. In addition, adequate funding must be provided to the Service. Without sufficient funding and manpower, the great fish and wildlife resources which are found in Alaska will pass into memory, and the hope of achieving the potential of the refuge system will be lost forever.

Section 304: Establishment of Areas

Section 304 establishes additions to 3 existing units and creates 10 new units, adding 44.86 million acres of public lands to the National

Wildlife Refuge System in Alaska, so that a total of 64.830 million acres in Alaska would be administered by the U.S. Fish and Wildlife Service.

Section 305: Cooperative Management Agreements

This section provides direction to the Secretary to enter into voluntary cooperative management agreements with State, Native and other private landowners wherever possible. The agreements shall stipulate management in a compatible manner and shall include terms and conditions dealing with:

- (1) compatible land uses;
- (2) reasonable access by the Secretary to other lands for refuge administration and other duties under the agreement;
- (3) reasonable access to lands by State fish and wildlife officers;
- (4) service, which the Secretary will provide as part of the agreement;
- (5) additional terms and conditions mutually agreed to; and
- (6) the time period for the agreement.

Section 306: Barren Ground Caribou Study

This section requires a study of caribou herds north of the Yukon River. The Governor of Alaska is urged to cooperate in this study. Additionally, the Secretary shall also negotiate with Canada on a treaty concerning protection of the Porcupine caribou herd and its habitat.

Section 307: Administrative Provisions

Provides that all the proclamations, executive orders, public land orders and similar actions which have reserved Alaska lands for national wildlife refuge or wildlife range purposes shall remain in full force and effect as regards areas within the new or expanded National Wildlife Refuge System units, except as overridden by the Alaska Native Claims Settlement Act or the purposes of a unit established by this legislation. Similarly, funds available for a National Wildlife Refuge System unit on the date of enactment of this legislation are to continue to be available for the purposes of the appropriate unit established or enlarged by this legislation.

TITLE IV. NATIONAL FOREST SYSTEM

Currently there are 2 National Forests in Alaska, the Chugach (4.723 million acres) and the Tongass (16.001 million acres) totaling 20.724 million acres. This title expands the National Forests by 3.040 million acres of public lands, so that a total of 23.764 million acres in Alaska would be administered by the National Forest Service.

Section 401: Additions to National Forests

Expands the 2 National Forests:

Sec. 401.	<i>Millions of acres</i>
(1) Tongass additions.....	1. 590
(2) Chugach additions.....	1. 450
Total	3. 040

Subsection (b), which deals with the Chugach additions, also specifies that the Copper River additions and adjacent lands in the Copper River delta are to be administered by the National Forest System in accordance with land management plans which provide for maximum protection of significant fish and wildlife values and protection of other resource values which do not significantly interfere with the fish and wildlife values.

Section 402: Seward National Recreation Area

This section establishes within the Chugach National Forest a 1.24 million acre Seward National Recreation Area. The area is to be administered under the existing laws governing the Forest Service and the special provisions dealing with national recreation areas provided by this Act.

Section 403: Mining and Mineral Leasing on Certain National Forest Lands

This section withdraws the Copper River addition to the Chugach National Forest from the Mining Law of 1872. The Secretary of Agriculture may permit the removal of nonleasable minerals under section 110 of the Act of August 4, 1939, and the removal of leasable minerals under the mineral leasing laws in a manner compatible with the management of that area. This withdrawal is not intended to close the area to mining. The Secretary is to manage the area as a National Forest including allowing the disposal of minerals in that area. The committee feels that the disposal of nonleasable minerals under the Act of August 4, 1939, is more appropriate for this area but intends that the Secretary is to allow mineral exploration and development of leaseable land and nonleasable minerals in a manner compatible with the management of that area.

TITLE V. NATIONAL WILD AND SCENIC RIVERS SYSTEM

Section 501(a): Additions to the National Wild and Scenic Rivers System

Amends section 3(a) of the Wild and Scenic Rivers Act (WSRA) by: adding the following seven rivers (or segments thereof) to the Wild and Scenic Rivers System (WSRA) outside the boundaries of conservation system units—Birch Creek, Delta, Fortymile, Gulkana, Alagnak, Unalakleet, Yukon (Ramparts Section); by adding the following eleven rivers (or segments thereof) which form the boundary of, or are within, any national preserves in Alaska—Alagnak, Alutna, Aniakchak, Charley, Chilikadrotna, Chitina, John, Kobuk, Koyukuk (North Fork), Mulchatna, and Noatak (to confluence with Kelly), Salmon, Tinayguk, Tlikakila; and by adding five rivers (or segments thereof) which form the boundary of, or are within any national wildlife refuge in Alaska—Sheenjek, Andreafsky, Ivishak, Kisaralik, and Wind. Beaver Creek is also established as a wild river.

Section 501(b): Boundaries and Development Plans

Requires that "detailed boundaries and development plans" be established for the above rivers within one to four years after date of enactment of this bill; precludes inclusion of Native lands within boundaries of a river corridor without the consent of such Natives.

POTENTIAL ADDITIONS

Section 502(a): Study Rivers

Designates 15 rivers to be studied for possible inclusion in the WSRS.

Section 502(b): Study Period

Requires that such studies for five of the study rivers be completed and reports submitted within three years after date of enactment of this bill, ten rivers within four years, and the remaining rivers within five years, except that studies for rivers within the National Petroleum Reserve must be completed by the completion date for the study required by section 105(c)(3) of the Naval Petroleum Reserve Production Act of 1976.

ADMINISTRATIVE PROVISIONS

Section 503(a): Cooperative Agreements

Permits the Secretary to seek "cooperative agreements with the owners of non-Federal lands adjoining" the rivers designated in paragraphs (16) through (25) as units of the Wild and Scenic Rivers System.

Section 503(b): Mining and Mineral Leasing/Study Rivers

Withdraws public lands within an area extending two miles from the banks of the river channel for rivers designated for study from "all forms of appropriation under the mining laws and from operation of the mineral leasing laws" during the periods specified in section 7(b) of the Wild and Scenic Rivers Act. This withdrawal is for the study period only. Any river designated shall have a boundary of up to $\frac{1}{4}$ mile under existing laws. The purpose of the 2-mile withdrawal during the study is to insure only that activities on adjacent lands do not impair suitability of the river during the study period.

Section 503(c): Interrelationship of Applicable Laws

Amends section 10(c) of the WSRA so lands which are within the boundaries of a river in the WSRS and which become part of the national park or wildlife refuge system under section 10 of the WSRA, are subject not only to the Acts under which such systems are administered but also to the Acts under which particular parks, preserves, or wildlife refuges in Alaska are established or enlarged, and where there is a conflict between such Acts, the more restrictive provisions shall apply.

Section 503(d): Acquisition Authority

Provides that acquisition shall be handled under the general provisions of this Act. The committee intends that agencies utilize land exchange for the bulk of its actions. Actual condemnation is to be used only as a last resort in extreme circumstances in which resources necessary to the protection of the unit are endangered.

Section 503(e): Public Land Laws

Withdraws public lands within two miles of the banks of rivers designated for study from "entry, sale or other disposition under the

public land laws of the United States" during study periods specified in section 7 (b) of the Wild and Scenic Rivers Act.

TITLE VI. DESIGNATION OF WILDERNESS AND WILDERNESS STUDY

Currently there are 79,000 acres of designated wilderness in Alaska, all on offshore islets or rocks. This title expands the National Wilderness Preservation System in Alaska by 50.8 million acres of public lands. 27.7 million acres is designated within units of the National Park System, 20.1 million acres is designated within units of the National Wildlife Refuge System, and 3.0 million acres is designated within units of the National Forest System.

Section 602: Designation of Wilderness Within the National Park System

Designates a total of 27.7 million acres of wilderness within 9 units of the National Park System.

Section 603: Designation of Wilderness Study Within Units of the National Park System

Provides for wilderness study on roadless areas with units established by this Act which are not designated as wilderness. A time frame for studies to be completed is included in the section.

Section 604: Designation of Wilderness Within the National Wildlife Refuge System

Designates a total of 20.1 million acres of wilderness in 9 units of the National Wildlife Refuge System.

Section 605: Wilderness Review Within Conservation System Units Other Than National Park System Units

Provides for wilderness review of all other lands within conservation system units established by this Act and not designated as wilderness. A time frame for submission is included in the provision.

Subsection (c) clarifies that traditional management of refuges shall proceed during the wilderness review period. The committee intends the review of all nonpark units to be accomplished without interfering with traditional management under existing law and the provisions of this Act. The review is not a "wilderness study" which requires wilderness management during the study or while Congress considers a wilderness recommendation. All areas under this section should be managed accordingly.

Section 606: Designation of Wilderness Within National Forest System

Designates a total of 3.0 million acres of wilderness within the Tongass National Forest.

Section 606 also contains a number of specific provisions dealing with wilderness in the Tongass Forest. These include subsection 606 (6) (b) (1) which provides for an exchange of timber rights off Admiralty Island for those held by Kootznoowoo, Inc. Subsections 606 (6) (b) (2) through (4) provide incentives for exchange of selections held by the Natives of Juneau and Sitka on Admiralty Island for alternative selection lands off Admiralty Island. Subsection 606 (6) (b)

(5) provides for the settlement of land selection interest in Gold Belt, Inc. (the Natives of Juneau) off Admiralty Island. It is expected that this settlement will satisfy the selection entitlement of the Natives of Juneau and insure that these selections are not located on Admiralty Island.

The committee expects that the process for determining alternative selections for the Natives of Sitka to be conducted in a manner which will not endanger the 520 million board feet which is required to be provided by the Forest Service to the existing timber industry in Alaska. The committee also expects to be kept fully informed of ongoing negotiations between the Natives of Sitka and the Forest Service regarding alternative selections. Prior to the completion of any off-Admiralty Island selections for Natives of Sitka, the committee expects to be notified with adequate time for review of the proposed selections should such review seem appropriate. Settling the selection interest for the Natives of Sitka under the Alaska Native Claims Act Settlement Act is an important matter which must be accomplished within the overall frame of the management authority which this committee provides for the Tongass Forest under Title VI. The intertwining of the many different factors involved is so intricate that action on one matter will inevitably affect the rest of the management scheme. Therefore, it is vital that the Forest Service provide the committee with an ongoing progress report of any actions taking regarding off-Admiralty selections for the Natives of Sitka.

Subsection 606(c) provides for special use of 160 acres within the Tracy Arm-Fords Terror area for access, public safety, public accommodation and services relevant to recreational use in that area.

Subsection 606(d) provides that an existing tramway on Admiralty Island may continue to be used. The committee has determined that this tramway is not incompatible with wilderness management on Admiralty Island and provides the necessary service for access to the Island and for recreational use.

Section 607: Designation of Wilderness Study within the National Forest System

Designates the Nellie Juan-College Fjord area in the Chugach National Forest for a 3-year wilderness study.

Section 608: Designation of Special Management Areas within the Tongass National Forest

Designates approximately 2 million acres in 9 different areas of the Tongass National Forest as special management areas under the provisions of this Act.

Section 609: Management Rules for Special Management Areas

Provides the management rules for special management areas designated in the Tongass National Forest. Except for those rules provided in this Act, special management areas are to be managed in accordance with the laws applicable to such lands. These areas are not wilderness study areas and should not be managed as wilderness.

Management rules for special management areas provide that no timber in those areas shall be sold unless authorized under the provisions of this Act. The minerals within special management areas are

withdrawn from location under United States mining laws, but the Secretary may classify lands as suitable for locatable minerals under the United States mining laws. Mining in special management areas shall be subject to reasonable regulations. The Secretary is authorized to promulgate special regulations to insure water quality and quantity and environmental protection of the Blossom and Wilson River drainages. Section 609 provides the mechanism for the Secretary to monitor timber supply and demand in Southeastern Alaska. Any time after 10 years, if the Secretary finds that timber in a special management area must be sold to maintain timber supply at a rate of 520 million board feet, he shall transmit a recommendation for a waiver on prohibition on timber sale to the Congress. That waiver shall be considered as a privileged motion by the Congress under the provisions of this section and the procedural provisions of the Alaska Natural Gas Transportation Act. The State of Alaska is given standing in this section to petition the appropriate Federal District Court for an order directing the Secretary to make the finding upon which a waiver request is made to the Congress.

Section 610: National Forest Timber Utilization Program

Provides a special program of intensive management to enhance the yield on areas in the Tongass National Forest which are available for timber harvest. The special program includes added investment to the management of the forest by the Forest Service of \$15 million. Ten million dollars to accomplish road construction and maintenance and precommercial thinning is authorized from National Forest Fund receipts. An additional \$5 million from National Forest Fund receipts is authorized to establish a program of insured or guaranteed loans to purchases of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which will lead to enhanced yield of the forest. The Secretary is directed to submit a study of this special program to the Congress after 3 years.

Section 611: Interim Reports

Provides for a report from the Secretary to the Congress in 5 years after the date of enactment of this Act and every 2 years thereafter regarding the status of Tongass Forest and Southeastern Alaska. This report shall include timber harvest levels from the forest, impact of wilderness designation on timber, fishing, and tourism in Southeast Alaska, management of the forest as it relates to fish and wildlife, status of the small business set-aside program on the Tongass, and a report on the status of the special management areas designated by the Act. This section lists several parties which shall be consulted during the preparation of the report.

Section 612: Special Provisions

Provides special provisions for management of wilderness in Alaska. These provisions include authorization for aquacultural activities, for fishery research, management, enhancement, and rehabilitation. Such activities include permanent improvements and facilities such as fishways, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of main-

taining, enhancing and rehabilitating fish stocks. The construction of aquaculture facilities shall be done in a manner that minimizes adverse impacts on the wilderness character of the area. Reasonable access including motorized equipment and surface access where necessary is authorized. Only fishery research may be authorized in wilderness or wilderness study areas within units of the National Park System.

Other provisions of this section include an authorization to permit the continuation and maintenance of existing cabins on National Forest Wilderness and the construction of new public use cabins and shelters on all wilderness in Alaska. This section withdraws the minerals in Tongass National Forest Wilderness from the operation of the mining and mineral-leasing laws and provides that the taking of fish and wildlife on national forest wilderness shall be in accordance with applicable federal and state laws.

Section 613: Administration

Provides that except for special provisions of this Act, wilderness designated by this Act shall be administered in accordance with the provisions of the Wilderness Act. Directions to the Secretary of Agriculture to modify existing timber sale contracts on lands designated as wilderness by this Act where possible for other national forest lands of approximately equal volume, species, grade and accessibility.

Section 614: Acquisition Authority

Provides that acquisition authority within national forest wilderness shall be governed by section 1101 of this Act.

TITLE VII. SUBSISTENCE AND USE

Section 701: 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 villages 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 wild-

life populations upon which that lifestyle depends necessitates the establishment of an administrative structure which enables rural subsistence-dependent residents with personal knowledge of local conditions and requirements to have a meaningful role in the regulation and management of fish and wildlife and subsistence uses on the public lands.

Section 702: 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; that 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 703: 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 704: 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 effected area, is required by this section to establish regulations which restrict the taking of such population to protect 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 705: 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 five regions. The number and boundaries of the regions must be sufficient to assure that regional differences in subsistence uses are adequately accommodated. The committee believes that more than five regions may well be necessary to assure such accommodation, but that the Alaska legislature, the Alaska Department of Fish and Game and the rural villages are best suited to finalize this structure.

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 com-

mittee 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 Board of Game or Board of Fisheries concerning the taking of fish and wildlife populations on the public lands within their respective regions for subsistence uses shall be considered by the board during the course of its administrative proceedings.

The board 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 rural subsistence needs. If the board makes such a determination and chooses not to follow the recommendation it shall make findings of fact detailing the basis for its failure to adopt the recommendation.

If a recommendation is not followed by the board as set forth in the preceding sentence, the board may modify the recommendation to provide for, and in a manner consistent with, the preference for subsistence uses set forth in section 704. So long as the State is in full compliance with the requirements of this section, the Secretary of the Interior may 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 his monitoring responsibility pursuant to section 706 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 rural subsistence needs.

Section 706: 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 707: Judicial enforcement

In addition to his monitoring responsibilities set forth in section 706, 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 705 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 704 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 superceded 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 superceded 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 708: 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 twelve mem-

bers: Four members appointed by the Secretary of the Interior, four members appointed by the Governor of Alaska, and four 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 recommendations, violates recognized principles of wildlife conservation, threatens the continued viability of wildlife populations within the park or monument, or would be detrimental to populations within the park or monument, 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 part or monument to permit subsistence uses by local residents.

Section 709: 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 710: 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 accomplish the purposes of the proposed action, and that adequate 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 711: 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.

Section 712: Snowmobiles and motorboats

This section recognizes the importance of the use of snowmachines, 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. The section requires the Secretary to permit such appropriate uses by local residents, and must be considered as a compliment to section 711

since the provision of access to subsistence resources would not be "appropriate" if the means of surface transportation to utilize such access is unreasonably restricted.

Section 713: 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 of rural villages who are dependent upon the continuation of 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 714: 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 706, the status of fish and wildlife populations on the public lands harvested for subsistence uses, a description of the nature and extent 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 715: 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 716: 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 on the public lands to significantly expand beyond the level of such uses occurring during the ten-year period before January 1, 1978, 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 717: 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 local subsistence-dependent residents can only be maintained if the continued viability of fish and wildlife populations utilized for subsistence purposes can be maintained.

TITLE VIII. IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

Section 801: 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 Village and 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 803(a).

Subsection (a) 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 sec. 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 Dec. 18, 1971, conditionally granted title to a third party pursuant to the tentative approval authority of sec. 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 sec. 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 Dec. 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 Corporation for the Native Village of Klukwan is excluded from the provisions of this paragraph since it was handled separately in the Acts of Jan. 2 and Oct. 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 sec. 14(f) of the ANCSA. Excluded from such conveyance is the subsurface estate to lands in a National Wildlife Refuge (existing on Dec. 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 (b) 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 (c) 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 Corporations" is defined by subsection (e) below.

Subsection (d) provides that any conveyances made by or pursuant to secs. 801 or 802 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 (e), for purposes of this Title IX, defines "Native Corporation" to include Village Corporations, Regional Corporations, the